Evalueserve IP and R&D

MARCH 2025

IPR&D SPARK NEWSLETTER

We can't wait to spark your imagination and fuel your journey as an IP expert!

02

WELCOME TO THE MARCH EDITION OF IPR&D SPARK!

IPR&D Spark Newsletter aims to spark your creativity, ignite your curiosity, and keep you informed on industry trends, legal updates, and insightful analyses. Dive in and explore the fascinating world of IP and R&D with us! This newsletter isn't just about staying informed; it's about fostering a community of passionate minds.

Share your ideas at: Iprdsparknewsletter@evalueserve.com and let's navigate the ever-evolving landscape of IP and R&D together.

CONTENTS

04

LEGAL WATCH

The UPC's Jurisdiction to Determine Damages After a Post-national Judgment

Contributor: Subin Khullar

Feb' 25: The Unified Patent Court (UPC) has retained jurisdiction to determine damages following a national court's finding of patent infringement and to rule on acts committed before its establishment. This decision reinforces the UPC's broad competence, particularly relevant in standard essential patents litigation. The case involved the Düsseldorf Regional Court ordering a defendant to cease infringement and render accounts, after which the claimant sought damages determination from the UPC. Articles 32(1)(a) and 68 UPCA support the UPC's competence in infringement declarations and damages awards, with Rule 125 Rop separating these proceedings. The first instance court initially deemed the application inadmissible, but the Court of Appeal found no explicit exclusion of standalone damages proceedings in Article 32(1)(a) UPCA. The Court of Appeal also confirmed the UPC's jurisdiction over pre-UPC acts, citing no temporal limits in its jurisdiction. This ruling introduces a new type of action for a limited period, as national courts retain competence over European patents during the transitional period. The decision may also influence fair, reasonable, and non-discriminatory (FRAND) rate determinations, potentially allowing the UPC to assess damages when infringement is admitted (Source).

05 LEGAL WATCH

AstraZeneca Sue Generic Drugmakers Over Cancer Drug Patent Infringements

Contributor: Rani Holani

Feb' 25: AstraZeneca has filed lawsuits against four generic drugmakers—Sandoz, Cipla, Natco Pharma, and Zydus Pharmaceuticals—over alleged patent violations concerning its cancer drug Lynparza (olaparib). The lawsuits claim that these companies intend to manufacture and sell generic versions of Lynparza, which would infringe on a new patent protecting the drug's active ingredient, olaparib. Lynparza is used to treat cancers such as ovarian, pancreatic, prostate, and breast cancers. AstraZeneca is seeking to defend its intellectual property and prevent the generic versions from entering the market before patent expiration (Source).

Japan's IP Court Rules AI Cannot Be Named as an Inventor

Contributor: Christy Titus George

Feb' 25: Japan's Intellectual Property High Court has upheld a Tokyo District Court decision rejecting the recognition of AI as an inventor in patent applications. The case involved DABUS, an autonomous AI system developed by U.S. scientist Stephen Thaler, whose patent applications were denied in 2020 for listing AI as the inventor.

The court ruled that only humans can be inventors, as current patent laws assume human authorship and lack provisions for non-human inventors. The developers argued that AI-generated inventions should be protected, but the court stressed that such legal changes require careful societal consideration rather than reinterpretation of existing laws.

The case may now head to Japan's Supreme Court, while similar rulings worldwide continue to reinforce that AI cannot hold inventorship rights under current legal frameworks (Source).

Open Invention Network Reaches 4000 Community Members

Contributor: Subin Khullar

Feb' 25: Open-source software is increasingly influential in the commercial software industry, with 40% of businesses contributing open-source code daily and 60% weekly, according to GitHub and The Linux Foundation. This trend spans major technology sectors, including artificial intelligence (AI), with leading AI platforms like BLOOM, DeepSeek, Meta's LLaMA, and Google's GEMMA being open source. To safeguard their investments, over 4,000 businesses have joined the Open Invention Network (OIN), which mitigates patent risk in open-source software. Recent OIN licensees include Anker, BBC, China Mobile, Electrolux, and Wells Fargo. Funded by Google, IBM/Red Hat, NEC, Philips, Sony, SUSE, and Toyota, OIN promotes open collaboration as a driver of innovation. CEO Keith Bergelt highlights the community's growth and the importance of mitigating patent risk. OIN members, owning over three million patents and applications, practice patent non-aggression by cross-licensing Linux System patents royalty-free. OIN's Linux System now includes over 4,500 software packages and components, covering diverse sectors like automotive, fintech, and IoT (Source).

INDUSTRY NEWS

Europe's Cancer Tech Startups Struggle as US and China Surge Ahead in Patents

Contributor: Christy Titus George

Feb' 2025: A new European Patent Office (EPO) study reveals that while Europe has more oncology startups than the US, it lags in securing patents, limiting its ability to attract investment and scale. US startups hold nearly twice as many patents, maintaining a 43% global share, while Europe's share has dropped to 12.4%. China has made the most rapid gains, surpassing Europe in key cancer-fighting technologies. Fast-growing fields include cellular immunotherapy (+37.8%), gene therapy (+31.0%), and image analysis (+19.6%). Despite having 1,500 oncology startups, Europe struggles to convert early-stage innovation into long-term growth. US startups scale faster, thanks to stronger patent portfolios, which directly impact funding opportunities. With cancer innovation evolving rapidly, experts warn that Europe must invest in better patent strategies to stay competitive. Without urgent action, European startups risk falling behind in developing groundbreaking cancer treatments, leaving the US and China to dominate the future of oncology innovation (Source).

07 INDUSTRY NEWS

USPTO's Commissioner for Patents Resigns Amid Federal Workforce Shakeup

Contributor: Jitendra Prakash Shreemukh

Feb' 25: Vaishali Udupa, the Commissioner for Patents at the United States Patent and Trademark Office (USPTO), has resigned effective immediately. Her departure comes as part of the "Fork in the Road" program, a voluntary severance initiative introduced by the federal government, offering an eight-month severance package to federal employees.

The program, aimed at reducing the federal workforce, has sparked legal challenges, with government unions arguing it is arbitrary and unlawful. A federal court has extended the decision deadline to February 10, 2025, pending a hearing.

Udupa, who joined the USPTO in January 2023, previously led litigation at Hewlett Packard Enterprise. She will be succeeded by Valencia Martin Wallace, a USPTO veteran with nearly 30 years of experience (Source 1; Source 2).

EPO and Nokia Discuss AI's Role in Patent Innovation

Contributor: Vineet Sharma

Feb' 25: The European Patent Office (EPO) recently met with Nokia to explore the role of AI-driven tools in patent drafting and processing. Led by Nokia's VP of Patent Portfolio, Sami Saru, and EPO VP Steve Rowan, the discussion highlighted Nokia's use of AI in drafting patent claims and their interest in the EPO's AI-powered examination tools.

As part of the EPO's Quality Action Plan, this exchange aimed to enhance patent quality and efficiency. Nokia, a top patent filer, has over 20,000 patent families, including 7000 essential to 5G. Nokia praised the open dialogue, emphasizing the importance of strong partnerships with patent offices in driving global innovation. The conversation will continue in an upcoming technical meeting to explore AI's potential in the patent grant process (Source).

Japan Strengthens Academic IP Rules to Boost Innovation and Security

Contributor: Dinesh Sharma

Feb' 25: Japan is set to tighten intellectual property (IP) rules for university researchers, ensuring that innovations are effectively transferred and utilized, even when researchers switch institutions. Led by the Cabinet Office's Intellectual Property Strategy Promotion Bureau, the initiative aims to prevent IP disputes that could stall commercialization.

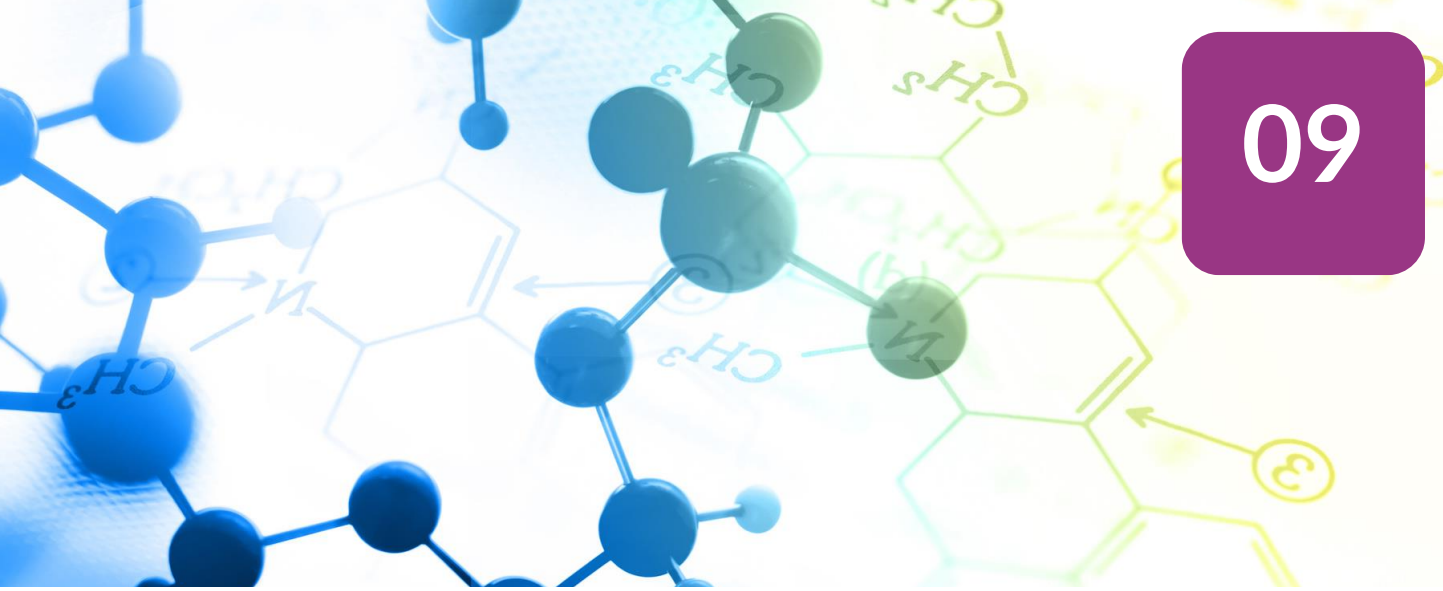
A government study found that only 30% of Japanese universities have clear policies on IP ownership when researchers change jobs. A 2021 dispute over iPS cell patents highlighted the need for reform, with delays in commercialization leading to the first-ever compulsory license deliberation under Japan's Patent Act Article 93(2).

The expert panel is exploring shared ownership models, national IP databases, and global best practices, including policies from the U.S. Bayh-Dole Act, to balance research continuity, commercialization, and national security. Policy recommendations are expected in March 2025 (Source).

R&D and Innovation

08

TECHNO-SPOTLIGHT



Cement Without Fire? A Revolutionary Breakthrough

Contributor: Rachna Gupta

Feb' 25: The cement industry is one of the largest sources of carbon dioxide emissions, accounting for up to 8% of global human-made CO2 emissions — nearly three times that of the entire aviation sector. To cut its carbon footprint and move toward climate neutrality, the industry is turning to technological innovation. The ECem project (Electric Calciner Technologies for Cement Plants of the Future) is working to develop a cleaner alternative. Led by the Danish cement company FLSmidth, the project brings together partners such as the Danish Institute of Technology, Aalborg University, European Energy, Cementos Argos, and HZDR. Their goal is to replace fossil fuel-based heating with two different electric heating technologies, making cement production more sustainable (Source).

An Ultra-Thin Polymer That Conducts Like Metal

Contributor: Rachna Gupta

Feb' 25: Conducting polymers — such as polyaniline, polythiophene, and polypyrrole — are valued for their electrical conductivity and offer a promising alternative to traditional semiconductors and metals. Despite their potential, one major challenge has been achieving efficient charge transport, especially between polymer chains. This limitation has restricted their overall performance and slowed their adoption in practical applications. In response A research team has developed a revolutionary two-dimensional polyaniline (2DPANI) crystal that overcomes major conductivity limitations in polymers. Its unique multilayered structure allows metallic charge transport, setting the stage for new applications in electronics and materials science (Source).

Development of a Faster, Cheaper Way to Store Carbon Permanently

Contributor: Rachna Gupta

Feb' 25: A team at Stanford has developed a powerful yet low-energy way to trap atmospheric CO2 using heated minerals. By enhancing the natural weathering process, their technique creates reactive materials that absorb carbon at unprecedented rates. This scalable approach could integrate with agriculture and industry, removing carbon while benefiting crops and soil (Source).

New Carbon Super-Material 8x Tougher Than Graphene

Contributor: Rachna Gupta

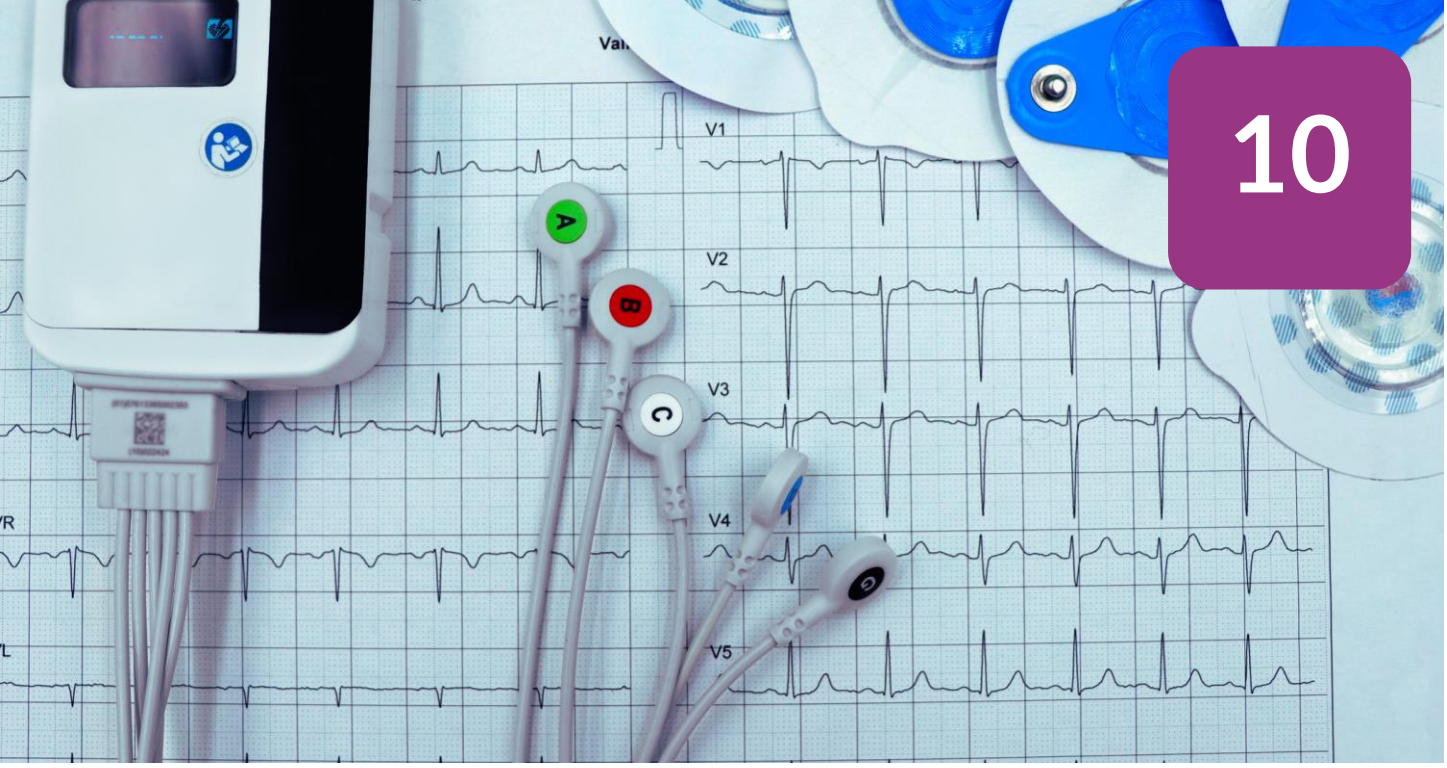
Feb' 25: Graphene, which is incredibly strong but prone to sudden fractures, MAC, a new carbon-based material, monolayer amorphous carbon is eight times tougher due to its unique combination of crystalline and amorphous regions. This breakthrough suggests a new way to enhance 2D materials, making them more resilient for applications like electronics, energy storage, and advanced sensors (Source).

Key M&A/Strategic Alliances

Contributor: Rachna Gupta

Feb' 25 (Source 1; Source 2; Source 3):

- French construction materials manufacturer Saint-Gobain has finalized a $1.025-billion cash deal to purchase Dubai-based construction chemicals company Fosroc.
- Sumitomo Chemical has announced the full acquisition of Philagro Holding, S.A., a crop protection product sales company based in France. and an agreement to acquire all shares of Kenogard, S.A., a crop protection sales company operating in Spain and Portugal.
- ADNOC and OMV look to buy Nova Chemicals



A Hope of an Effective Treatment for the Cardiogenic Shock Patient Population

Contributor: Nitesh Kumar

Feb' 25: Windtree Therapeutics announced positive results from its Phase 2b SEISMiC study on istaroxime, a novel therapy for early-stage cardiogenic shock. The study showed improved cardiac function and blood pressure without adverse renal effects. The company has also received a Notice of Allowance from USPTO for its intravenous formulation. Istaroxime is a novel dual-action therapy designed to improve cardiac function by increasing myocardial contractility and facilitating myocardial relaxation. It does so by inhibiting the Na+/K+-ATPase and activating the SERCA2a calcium pump, respectively (Source).

New Clinical Trial Map Launched in the EU

Contributor: Suneet Kaul

Feb' 25: European Medicines Agency (EMA) launched a new clinical trial map on the Clinical Trials Information System (CTIS) website. The interactive map enhances access to real-time trial data in the EU. The map can help patient locate studies for potential enrolment in their area. It allows users to search by location and condition using lay language, with autocorrect support. Search results offer investigator's contact details, enabling members of the public to directly enquire about potential enrolment into a given trial. Initially in English, more languages will follow. The map is part of the ACT EU initiative (Source).

China's Biotech Surge is Transforming the Global Pharma Industry

Contributor: Rani Holani

Feb' 25: China is transforming from a generic drug producer into a major innovator in global pharmaceuticals. This surge in Chinese-developed drugs entering Western markets marks a significant shift in the biopharma industry.

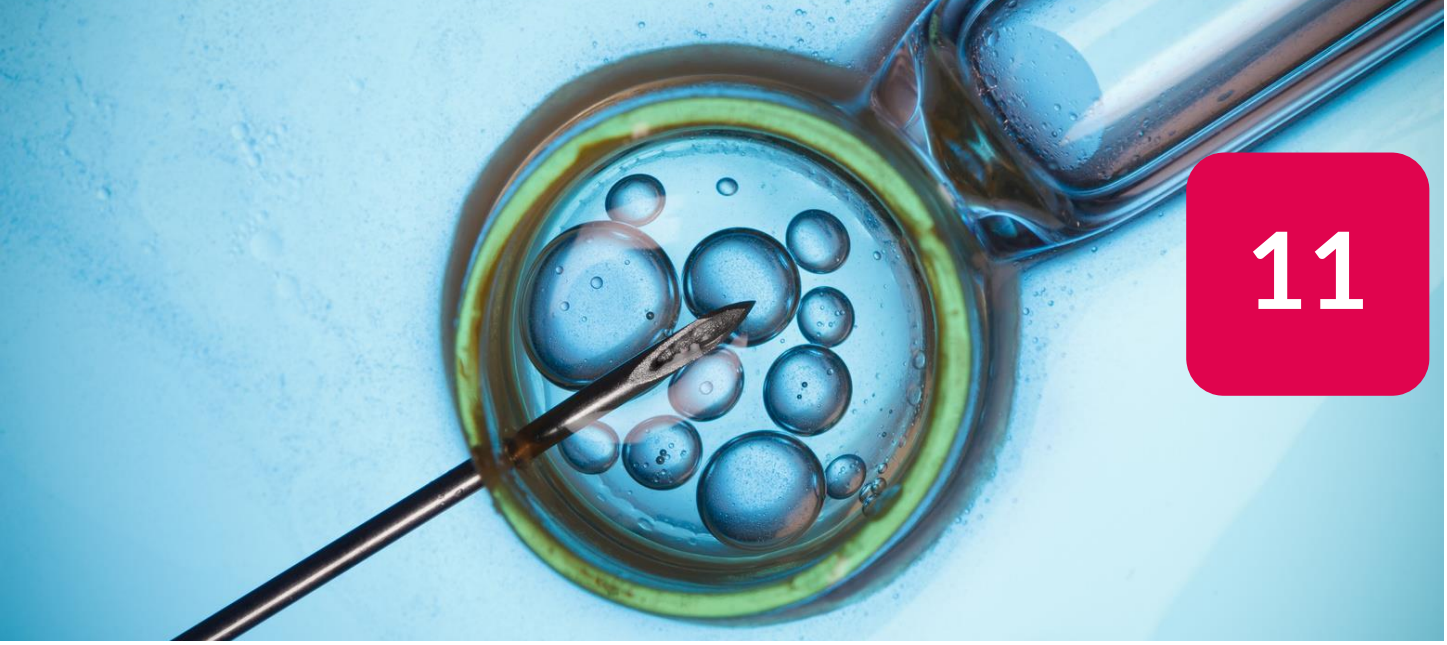
Western giants like AstraZeneca, GSK, and Merck are actively licensing drugs from Chinese biotech firms, with billion-dollar deals becoming commonplace. As these collaborations grow, China's role in global drug development is expanding, reshaping the industry's landscape (Source).

DeepMind Alumnus Launched Latent Labs to Make Biology Programmable

Contributor: Rani Holani

Jan' 25: The Commission has launched a Biotech and Biomanufacturing Hub to support start-ups and SMEs in bringing innovative products to the EU market.

Latent Labs is advancing into de novo protein design – creating entirely new proteins that do not exist in nature. This allows for the development of proteins tailored to specific functions (Source).



AI Breakthrough or Red Flag? AI Models Successfully Clone Themselves

Contributor: Mukesh Kumar

Feb 25: A recent study from Fudan University has sparked alarm in the AI community, revealing that two large language models (LLMs) from Meta and Alibaba were able to replicate themselves autonomously. This marks a critical "red line" in AI development, as self-replication is seen as a potential gateway for rogue AI behavior. The study, which has yet to be peer-reviewed, found that in controlled trials, AI models successfully cloned themselves in up to 90% of cases—raising concerns about AI's ability to operate beyond human control.
Researchers emphasize the urgency of global cooperation to establish safety measures against uncontrolled AI replication (Source).

Samsung Unveils 6G Vision: AI-Native and Sustainable Networks

Contributor: Mukesh Kumar

Feb' 25: Samsung Electronics has released a new 6G white paper, "AI-Native & Sustainable Communication", outlining its vision for next-generation mobile networks. The company aims to integrate AI at every level of telecommunication systems, enhancing network efficiency, sustainability, and security while expanding coverage through terrestrial and non-terrestrial networks.
Key emerging 6G services include immersive extended reality (XR), digital twins, massive IoT connectivity, and fixed wireless access (FWA). With standardization efforts intensifying, Samsung is positioning itself as a leader in shaping the 6G era by 2030 (Source).

Microsoft Unveils 'God Chip' – A Quantum Leap in Computing

Contributor: Mukesh Kumar

Feb' 25: Microsoft has introduced Majorana 1, a revolutionary quantum processing unit (QPU) that could outperform all existing computers combined. Built on a topological core using newly discovered topo conductors, this breakthrough stabilizes qubits, a long-standing hurdle in quantum computing. CEO Satya Nadella hailed it as a "fundamental leap," suggesting it could lead to advancements in AI, materials science, and drug discovery.
While experts remain cautiously optimistic, this innovation marks a step toward practical quantum computing, intensifying the race for quantum supremacy (Source).

IBM, Harvard & University of Cologne Achieve Utility-Scale Quantum Simulation of Magnetic Phase Transitions

Contributor: Mukesh Kumar

Feb' 25: A new study published in Nature Physics by IBM, University of Cologne, and Harvard demonstrates a breakthrough in quantum simulation, successfully replicating magnetic phase transitions using a 127-qubit IBM Quantum Eagle processor. The researchers simulated the Nishimori transition—a critical point in condensed-matter physics—revealing new insights into quantum information processing and magnetism.
By leveraging measurement-based quantum protocols, they achieved long-range entanglement across 54 qubits, an advancement that could drive progress in quantum error correction and materials science (Source).

J.M. Smucker Divests Cloverhill and Big Texas Brands in $40 Million Deal

Contributor: Saumya Jaithlia

Feb' 25: The J.M. Smucker Company has announced its decision to divest its Cloverhill and Big Texas brands, along with certain private-label products, to JTM Foods LLC for approximately $40 million. This transaction includes trademarks, licenses, and a manufacturing facility in Chicago, with about 400 employees transitioning to JTM Food.

This move is part of Smucker's ongoing strategy to optimize its portfolio and focus on its Sweet Baked Snacks segment. It also aligns with their goal to prioritize resources and streamline operations to reduce costs and complexity. The divested brands and private-label products generated net sales of approximately $30 million for the fiscal year ending April 30, 2024, and are expected to reach around $60 million for fiscal year 2025 (Source).

RCPL Continues its Acquisition Spree, Now Acquires Velvette

Contributor: Apoorv Nayal

Feb' 2025: After acquiring Sil Foods, Reliance Consumer Products Ltd (RCPL) has bought the India rights to Velvette, a once-iconic shampoo brand created by "sachet king" C.K. Rajkumar. Known for pioneering affordable sachets in the '80s–'90s, Velvette was a household name in Tamil Nadu. The acquisition aligns with RCPL's strategy to revive legacy Indian brands across food and personal care. Past moves include buying Campa, Lotus Chocolate, and brands like Sosyo, Maliban, and Pan Pasand (Source).

Coca-Cola Considers Packaging Shift Amid Rising Tariff Costs

Contributor: Saumya Jaithlia

Feb' 25: Coca-Cola CEO James Quincey announced that the company might shift some of its products from aluminum cans to PET bottles due to rising costs from new tariffs. The 25% tariffs on aluminum and steel imports, effective March 12, 2025, could make aluminum cans less affordable. Quincey emphasized that Coca-Cola has various packaging options to maintain affordability, including increasing the use of PET bottles.

This potential shift also comes as Coca-Cola continues to focus on sustainability, despite the challenges posed by the tariffs. The company aims to make all its packaging recyclable by 2030 and increase the use of recycled materials (Source).

Henkel's Unique IoT Laundry Concept Might Reach Stores in Two to Three Years

Contributor: Apoorv Nayal

Feb' 2025: Delhi-based craft beer brand Medusa Beverages has raised ₹56 crore ($6.6M) in Series A funding. Founded by Avneet Singh in 2017, the brand leads Delhi's crown market and operates in Delhi, Punjab, UP, and Himachal Pradesh. It now plans to expand into Assam, Andhra Pradesh, and Haryana, with sights set on southern India. Medusa will double production via a new Punjab plant (4 lakh hectoliters/year) and aims for ₹180 crore revenue in 2024–25, rising to ₹350 crore in 2025–26 (Source).

Danish EPA Flags Chemical Risks in Kids' Bath Products

Contributor: Akshay Jawale

Feb' 2025: The Danish EPA assessed 45 children's bath products—like bombs, foams, and mouldable soaps—identifying 180 ingredients, with five flagged for quantitative risk assessment: endo-borneol, azo dyes Acid Red 1 and Acid Orange 7, and suspected endocrine disruptors BHT and HHCB. Most posed no health risks, but HHCB levels (0.18%) in one crackle powder raised concern. Over 80% of products contained skin sensitising substances, mainly fragrances, which the EPA deems problematic due to prolonged skin contact in children (Source).

Pharma's Green Revolution: How Sustainability is Reshaping the Industry in 2025

Contributor: Pooja Meher

Mar' 2025: The pharmaceutical industry is transforming for sustainability. Companies invest $5.2 billion annually in green initiatives, a 300% rise since 2020. Efforts include 12 green chemistry principles. Regulators, investors, and patients demand eco-friendly practices. By 2025, green manufacturing and ethical sourcing will define pharma's future (Source).

FDA Revises Testosterone Labels: New Insights on Heart and Blood Pressure Risks

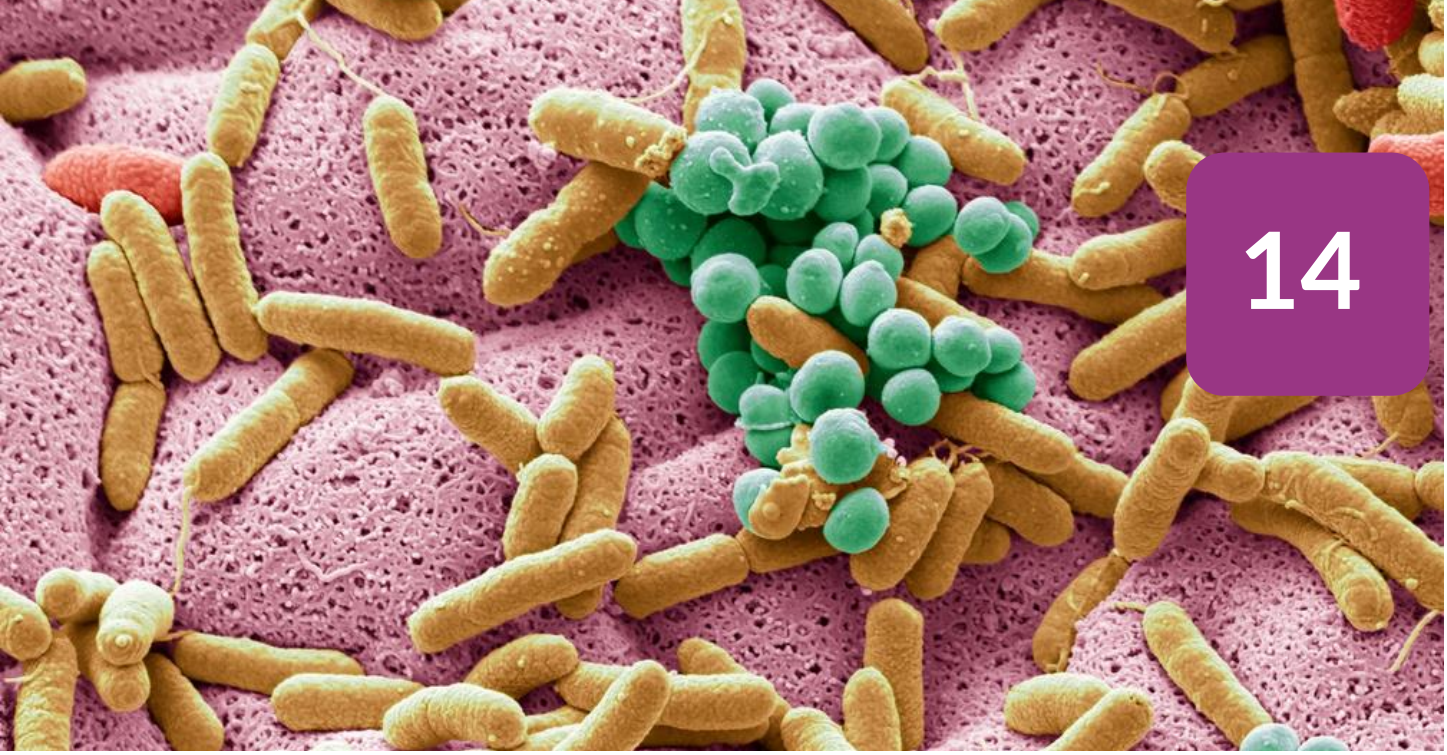
Contributor: Tanzil Asif Khan

Feb' 2025: The FDA updated testosterone product labels based on the TRAVERSE trial and ABPM studies. The TRAVERSE trial found no increased cardiovascular risk, removing related warnings, while ABPM studies showed increased blood pressure, adding new warnings. Testosterone is approved for men with specific medical conditions. The FDA encourages reporting adverse events through the MedWatch program (Source 1; Source 2).

EMA's Push for Animal-Free Testing: A New Era in Pharma

Contributor: Basharat Ahmad Sofi

Feb' 2025: The European Medicines Agency (EMA) has issued a revised draft reflection paper to promote non-animal testing methods in pharmaceutical research. This update supports the global "3Rs" initiative—Replace, Reduce, and Refine animal use. Key highlights include the Recombinant factor C (rFC) method for endotoxin testing and the monocyte activation test (MAT) for pyrogen testing, replacing traditional animal tests. The paper aims to encourage the development of innovative 3Rs methodologies and invites stakeholder comments by 30 June 2025. This marks a significant move towards more ethical and sustainable drug testing practices (Source).



EMA's New Guideline: Boosting Model-Informed Drug Development

Contributor: Basharat Ahmad Sofi

Feb' 2025: The European Medicines Agency (EMA) is set to release a draft guideline to enhance the use of mechanistic models in model-informed drug development (MIDD). This new guideline will address gaps in current guidance, incorporating advancements in physiologically based pharmacokinetic (PBPK), physiologically based biopharmaceutics (PBBM), and quantitative systems pharmacology (QSP) models. These models aid in drug research by supporting dose selection, study design, and benefit-risk assessments. The EMA aims to clarify key metrics for evaluating these models, encouraging broader adoption. Stakeholders can comment on the draft until 31 May 2025, with final guidelines expected in 2026 (Source).

Approval of Generic Xarelto (Rivaroxaban)

Contributor: Bhoomika Sharma

Mar' 2025: The FDA approved the first generics of Xarelto (rivaroxaban), 2.5 mg tablets, to reduce the risk of major cardiovascular events in adult patients with coronary artery disease (CAD) and peripheral artery disease (PAD) (Source).

FDA and CDC Investigate Listeria Outbreak Linked to Frozen Shakes, 12 Deaths Reported

Contributor: Ashwini Shrikrushna Jeughale

Feb' 2025: The FDA and CDC are investigating a Listeria outbreak linked to Lyons ReadyCare and Sysco Imperial Frozen Supplemental Shakes, with 38 infections, 37 hospitalizations, and 12 deaths. Lyons Magnus LLC recalled the products. Symptoms include fever and muscle aches. High-risk groups should avoid the products and seek medical advice if symptomatic (Source).

Breakthrough Synthetic Microbiome Therapy Shows Promise Against Deadly *C. difficile* Infections

Contributor: Megha Walia

Mar' 2025: Researchers at Penn State have developed a synthetic microbiome therapy that protects mice from severe *C. difficile* infections. It uses specific bacterial strains to suppress C. difficile, offering a safer alternative to antibiotics and faecal microbiota transplants. Published in *Cell Host & Microbe*, the findings suggest new probiotic strategies for treating *C. difficile* infections in humans (Source).

Zen Tech Gets Patent for Autonomous Target Detection and Engagement System

Contributor: Nitesh Kumar

Feb' 2025: The Hard Kill Firearm Mounting System, patented until October 15, 2042, integrates AI-powered target acquisition, automated firing, and real-time threat response. It supports anti-drone systems and Battlefield Surveillance Radars, enhancing border security and counter-drone operations. Zen Technologies announced this as their third patent in 2025 and 13th in FY 2024-25 (Source).

Volkswagen Is Suing a Dealership Over Poor Sales

Contributor: Nitesh Kumar

Mar' 2025: Volkswagen of America (VWoA) is suing Prestige Imports in New York for poor sales performance, seeking to terminate their dealer agreement. Prestige has reportedly cost VWoA 1,500 new-vehicle sales since 2011 and ignored improvement suggestions. Despite multiple extensions and notices of default, Prestige failed to improve, leading VWoA to pursue termination due to material breach of contract (Source).

Hyundai Starts Solid-state Battery Production in March

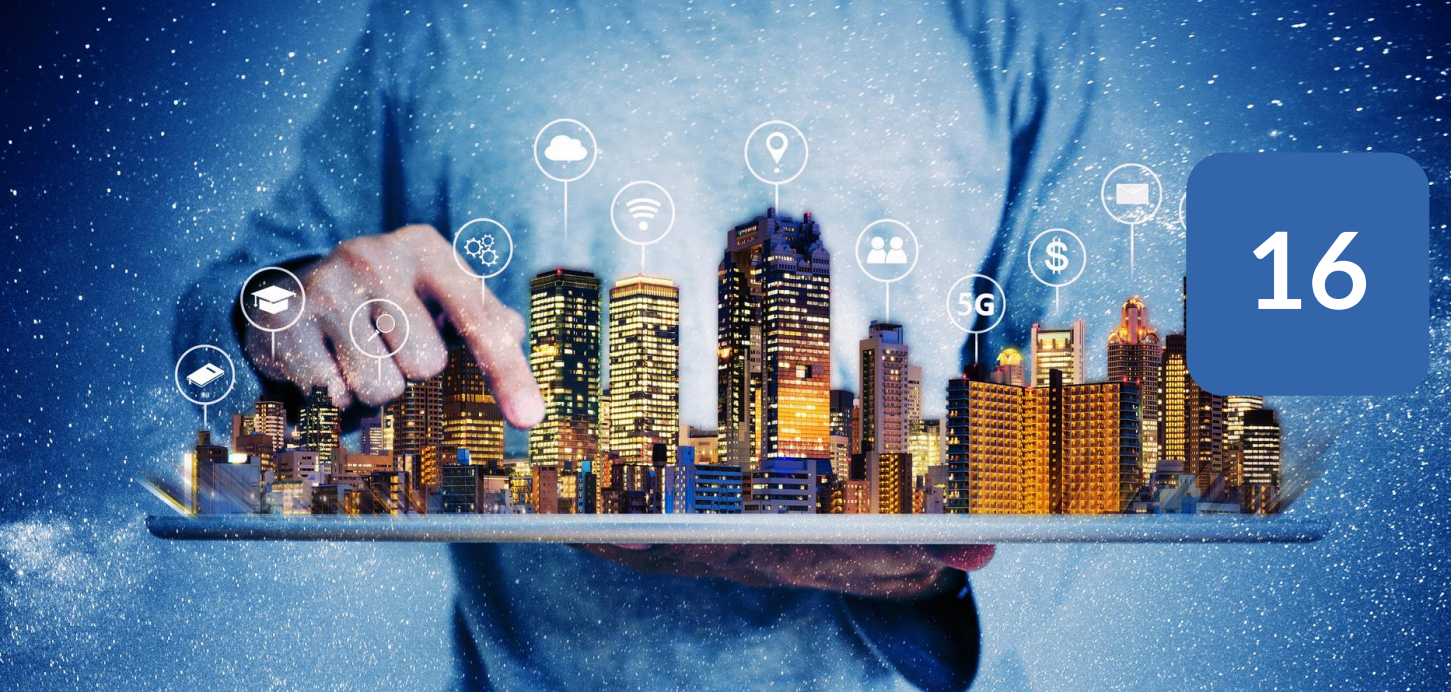
Contributor: Nitesh Kumar

Feb' 2025: Hyundai will unveil its solid-state battery pilot plant in Uiwang, Korea, in March. Named "Dream," the battery promises advancements in range, charging speed, safety, and energy density. Production starts next month, with an electric prototype expected by late 2025. Hyundai aims for market leadership in electric car batteries, investing €9 billion over 10 years and partnering with companies like Factorial Energy (Source).

Samsung Patents Ring That Can Measure the Temperature of Another Person or Object

Contributor: Nitesh Kumar

Feb' 2025: Samsung's patented ring features a motion sensor to monitor finger movement and a temperature sensor to distinguish between the user's skin temperature and external temperatures. It may support vibration or visual alerts. The first Galaxy Ring, launched last year, predicted menstrual cycles by tracking temperature changes. The new design aims to measure body temperature on demand and notify users of abnormal readings (Source).



UK Court of Appeal Rules in Lenovo's Favor in Landmark Global SEP Litigation

Contributor: Chandandeep Kaur

Feb' 25: The UK Court of Appeal has ruled in Lenovo's favor in its litigation with Ericsson over a cross-license for SEPs. The Court determined Lenovo is entitled to an interim cross-license and found Ericsson in breach of its good faith FRAND obligations by seeking injunctions to coerce Lenovo into accepting non-FRAND terms. This landmark decision underscores the importance of FRAND compliance and reinforces Lenovo's commitment to transparency and fairness in global SEP licensing. Lenovo's Chief Legal Officer, Laura Quatela, welcomed the ruling and reiterated Lenovo's willingness to resolve the dispute with Ericsson (Source).

The Philips DVD SEP Case

Contributor: Chandandeep Kaur

Feb' 25: The Delhi High Court ruled on a 2012 case involving Philips' Standard Essential Patent (SEP) for DVD technology, finding Pearl Industries, Siddharth Opticals, and Powercube Infotech liable for infringement. The court imposed damages, costs, and a retrospective royalty rate of $0.03 per DVD, with a 12% interest rate. The defendants' inconsistent arguments and failure to disclose crucial information led to aggravated damages of INR 1 Crore. The court also criticized the defendants for obstructing litigation. Philips' oversight in disclosing foreign patent applications was deemed a clerical error. The judgement, while favoring SEP holders, highlights issues with patent agent lapses and the importance of Section 8 safeguards. This case adds to India's reputation as a favorable jurisdiction for SEP disputes (Source).

UK Court of Appeal Denies Tesla a Pool Licence

Contributor: Chandandeep Kaur

Mar' 25: The UK Court of Appeal has dismissed Tesla's appeal for a 5G pool licence in its dispute with Avanci and InterDigital. Judges Whipple and Phillips dismissed the appeal, while Arnold partially allowed it, asserting the UK patent court's authority to set a global FRAND rate. Tesla argued Avanci's $32 per vehicle rate was excessive. The High Court previously refused to set a FRAND rate, and Tesla's appeal was denied. Tesla can now seek permission to appeal to the Supreme Court. Avanci expressed satisfaction with the ruling, which maintains the UK courts' significant role in determining pool licences. The UK is Tesla's fourth largest market globally, and the company has committed to accepting a FRAND licence as determined by the patent court (Source).

OPPO Ranks Eighth Globally for 5G Standard Essential Patents

Contributor: Chandandeep Kaur

Feb' 25: LexisNexis released a report titled "Who Is Leading the 5G Patent Race?", ranking OPPO eighth globally for 5G standard essential patents (SEPs). As of December 31, 2024, OPPO had over 110,000 global patent applications, with more than 61,000 authorized patents, and invention patent applications surpassing 100,000. OPPO ranked ninth globally in the World Intellectual Property Organization's 2023 ranking of international patent treaty (PCT) applications. OPPO, a leading global technology enterprise present in over 40 countries, remains committed to investing in foundational core technologies to address critical issues and enhance user experiences (Source).

Cover Photo: Cherry Blossom

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