

Prolight + Sound 2023 · “Enabled Licenses” regarding patents for LED technologies

INTRODUCTION (for those of you who do not know me already): who am I ?

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<https://edisonreport.com/2022/12/18/henrik-villumsen-law-firm-enters-second-decade/>

<https://edisonreport.com/2022/05/17/henrik-villumsen-law-firm-assists-clients-with-renegotiating-signify-led-enabled-patent-license-agreements/>

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THE PRESENTATION DOES NOT CONSTITUTE LEGAL OR ANY OTHER ADVICE
ONLY GENERAL OVERVIEW (30 minutes)

1. There is a sizable number of “Enabled Licenses” regarding patents for LED technologies:

<https://www.signify.com/global/our-company/intellectual-property/licensing>

- Most of you in here are on that list
- Idea of this thus is to highlight possibility to ease the pain...

2. Patent license agreements may be renegotiated (for lower rates f.ex.) because:

▪ Patents have expired or will expire (soon) – examples:

- Color Kinetics’ “PWM”-patents
<https://patents.google.com/patent/EP1016062B2/en?q=1016062>
- “Begemann”/double lens-patent US 6,250,744/EPO 0 890 059
<https://patents.google.com/patent/EP0890059B1/en?q=0890059>
- “Dual PWM” EP 1576858 (December 2023)
<https://patents.google.com/patent/EP1576858B1/en?q=1576858>

▪ Technologies covered by patents are no longer used in the industry (to the same extent) – probable example:

- EP 1889519 Flux bin <https://patents.google.com/patent/EP1889519B1/en?q=1889519>

▪ In i.a. the courts in the US and other countries and at the European Patent Organization (EPO) and national patent offices, patents are being or have been challenged (successfully, maybe subject to appeal) - examples:

- German “Dual PWM” (pending German Supreme Court decision 2024)
- EP 2 999 314 (“NFC”) EPO Opposition Division March 2023
<https://patents.google.com/patent/EP2999314B1/en?q=2999314>
<https://register.epo.org/application?number=EP15177109>

- Patents are being added or “focused” – caution:
 - <https://edisonreport.com/2022/09/05/signify-nearly-doubles-number-of-patents-in-its-enabled-program>
 - <https://www.signify.com/global/our-company/intellectual-property/news/blogs/new-patent-families>
 - <https://www.signify.com/global/our-company/intellectual-property/news/blogs/mains-dimmable-lamps>
 - <https://www.signify.com/global/our-company/news/press-releases/2023/20230328-groundbreaking-year-for-lighting-innovation-sees-signify-climb-european-patent-office-worldwide-rankings>

- Changes may otherwise be made

Unified Patent Court

The Unified Patent Court (UPC) is a Court comprising judges from all participating Member States of the European Union. It will be set up to decide on the infringement and validity of both Unitary Patents, ie the new “patent-possibility” from 1 June 2023, and “classic” European Patents. The UPC is a Court common to currently seventeen EU Member States for which the Agreement on a Unified Patent Court (UPCA) will enter into force on 1 June 2023.

So: crucial to understand is, that the UPC can grant an injunction for *all* EU member states, which is great – but it can also invalidate for all member states, which is not so great.

Immediate attention, however, must be made to possible “opt out”:
<https://edisonreport.com/2023/03/03/changes-in-eu-patent-law/>

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