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Patent Wars in Emerging Technologies: Investigating the ongoing patent disputes in fields like biotechnology, blockchain, and renewable energy

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Abstract

This article looks at the current patent wars creeping towards high technology industries with particular emphasis on biotechnology, blockchain, and renewable energy sectors. It investigates the claims of these industries and particularly how patents became so useful in providing other than assignment of ownership rights to creativity in cases of fast-growing industries as investments and competition in the desired market. Through examining some of the cases in detail, such as the CRISPR-Cas9 genome editing technology and the blockchain patents of Ripple Labs, this paper also describes the issue of overlapping patents and the threats of lawsuits for companies and people who wish to create and innovate. An especially pertinent case of litigation regarding the newly introduced claims is the reoccurring patent clash between LG Chem and SK Innovation about lithium-ion batteries, which serves to illustrate, that even within high-tech sectors such as renewable energy, prophylactic measures and strategies like IP may have negative consequences on progress and entry of new competitors into the market.

The paper further focuses on the morality of such patent wars, especially in the context of biotechnological advancement, where such barriers may prevent patients in need from accessing potentially life-saving treatments. In addition, new worries arise from the fact that while making all the technological advancements towards blockchain, people also want to

patent all those advancements to guard against their competitors. Finally, this section offers some policy options on how to achieve the positive aspects of intellectual property without stifling public access to knowledge and innovation, such as patent pools and licensing practices. The ideas that seek to promote collaboration but at the same time seek to reduce the risk of conflict allow the new technologies to be fully exploited in solving the pressing problems of the planet such as health, energy and environmental problems.

Keywords: *Innovation in biotechnology, blockchain, renewable energy, Patent wars, market competition*

Introduction

The rapid development of technology has been unprecedented, severely testing the landscape of intellectual property rights (IPR). In that regard, the emergence of innovative sectors such as biotechnology, blockchain, and renewable energy has given birth to a spate of applications in these areas, sparking keen competition between corporations and inventors. In that regard, this paper seeks to explore the state of contemporary patent disputes in these fields as they pertain to innovation, competition, and regulatory frameworks. All those issues and complexities surrounding patent wars in emerging technologies may be better understood by looking at notable cases, industry trends, and prospects.

Patents in Emerging Technologies: The Importance

Patents would find wide applicability in areas of innovation by granting exclusive rights to the inventions of an inventor thus giving a period of exclusivity that encourages the investments in their research and development. Companies will be able to recoup their costs and make money. With all emerging technologies that come to the fore, innovation is fast; quite often, the disruptive potential is considered high, making patents a very important aspect.¹

Incentivizing Investment: Patents give security to investors. This security helps bring confidence in funding such new ventures. The biotechnology sector, for example, relies rather heavily on patents to protect the great new therapies and medicines that have generally required significant up-front investment.

Market Positioning: Patents in sectors like blockchain or renewable energy can aid companies in developing competitive positioning. A strong portfolio of patents can protect the company

¹ Kop, M. (2022). Abundance and equality. *Frontiers in Research Metrics and Analytics*, <https://doi.org/10.3389/frma.2022.977684>

from competitor entry into a market or extract licensing fees from companies-a key drivers for higher profitability.²

Along with globalization, technology issues navigate complex patent landscapes. In keeping with this, companies from the biotechnology industry are faced with the need to comply with various jurisdictions on one hand and defend against patents obtained on the other.

A better example of just how engrossed the case of the biotechnology sector is with innovation and patent disputes can be seen. The companies are really strong in their pursuit of patent rights as they go about developing biopharmaceuticals, gene therapies, as well as other diagnostic tools.

The most popular biotechnology-related patent war probably deals with the CRISPR-Cas9 technology for genome editing. The new tool has opened a ferocious battle between two of the world's leading research institutions: the University of California, Berkeley, and the Broad Institute of MIT and Harvard. The debate revolves around who owns the rights to the patent, since it will affect, at some later point, licensing and commercialization.

Impact on Research: CRISPR Patent Dispute Cause Concerns Regarding Research and Development. They impact research and development in that unsettled patent rights may prohibit collaboration between researchers in different institutions because they will not begin joint projects due to uncertain ownership rights. Advancements in some of these critical sectors are likely to be slowed down in agriculture, medicine, and environmental sciences.

Ethical Considerations: Biotech patent wars carry another ethical dimension: access to life-saving medical treatments. Then companies will focus on profit-making at the cost of public health as it charges a very high price for life-saving therapies, which is very hazardous during the state of global health crises, as people need innovative treatments to be passed on to them all along with fair access.

Patent Wars in Blockchain

- **Blockchain technology**, which is described as having a decentralized nature, has been receiving a lot of attention from various industries in their pursuit to enhance transparency and security. Conversely, though, the fast-paced application of blockchain-related innovations has resulted in quite several patent applications that have caused contentious disputes.

² WTO Reform. (2019). In Commonwealth eBooks. <https://doi.org/10.14217/544517c5-en4>

- **Emerging Patent Landscapes:** The blockchain patent landscape has been very crowded lately, especially with big giants like IBM, Microsoft, and Alibaba throwing in numerous patents. Such patents will have a wide array of applications across cryptocurrency, smart contracts, and supply chain management.
- **Notable Cases** There is one such patented case of dispute in the blockchain technology called Ripple Labs, which is claimed to offer cross-border payment facilitation abilities. Ripple Labs has been sued for its patents by several competitors and financial institutions across different cases because the outcome of such decisions will determine the future course of digital currency transactions.
- **Innovation Challenges:** Aggressive patent pursuit within the blockchain space raises some important issues, including "patent thickets". Innovations by startups may find it hard to find room between the thorns, at risk of running over existing patents and paying some stiff licensing rates.

Open Source vs. Patent Protection: Blockchain happens to have a strong ethos of open-source collaboration, but where companies are looking to protect their innovations with patents, there is, therefore, inherent conflict between an interest in open access and the need for patent protection. Such tensions present potential difficulties for developers and may influence the scalability of the blockchain ecosystem.³

Patent Wars in Renewable Energy

Technology has seen tremendous strides in the renewable energy sector buoyed by the imperative of having a better model prompted by climate change and demand for sustainable energy sources. The more the demand for renewable technologies, the more they fuel competition over patent protection.

Main Innovations: Patent filings have risen with innovations in solar panels, wind turbines, energy storage, and smart grids. The top players include Tesla, First Solar, and General Electric companies as they are also actively involved in intellectual property protection activities in this very dynamic sector.

For example, the long-standing patent dispute between LG Chem and SK Innovation -one of the most glaring cases of battery technology as both demand damages against each other based

³ WTO Reform. (2019). In Commonwealth eBooks. <https://doi.org/10.14217/544517c5-en>

on infringement of patents on lithium-ion batteries-something that will majorly influence the electric vehicle market.⁴

Thus, patent wars in renewable energy tend to naturally cause a source of barrier to entry for new players. For a starting company in particular, the fear of litigation has made access to funding and partnering difficult. All this, in turn, may stifle innovation and slow down the transition.

Policy Implications: Policies of countries to scale up and promote renewable energy increase the liability of policymakers for managing the need to protect innovation alongside access to a basic set of technologies. This balance is essential to producing an appropriate sustainable energy future.

Implications of Patent Wars

Patent disputes in emerging technologies have far-reaching implications for all stakeholders, be it the inventor, the company or the consumers. Innovation Stifling Patent wars strangle innovation because they foster a hostile environment in which companies litigate cooperation. This is particularly alarming in sectors where such speed is crucial to solving societal problems.

Costs: Defensive patent litigation is expensive. Resources are quickly diverted from research and development. Its small-scale players will get crushed, leading eventually to lessening innovation and market diversity.

The long-term implication of patent wars is that prices will have to go up for consumers. Technologies that are patented in areas such as biotechnology and renewable energy might be passed through to consumers, allowing only limited access to goods and services.

Changes in market dynamics due to patent disputes: Patented disputes are very likely to cause a shift in market dynamics. Whenever the stronger portfolios can offset the weaker ones, it might lead to certain kinds of monopolistic tendencies that reduce competition and innovation.

Several factors will determine the future of patent wars in emerging technologies, from changes in regulatory scenarios to the increased cooperation of the industry and the changing expectations of society at large.

⁴ WTO Reform. (2019). In Commonwealth eBooks. <https://doi.org/10.14217/544517c5-en>

Regulatory Reforms: Policymakers may need to review patent laws for changes to balance innovation protection with elements of collaboration. This can be done by revisiting any criteria for patent eligibility or steps taken to mitigate the problem of patent thickets.

Encouraging Collaboration: Encouraging cooperation between industry players, academia, and government will make it easier to neutralize the adverse effects of patent disputes. Initiatives focused on open innovation and knowledge sharing will create a more conducive environment for breakthroughs.

Ethical Considerations: As the technologies advance, ethical considerations become increasingly important in patenting discussions. Stakeholders have to consider the broader implications for society arising from patenting essential technologies, especially in areas such as biotechnology and renewable energy.

Emerging Trends: Alternative models, for instance, patent pools or licensing agreements, can be approached to enable companies to cooperate over their respective technologies while they preserve their intellectual property. The alternative models might allow more cooperation but would surely reduce the issues concerned with litigation.

Therefore, essential technologies, particularly in the domain of biotechnology and renewable energy, call for patenting, while the emphasis increasingly should be on equitable accessibility to such innovations regarding health and sustainable practices. Recommendations thus ought to be espoused among policymakers, innovators, and industry leaders for the reformation of patent regimes to support innovation and public welfare. Perhaps, other models like patent pools and licensing agreements would allow for cooperation while minimizing the litigation risks and ultimately benefit consumers and ensure sustainable growth in these emergent technologies. The whole potential of these transformative industries energy, healthcare, or information and communications technology can be reaped for addressing some of the most pressing global challenges when balanced intellectual property rights are placed first.

Blockchain

Even blockchain, often touted as one of the most secure decentralized technologies, fell into the patenting frenzy. Large firms such as IBM, Microsoft, and Alibaba have been filing hundreds and thousands of patents on various applications, including cryptocurrencies, smart contracts, and supply chain management. Since the patent activity was very high-level, this led to a "patent thicket," which has essentially described overlapping patents as creating barriers to innovation.

Among the most prominent cases is Ripple Labs, with litigation involving its cross-border payment technology. The outcomes of such battles will likely set the future landscape of digital currency transactions: how the regulation of cryptocurrencies and blockchain applications will develop.

Aggressive patent seeking can be seen as a means of impermeability of a market for entry by smaller startups that fear infringement or fear the high fees associated with licensing, thereby compressing competition and collaboration within the blockchain ecosystem.

Renewable Energy

But patent activities are also observed in the renewable energy sector. The propensity for renewable forms of energy has paved the way to enable intense competition between industry leaders with innovations surrounding solar panels, wind turbines, and energy storage technology. One of the most prominent disputes is in the battery technology for electric vehicles between LG Chem and SK Innovation which have been fighting each other in the court regarding patents. Such litigation can affect the electric vehicle market and penetration of renewable technology.

Patent wars in renewable energy can even create entry barriers for new market participants, slowing innovation and transition towards sustainable sources of energy. Fear of litigation often spreads among startups, deterring investments and collaboration that further stifle competition and diversity in markets.

Conclusion

The patent wars that emerge in emerging technologies encompassing biotechnology, blockchain, and renewable energy are symptoms that reflect how cumbersome it gets to access intellectual property rights due to constant changes. Patents play an important role in encouraging innovation, but the current controversies call for a balanced approach that encourages cooperation and ethical considerations. As we head into the next chapter, we must engage the differing stakeholders in serious discourse on the role of patents in advancing innovation and offering equitable access to essential technologies. Ensuring we create an environment that unconditionally fosters co-working can help us realize the fullest potential of these emerging technologies in solving the critical problems on which modern society focuses.

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