Mathys & Squire

Agri-tech intellectual property rights in Europe

mathys-squire.com

About Mathys & Squire

Ranked Tier 1 in Legal 500, Mathys & Squire is one of Europe's most highly regarded intellectual property law firms. Founded in 1910, we have over 100 years of experience in the protection and commercialisation of intellectual property rights, leading the field with insight, innovation and quality.

The firm has more than 60 qualified attorneys, and has offices in London, Brighton, Cambridge, Luxembourg, Manchester, the Midlands, Munich, Oxford, Paris and York. We are a full service intellectual property firm with specialists in a wide range of technical fields. Our attorneys and trainees have a mix of scientific degrees extending from chemistry, biochemistry, pharmacology, genetics, microbiology, plant sciences and zoology through to physics, electronics, telecommunications and engineering.

Most of our attorneys hold further degrees and many have PhDs. Some of the team have worked in-house within the IP departments of large international organisations and by utilising this experience this enhances our ability to assist in the strategic and active management of IP portfolios.

"Mathys & Squire LLP's 'absolutely first class team' is 'proactive with advice, but responsive to clients' needs and requirements'. The group is 'very knowledgeable, both from a scientific as well as a business point of view' and 'proactively safeguards clients' interests'."

The Legal 500

Agri-tech intellectual property rights in Europe

Primary food production is the largest industry in the world, and ensuring the stability and integrity of national and international food supply chains is crucial.

The challenges faced by this sector are greater than ever, as the world population increases and the effects of climate change are felt. Technology is increasingly used to address these challenges, often involving collaboration between multiple disciplines.

As a result, agricultural technology (agri-tech) is one of the fastest-growing markets as research in this area gains momentum. Indeed, the importance of agri-tech is appreciated by governments across Europe, with both UK and EU funding streams available for research and development in this sector (typically with a requirement for the good management of any resulting intellectual property rights).

In the face of a challenging and rapidly developing commercial landscape, it is more important than ever for agri-tech businesses to obtain protection for their intellectual property.

Technical innovations may be protected by patents. Designs can protect aspects of a product's appearance, shape or configuration that may not be patentable. New plant varieties can be protected via plant variety rights. Trade marks can be used to identify the source of a product or service and provide brand recognition.

Our team has significant expertise in engineering, electronics, telecommunications and software, including in respect of automated control systems. In addition, we have experience in large-scale food processing techniques, such as in the dairy industry.

We also have extensive expertise in pesticide and herbicide chemistry, food chemistry and processing, stress tolerance, plant developmental biology and transgenic plant technology. Furthermore, we have considerable experience in plant variety right matters, and our supplementary protection certificate (SPC) team can assist with matters relating to SPCs for plant protection products.

Patents protect technical innovations that are new and non-obvious relative to anything that has already been made available to the public. Accordingly, if you are considering filing a patent application to protect an invention, then it is essential that the patent application be filed before you disclose the invention to anyone outside of confidence.

Our team would be happy to discuss how best to protect your innovations to provide commercial benefits to your business.

IP protection for agri-tech machinery, components and systems

Patents

Patents are frequently used to protect aspects of agri-tech machinery, components and systems. Patentable inventions may be found, for example, in the fields of mechanical engineering (including in respect of hydraulic and pneumatic actuation systems), electrical engineering, automotive technology, electronics, telecommunications and computer software.

For example, a new piece of agricultural machinery may be patentable as a whole, or a component part of a complex piece of equipment may be patentable in its own right.

Electronic control systems, as may be used in farm vehicles or within crop storage and processing facilities, are also potentially patentable, as are autonomous navigation systems such as those used in combine harvesters.

As well as hardware, it is possible to obtain patent protection for software (e.g. in a control or navigation system) that provides a so-called 'technical effect' – i.e. a new and non-obvious technical solution to a technical problem.

Food processing techniques are also potentially patentable – for example in relation to new and non-obvious methods for producing milk, yogurt and other products in the dairy industry.

We have an experienced team of attorneys who specialise in engineering, IT and electronics, and are able to handle patent matters in all of the above fields.

Registered Designs

Registered designs can be used to protect the outward appearance of products, and component parts of complex products that are visible during normal use. Registered Designs are quick, straightforward and relatively inexpensive to obtain, and may be used as a way of obtaining registered IP protection for agricultural equipment that may not meet the criteria for being considered 'patentable'.

Both patents and registered designs can provide a valuable deterrent effect, to dissuade third parties from copying or coming too close, and can also be useful for marketing purposes.

Trade marks

Registered trade marks remain a powerful deterrent to third party competitors and are an essential tool when combating counterfeit activities. A registered trade mark may be renewed indefinitely and outlive its other IP counterparts (patents and designs).

The multi-jurisdictional registration of trade marks is readily achievable at relatively little cost via the EU trade mark and the Madrid Protocol systems. Registration of trade marks with local customs authorities allows for effective anti-counterfeiting policing at minimal cost.

Our design and trade mark teams will be happy to discuss how best to protect your brand and designs.

Team biographies

James Pitchford
Partner

James is a Partner in our IT & engineering team and is based in our Cambridge office. James specialises in patent work in the physics, electronics, engineering and materials science sectors, and works with entrepreneurs, start-ups and SMEs, alongside large corporations, research institutions and universities.

James has particular experience in the fields of electromechanical devices, power engineering, electronics, optics, imaging techniques and image processing, telecommunications, semiconductor devices, composite materials, surface treatment techniques, computer software and data processing algorithms.

JEPitchford@mathys-squire.com

Anna Gregson
Partner

Anna is a Partner in our biotech team and is based in our Manchester office. Anna has worked with a diverse range of clients; from university technology transfer organisations to international corporations.

Anna has experience in a wide range of subject matter in the fields of biotechnology and life sciences, including therapeutic antibodies, vaccines, plant biotechnology, diagnostics and biomarkers and stem cells. She also has experience of advising on plant variety rights.

ALGregson@mathys-squire.com

Michael Stott
Partner

Michael is a Partner in our chemistry team and has extensive experience of drafting, prosecution and portfolio management, as well as conducting freedom-to-operate and patent landscape assessments for clients. He also has experience of opposition and appeal proceedings before the EPO.

Particular areas of technical expertise include agrochemicals, food chemistry and processing, pharmaceuticals, personal care products, upstream and downstream petrochemistry, chemical processing and catalysis, ionic liquids, polymers, ceramics, and chemical detection technologies.

MJStott@mathys-squire.com

Mathys & Squire LLP

T +44 (0)20 7830 0000 // E info@mathys-squire.com // @Mathys_Squire // www.mathys-squire.com