



# INTELLECTUAL PROPERTY FOR ENERGY AND CLEANTECH

POTTERCLARKSON.COM



# HOW WILL OUR SPECIALIST CLEANTECH TEAM HELP YOU CREATE THE MAXIMUM VALUE FROM YOUR INNOVATIONS?

## CLEANTECH IS BECOMING INCREASINGLY CRUCIAL IN OUR LIVES.

**The leaders of most countries have gone on very public record to say they know action is needed to protect us against man-made pollutants, improve environmental sustainability and make the best use of renewable energy sources.**

**And it's not just talk.** Governments all over the world are setting themselves ambitious targets.

The UK government has committed to ending domestic coal power generation by 2025, for all homes to be wind-powered by 2030, and to achieve net-zero emissions by 2050.

To ensure this happens, cleantech companies are being offered significant financial incentives to develop, perfect and make available the technology needed to hit these targets.

However, as the level of innovation increases, so too does the level of competition. By extension, this also increases the likelihood your inventions and ideas could be misused or misappropriated as your competitors race their ideas to market at a speed that will make the necessary difference to the environment.

### **This is where we can help.**

Our specialist multidisciplinary cleantech team is working with more and more companies trying to innovate their way to meaningfully addressing climate change and providing us with a more sustainable future.

While we have long been involved with battery technology, fuel cells and wind & wave power and other sources of renewable energy, we

are increasingly working with more of the newer solutions that are emerging quickly to combat climate change including carbon capture and hydrogen generation and storage.

We will make sure your intellectual property (IP) rights play the critical role they should in establishing and preserving your business' competitive edge so your inventions have the maximum impact on our futures.

We will make sure you have access to all the IP advice you need whether you are in development, seeking investment or already on the market.

We will provide the more specialist advice you'll need to scale up the production, adoption and widescale adoption of your technologies to satisfy the world's growing demand.

We will provide the wider legal support you need to support your business model and strategy, creating the right corporate structure and drafting the agreements, contracts or licensing arrangements you will need to enter into with your partners, suppliers and customers.

And we will deliver all this advice with an experienced commercial and strategic perspective so your rights are effectively protected to realise their full value.





HOW DO WE HELP  
OUR CLEANTECH &  
RENEWABLE ENERGY  
CLIENTS CREATE  
**THE HIGHEST LEVEL  
OF VALUE FROM  
THEIR INNOVATION?**

**While this is always our starting point, the route we take will depend on the type of business you are and your key commercial objectives.**

By combining our deep sector knowledge with a genuine interest in your ideas and aims and our fully integrated range of service lines, we will create a complete IP solution that will unlock every opportunity and overcome every challenge you face.

More importantly, we will make sure your innovations ultimately have the maximum impact on our environment and achieve their full commercial potential.

**We do this by:**

- Identifying what you can protect.
- Securing the required rights for you.
- Supporting your assets with the right commercial agreements.
- Enforcing the value of your rights across your chosen markets.
- Safeguarding your revenue and market position in the event your rights are challenged by competitors.
- Devising an actively managed IP strategy that will maximise all your commercial opportunities.

**This involves:**

- Advising you on the most strategic use of all your IP rights.
- Registering your patents, designs and trade marks, and help you protect your trade secrets.
- Providing patent, designs and trade mark infringement and validity opinions.
- Conducting patent, designs and trade mark searches and watches.
- Defending your IP rights, whether you are attacked via a patent or trade mark office or court proceedings.
- Enforcing your rights against competitor infringement.
- Drafting the commercial, IP and licensing agreements you need to capture, protect, and exploit your IP.
- Running technically difficult and procedurally complex litigation across multiple jurisdictions.
- Providing a wider commercial perspective you can use to build your business.





# WHY YOU SHOULD *TALK TO US.*

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**We are building on the considerable experience and enviable reputation we have for protecting and commercialising innovation related to fuel cells, battery technology, wind & wave, carbon capture, hydrogen generation and a raft of other cleantech, renewable energy and environmentally friendly technologies in a bid to become Europe's leading IP firm in this now crucial sector.**

Depending on the nature of your project we can call upon and combine the best qualified attorneys from our biotech, pharma, and IT teams and, if required, complement their expertise with that of our extensive team of IP solicitors; experts in litigation and licensing.

However, we believe there are three additional reasons our cleantech team is already among the very best in Europe:

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**OUR  
PROVEN  
EXPERTISE**

**01**

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**We have worked with a long and varied list of businesses involved in fuel cells, battery technology, wind & wave, carbon capture, hydrogen generation and the supporting technologies around them.**

This means you will not only get the very best advice, but advice that is tailored to the specific nuances and demands of your business and your sector. This will both ensure your innovations realise their maximum commercial value and give you a solid base from which to scale your operation up so you can make the impact you want to make.

We are also hugely experienced when it comes to working with investors. We will not only make you as attractive as possible to potential investors, but also introduce you to the investors and networks we know that are actively looking for new environmentally friendly projects.

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# OUR STRATEGIC APPLICATION

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**The most important thing for you isn't our advice; it's how we apply our advice.**

Our experience allows us to approach every issue you face from both an IP and a business perspective - creating cohesive multidisciplinary teams of IP attorneys and IP solicitors if required - so you always receive the all the strategic and commercial direction you'll need to achieve your commercial objectives in the most effective way.

Much of this advice will be centred on helping you scale up so you can not only achieve your goals but also meet the demands of our environment and our economy.

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# *OUR BROADER RANGE OF SERVICES*

# 03

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**Unlike almost every other European firm, we offer strength in depth not only in terms of the size and experience of our specialist cleantech team but also in terms of the breadth of additional services we offer.**

While our patent attorneys know how best to protect and maximise the value of your innovations and our trade mark attorneys will protect your brand, our in-house solicitors will provide the wider commercial law advice you will need.

They will support you from the earliest stages of the deal-making process, through to the negotiating and drafting of commercial IP agreements and, if necessary, the robust enforcement of your IP rights.

Our team also includes experts who can provide more specialist advice on how best to use the other IP rights that may suit your needs better, for example industrial designs and trade secrets.

In addition, having worked closely with investors and government and trade bodies we can also provide an initial steer on what you can do to secure much needed grants or private funding and should you need even more detailed advice, we will refer you to the best qualified person in our trusted global network.

Our services also extend far beyond legal advice. We have created an innovative suite of fixed-price products that make leveraging the highest levels of value from IP quicker, easier, and more straightforward.

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# HOW DOES OUR APPROACH *WORK IN PRACTICE?*

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To give you a better idea of how we have helped cleantech businesses of all types achieve the maximum value from their innovations, here are some recent examples:

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## HELPING A FAST-GROWING FUEL CELL COMPANY GROW EVEN FASTER

We have acted for a company in the fuel cell sector for many years and worked with them to grow their portfolio. From small beginnings we developed a close relationship with both their in-house team and the inventors to grow their patent portfolio.

We were able to use our experience of control technologies, electronics and materials to support them fully as the scope of their R&D expanded from fundamental structure, to manufacturing techniques, system level control systems, hybrid power systems and consumer electronic products.

With our in-depth knowledge of the technology and the ability to work closely with their inventors meant that we could use our time with them to discuss alternative implementations and ensure the full breadth of any innovation was captured.

We worked closely with foreign counsel to obtain rights in other countries while ensuring a coordinated approach. We also supported their product designers to obtain industrial design protection as well as patent protection.



## HELPING A CLIENT SUCCESSFULLY ENTER THE INCREASINGLY IMPORTANT AND INCREASINGLY COMPETITIVE CARBON CAPTURE ARENA

We were asked to manage the patent portfolio of a company which is involved in the preparation of minerals for use in the construction industry using routes which are carbon neutral.

The construction industry is a major generator of carbon dioxide, and the reduction of carbon in this sector has the scope to have a significant impact on global emissions. We are working with that company to implement a patent strategy which will both maximise the uptake of the technology in the construction industry and optimise the possibilities for adoption of the technology in other areas, including the removal of carbon from the atmosphere.



## HELPING A GREEN HYDROGEN TECHNOLOGY BUSINESS CREATE THE SOLID IP FOUNDATION THEY NEEDED TO SECURE FUNDING AND ACHIEVE THEIR COMMERCIAL POTENTIAL

**The solicitors and attorneys in our cleantech team advise a rapidly growing sustainable energy manufacturer pioneering the use of green hydrogen technology. As they grew, the client required increasingly diverse support.**

They collaborated with major industry specialists during key investment rounds and their board required increasingly complex strategic IP advice as they prepared to take the next steps in their development.

Potter Clarkson audited the client's existing IP portfolios. The resulting report outlined the status of their respective IP rights and provided a frank assessment of their existing IP strategy, making recommendations as to where it could be improved. We also analysed their main competitors and their technologies, highlighting potential areas of dispute.

**Our report provided broad-ranging and decision-ready advice in respect of their most important issues including:**

- How IP issues should be dealt with (including the establishment of an IP committee reporting into the board).
- The timing and scope of the FTO searches needed to mitigate the potential risk of litigation.
- Advice on how to manage and protect their trade secrets using our SafeGuard product.
- The merits and drawbacks of insuring their IP portfolio.

Our advice to date has directly contributed to our client securing the investment they needed and enabled their hydrogen technology to achieve its enormous commercial potential.



## HELPING A FAST-GROWING BIOCHAR DESIGN AND IMPLEMENT AN IP STRATEGY THAT MATCHED THEIR NEEDS, THEIR SIZE AND THEIR AMBITIONS

**In cleantech there are often clear distinctions between the needs of large companies and the needs of start-ups and smaller entities and micro-entities. It is therefore necessary to tailor an IP portfolio that matches the needs and size of the applicant entities.**

We recently worked with a small but ambitious and fast-growing client in the biochar sector.

Our client had developed a new reaction vessel and data monitoring method that vastly improves the effectiveness of small-scale biochar production in remote and distributed locations such as within smallholder farming communities in the developing world.

Straight away it was decided not to try and protect the basic science underpinning biochar production for this client. As there weren't strong patenting prospects, there was a high risk of high patent prosecution costs and/or low granting rates. Instead, our suggested strategy included a patenting programme focussed on remote data acquisition and handling and a portfolio of registered designs aimed at protecting the appearance of the novel reactor vessel they created.

The patenting side of this strategy emphasises our client's unique contribution to the science of biochar production and represents a much better use of the company's limited IP budget while the registered designs have allowed us to provide a measure of protection at low cost and in a short timescale.



## YOUR CORE TEAM



**BENJAMIN HOFFMANN**  
PARTNER  
PATENT ATTORNEY

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**LARS KARNØE**  
PARTNER  
ATTORNEY AT LAW

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**CAMILLA KIØRBOE**  
PARTNER  
PATENT ATTORNEY

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**JESPER SELLIN**  
PARTNER  
ATTORNEY AT LAW

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**LOUISE TOTTIE**  
PARTNER  
PATENT ATTORNEY

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**ELISABETH DOWNEY**  
ASSOCIATE  
PATENT ATTORNEY

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# A PROVEN APPROACH

## OUR ACCOLADES

You can be truly confident in our abilities – we are recognised as a top-tier firm in Europe, having received accreditations from the IP profession's leading benchmarking organisations and programmes.



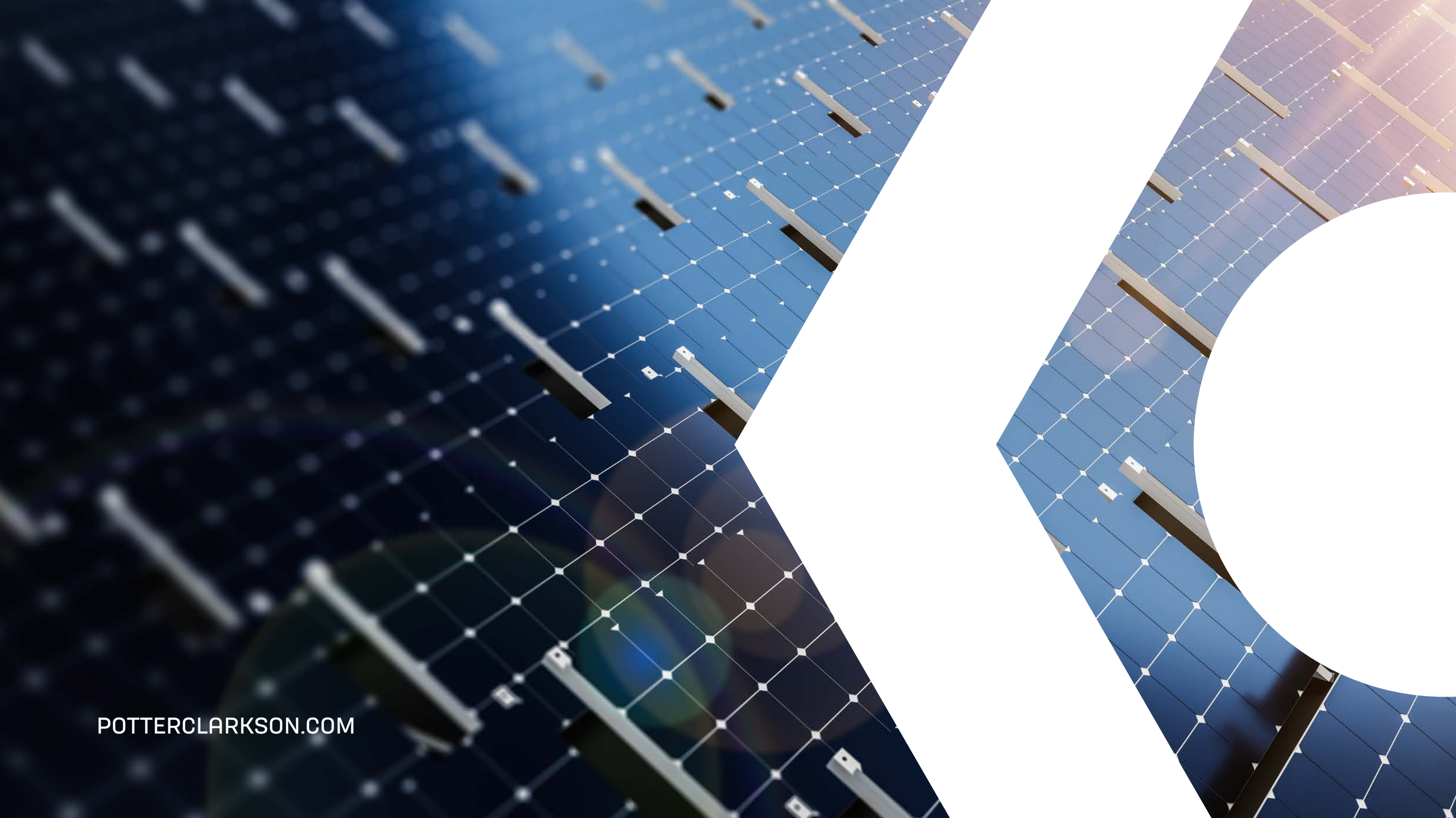
An excellent firm to deal with. They have invested in gaining a thorough understanding of our approach to projects, their communication is timely and concise, and their advice is easy to understand.”

**Chambers & Partners, 2022**

A key strength of Potter Clarkson is their combination of expert attorneys with solicitors, which gives comprehensive advice on highly technical matters using patent attorney expertise and solicitor know-how, as well as commercial and branding matters with trade mark attorneys and solicitors working together.”

**Legal 500, 2022**





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