IoT and Software-Based Patent Protection in a Digitalized World

Injunctions

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6 April 2018
The changing nature of innovation – and patents (1)

1904  1938  1960  2008

[Images of various patents and inventions: a 1904 razor, a 1938 trumpet, a 1960 football helmet, and a 2008 smartphone.]
The changing nature of innovation – and patents (2)
Three types of patents:

1. IoT devices themselves
2. IoT networks
3. IoT network services
Scope of exclusivity (i)

If patents cover product itself, injunctions normally not problematic.

Patenttee was first to think of product so should enjoy monopoly.

But patenttee likely to be dependent on others in order to market product in IoT environment.
Scope of exclusivity (ii)
Smart objects need access to IoT: need to use network protocols

Standardization in this area is ongoing and important to ensure effective access

The breadth of the standard determines rate of growth of IoT: do we choose a model of collective innovation?
What is claimed is:

1. A method for collecting data in an Internet of Things, the method comprising:
   receiving status data from at least one sensor node;
   extracting content data from the status data received from the at least one sensor node;
   aggregating the content data; and
   transmitting the aggregated content data to a data center.
Scope of exclusivity (iii)

Patents on IoT services have potentially very broad scope: “collecting data in Internet of Things”

Product manufacturers ‘ambushed’ by patents on connective services may be precluded from using IoT technology

*En passant*: who owns data generated by Things?
The stakes are high

You're Elon M—.

I want to build a wizard hat for the brain.
The Future of Things
Thank you for your attention!

Any questions?

Please feel free to reach out to me for comments, ideas or just for fun:
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