

The Future of Mobility Series

PATENTS



1200+% increase in autonomous driving patent applications in the last 10 years



Number of 5G Standard Essential Patents (SEPs) constantly rising



SEP litigation now truly global, with patent and antitrust cases in Europe, the US and China



20 times faster growth in the number of European patent applications related to automated driving than for other technologies

The full deployment of 5G technology will provide a myriad of opportunities for automakers to complete the transition from manufacturing vehicles to providing integrated mobility services that meet modern customer demands. Technologies like automated driving disrupt the old and create new business models.

But as “smart cars” become standard in the global automobile market, automakers are entering an unfamiliar territory—technology litigation. With patent litigation at the heart of their business models, savvy tech companies, licensing entities, and non-practicing entities (NPEs) use global litigation for monetizing their patent portfolios, particularly when companies are not able to reach agreement with respect to licensing or FRAND terms. Injunctive relief has also become a real threat to companies in the industry.

Companies in the automobile industry should consider comprehensive legal advice when incorporating new technologies into their smart cars. In some situations, that may include patent due diligence, freedom to operate analysis, and/or help with licensing. Liability through the supply chain may also be addressed in supply agreements. In the case of a cross-border litigation, a global team of patent experts should closely work together with antitrust experts if SEPs are asserted.

KEY RISKS AND OPPORTUNITIES

Key opportunities	Key challenges
Autonomous driving and connected automobiles	International and jurisdictional patent and antitrust concerns
Instant communications between connected vehicles	Injunctive relief — interruption of the supply chain
Optimization of the production process and data collection through the digital factory	Scope of damages and remedies

OUR EXPERIENCE

Our global team includes experienced patent and antitrust experts in all key jurisdictions (the U.S., Europe, China). For example, a cross-border China, Hong Kong, and US team of patent and antitrust experts litigated one of the most significant anti-monopoly law cases involving SEPs and FRAND issues relating to 3G and 4G technology in China. In Europe, our team is currently advising companies in complicated cross-licensing negotiations, including assessing the coverage and validity of a plurality of SEPs relating to essential IoT technology.

Leveraging our experience in the automotive industry, we help companies address risks efficiently when entering into new partnerships, dealing with unfamiliar jurisdictions, developing cutting-edge products or restructuring operations.

The Baker McKenzie difference

With 6,000+ lawyers covering 250+ jurisdiction across 46 countries, Baker McKenzie is a truly global firm with a finger on the pulse of developing trends. **Our experts across 77 offices** have in-depth knowledge of international patent and anti-trust law that they can effectively leverage at the local level depending on clients' needs.

Our practice

With over **350 lawyers** specializing in the new mobility space, we represent a broad range of industry players across all areas of 5G technology law at both local and international levels. We can advise on a full range of issues — including IP protection and enforcement, patents, trademarks, antitrust law, liability, and data monetization.

In 2020, the Firm was named the best law firm brand for the 10th consecutive year by Acritas' Global Elite Law Firm Brand Index, ranking us Number 1 globally for awareness, favorability, consideration for multi-jurisdictional deals and for multi-jurisdictional litigation. The ranking is based on interviews with 1,596 senior legal buyers across the world's largest multinationals with revenues in excess of \$1bn.

A key differentiator in the legal space, several of our **attorneys at law are electrical engineers, computer engineers, and computer science graduates**, and highly experienced in handling cases relating to automobile technology, communication technology, and SEPs.

Baker McKenzie is the **only global firm** allowed to represent companies in court proceedings in China, and has successfully defended companies in anti-monopoly and FRAND litigation there.

What they say about us

Top tier firm for Intellectual Property and TMT

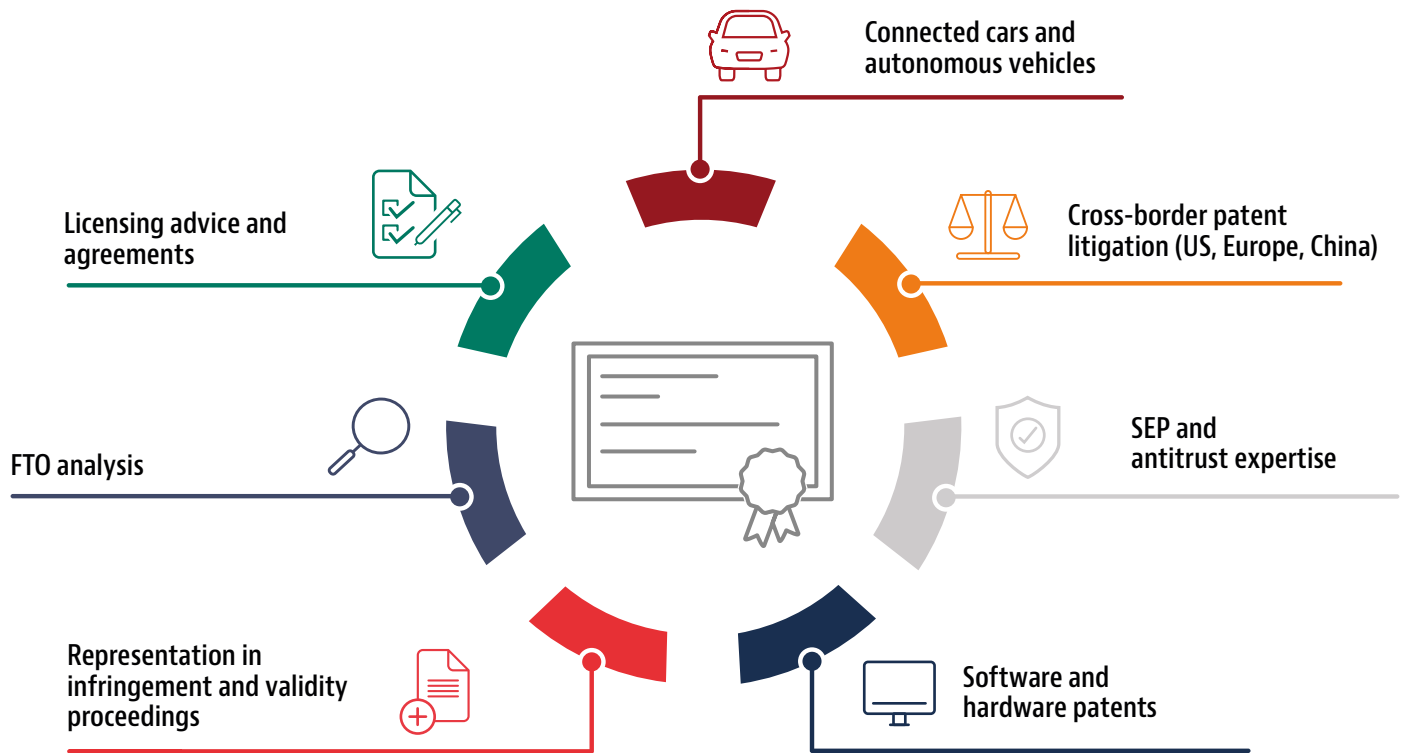
Chambers Europe 2019

"Another client praises Baker McKenzie for being 'a very solid firm' whose strongest area lies in its patent and trade mark-related works."

Chambers Global 2019

PATENTS IN THE FUTURE OF MOBILITY

Our unique solutions



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