

Summary Report on the Webinar on “Industrial Property (IP) issues triggered by the COVID-crisis”
GoToMeeting: 14-5-2020 | 8:30-9:30 CET

A one-hour videoconference on “ **Industrial Property (IP) issues triggered by the COVID-crisis** “ was hosted online through the GoToMeeting platform by European Clusters Alliance in the European Alliance Against Coronavirus Forum. Its main aim was to discuss about the challenges companies and volunteers are facing because of IP rights in the coronavirus era and about the solutions established as a response by the European Union.

There were more than 30 attendees from the European Cluster Association community and several experts from the European Commission. Amaryllis Verhoeven, Head of Intellectual Property Unit F.3. from DG GROW, European Commission along with Davide Follador, Legal and Policy Officer from the same unit in DG GROW, talked about IP rights in the time of COVID-19.

Main points/concerns:

- Large manufacturers are often incapable to meet the supply needs during the COVID-19 crisis
- The EU allegedly lacks emergency response mechanisms
- Smaller businesses have limited access to existing technology
- There is also the issue of product certification and homologation (which is not IP-related), that concerns open source products as well
- Challenges to provide help and develop innovative solutions because of lack of coordination and cooperation between businesses
- IP legal framework is not taking into account all business formats and legal entities during an emergency state
- Open source data platforms should include IP rights

Reactions by the speakers

- The IP legal framework is flexible in emergency times and national laws allow for flexibilities, including compulsory licensing and exemptions from liability in case of health crisis
- We have seen a lot of examples where companies have decided not to sue, and have put their technology and knowledge available
- “Social crafted innovation” (e.g. impact licensing) deal with multiple problems, compliance with IP rights but also availability of know-how and safe-nets to counter possible abuses (for example from stockpiling)
- Voluntary initiatives to create platforms for sharing IP, with the blessing of government authorities, can be a solution among others currently explored
- One of the fears of the IP owners is indeed to lose control of their technology and business models, patent pools and impact licensing models can help ensure that these flexibilities are adopted during emergency crisis
- The COM is considering the creation of patent pools, where technology is made available upon a reasonable fee in case of emergency (Impact Licensing tool). That would guarantee that the fee is reasonable but also that misuses are avoided, such as stockpiling for profit by potential/future competitors
- More in general, National Patent Office can offer previous advice to companies who are facing infringement risks (or threats)

- The COVID-19 Helpdesk, which is a part of European Commission Clearing house, is a new first line advice to address concerns and outline possible solutions from the established available toolbox to companies willing to re-purpose their manufacturing to meet supply demands in the EU
- WHO (World Health Organisation) has launched a global licensing patent pool available online
- Finally, EU standards are available for free to use in the development of PPE during the COVID-crisis

Next steps/actions:

- Commission continue exploring various options, including creation of patent pools and impact licensing models
- [Discussion webpage](#) available for further updates on the subject by the EAAC (European Alliance Against Coronavirus) forum in the European Cluster Collaboration platform