



NEW IP CHALLENGES OF 3D PRINTING AND THEIR IMPACTS ON BUSINESS IN EUROPE

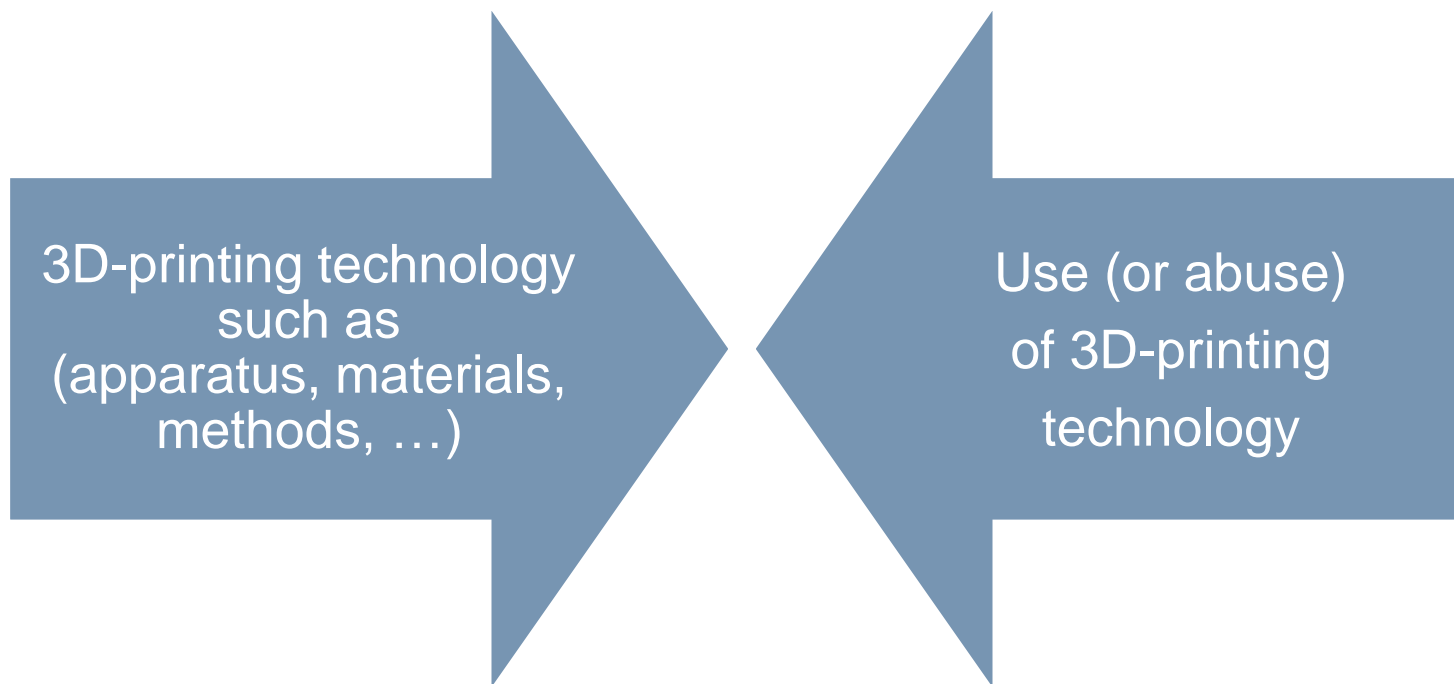


MURGITROYD

PRESENTER: DR. BENJAMIN GRAU
DATE: 01 MARCH 2018

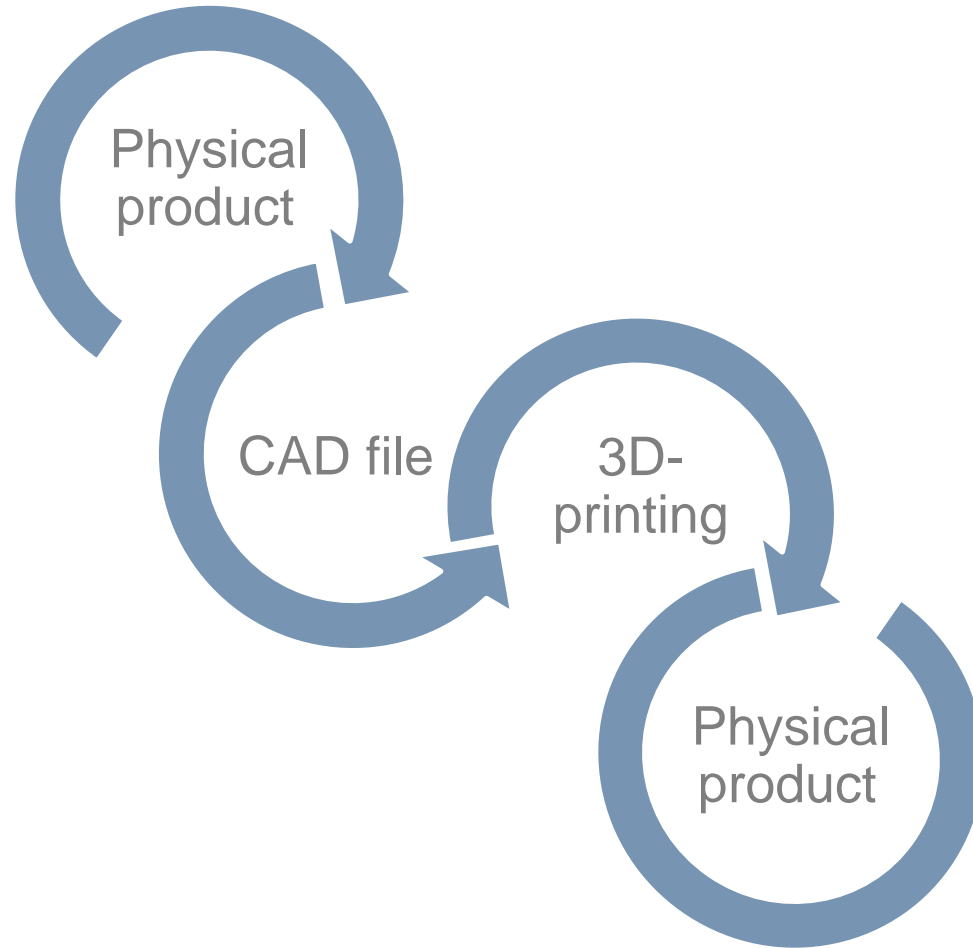


IP IN THE CONTEXT OF 3D-PRINTING





3D-PRINTING: FROM PRODUCT TO PRODUCT





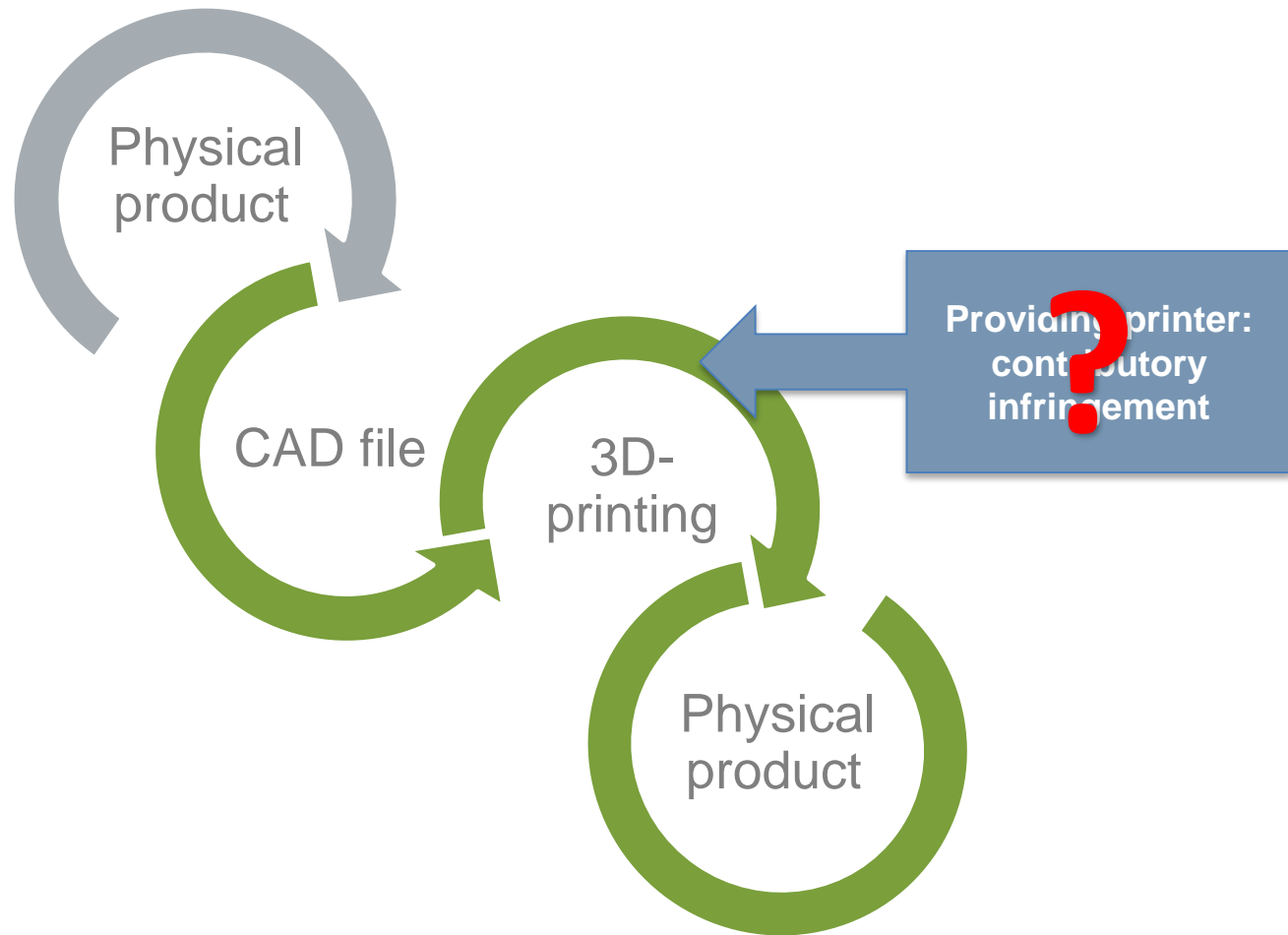
AFFECTED IP RIGHTS

- Patents
- Utility Models
- Designs
- Copyright
- ~~Trademarks ?~~



3D-PRINTING – SCENARIO 1

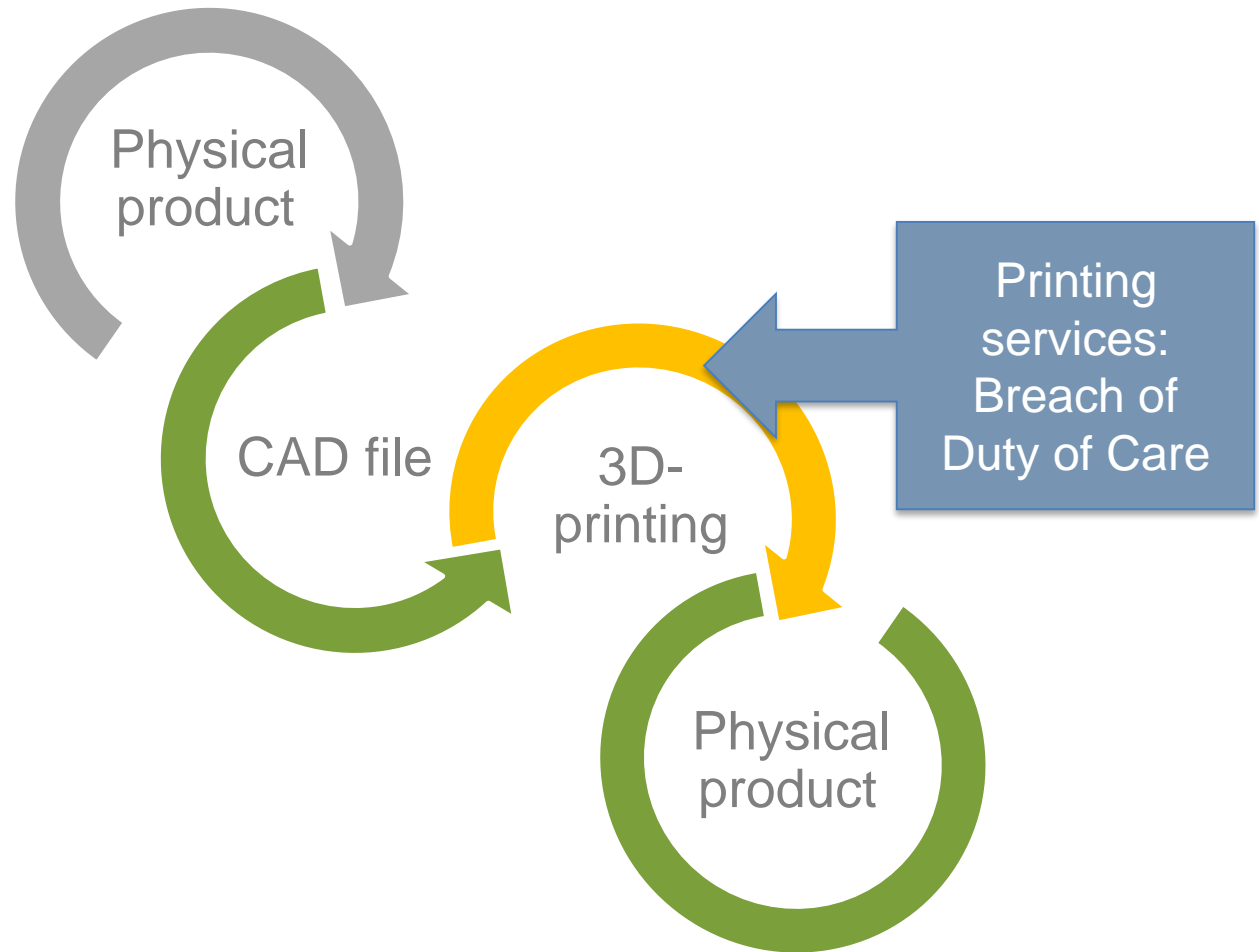
PATENT: PRIVATE REPRODUCTION FOR PRIVATE USE





3D-PRINTING - SCENARIO 2

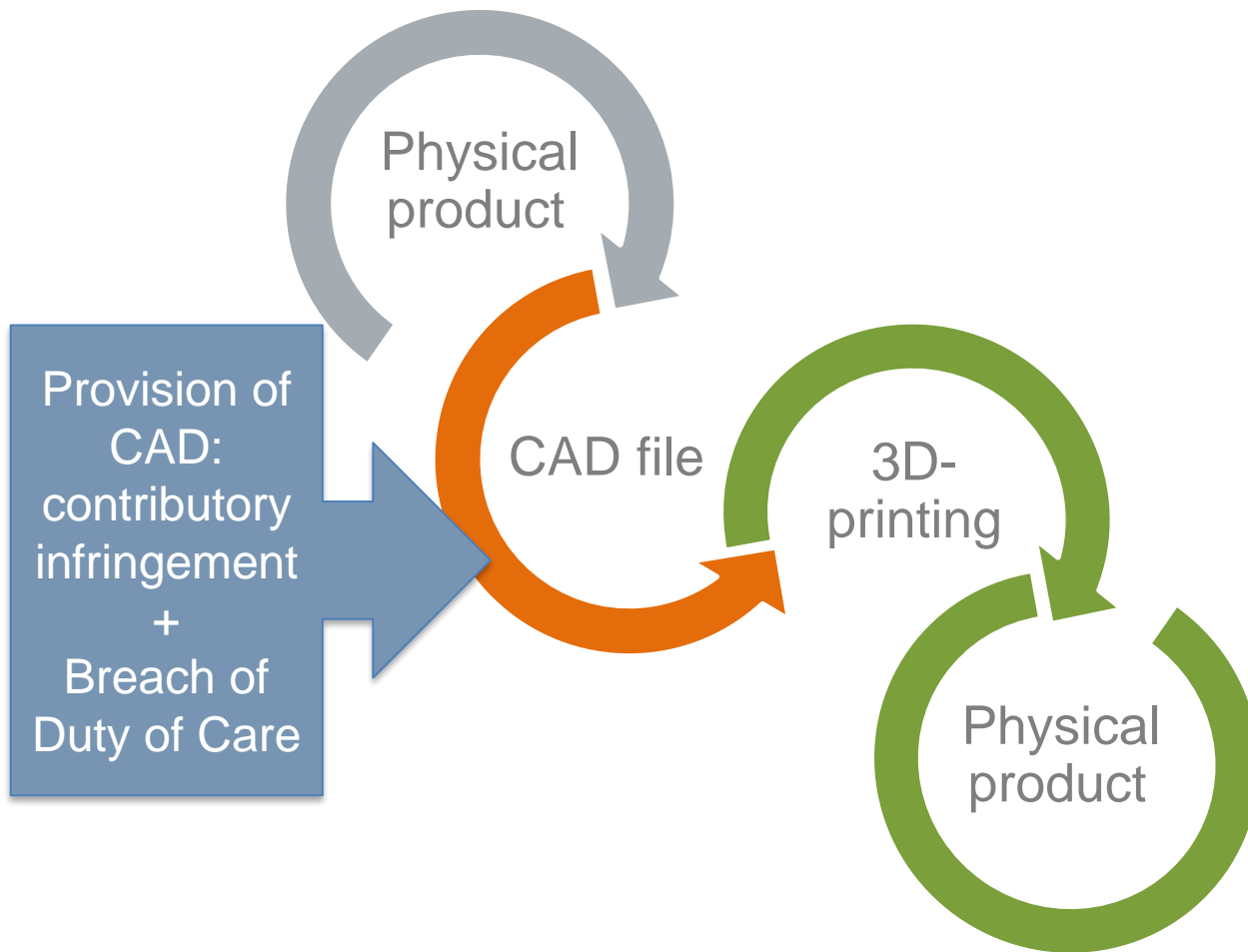
PATENT: PRIVATE REPRODUCTION IN A COPY SHOP FOR PRIVATE USE





3D-PRINTING - SCENARIO 3

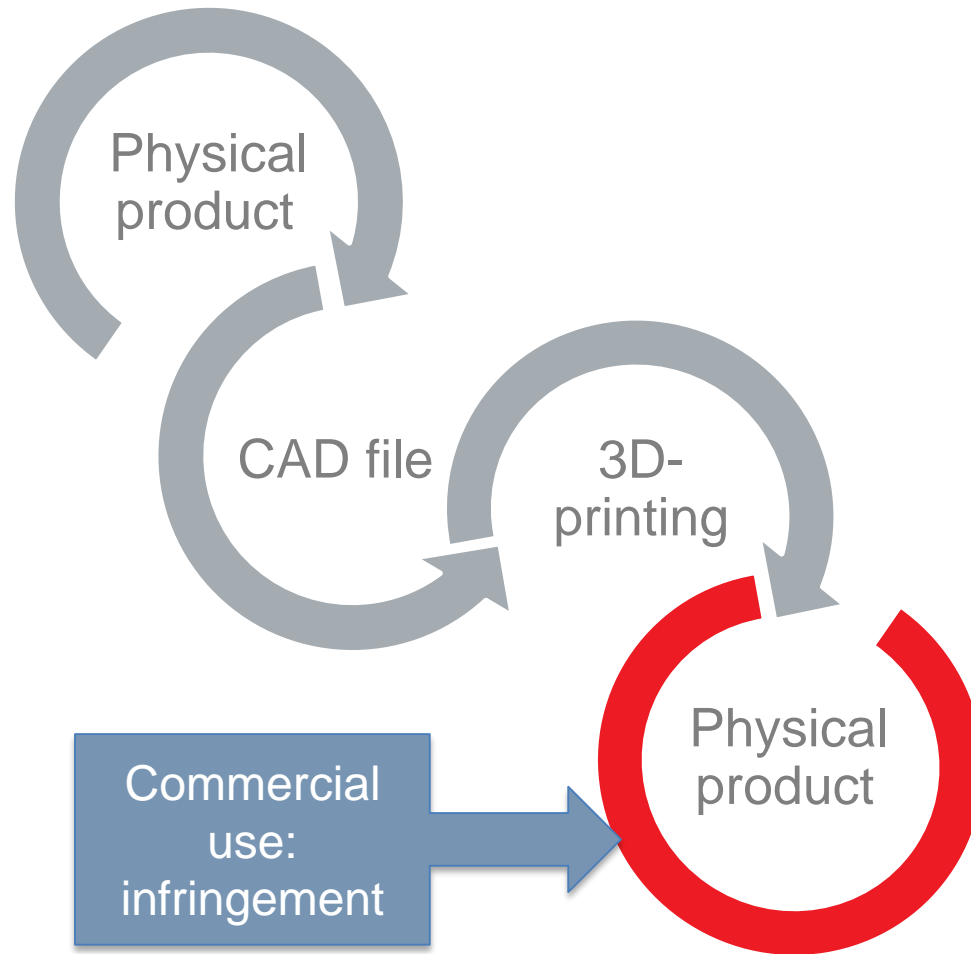
PATENT: PRIVATE REPRODUCTION OF FOREIGN CAD FOR PRIVATE USE





3D-PRINTING - SCENARIO 4

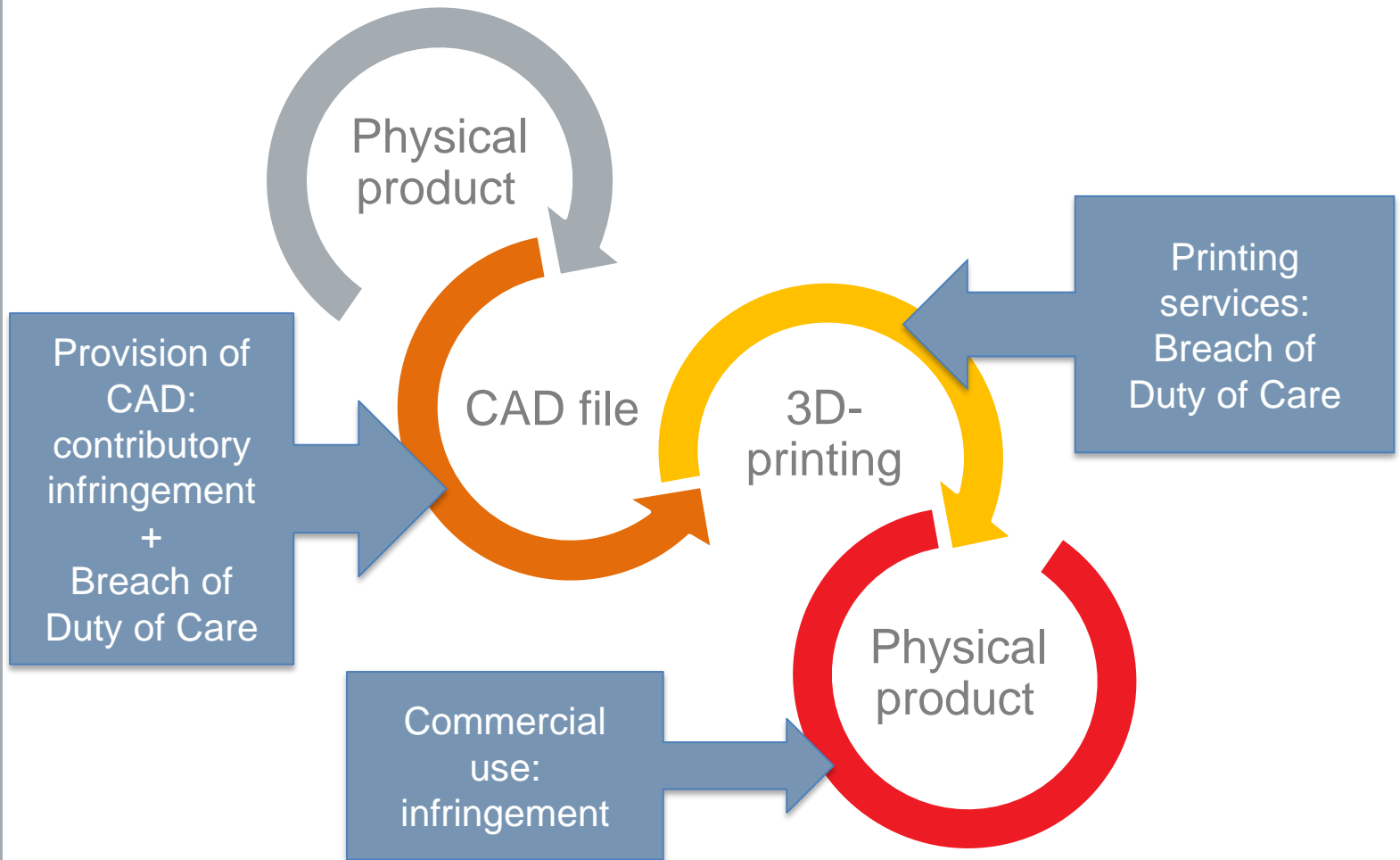
PATENT: REPRODUCTION FOR COMMERCIAL USE





3D-PRINTING - SCENARIO 5

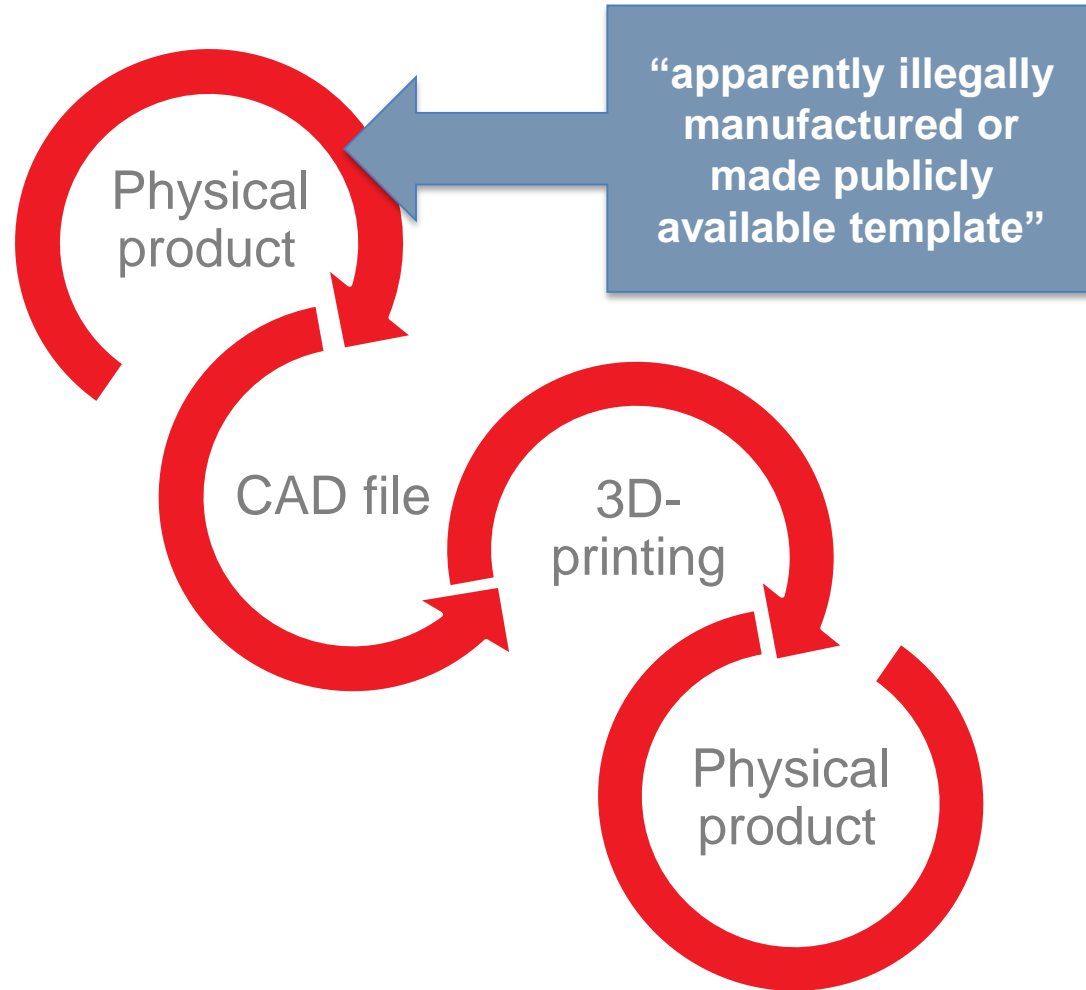
DESIGN





3D-PRINTING - SCENARIO 6

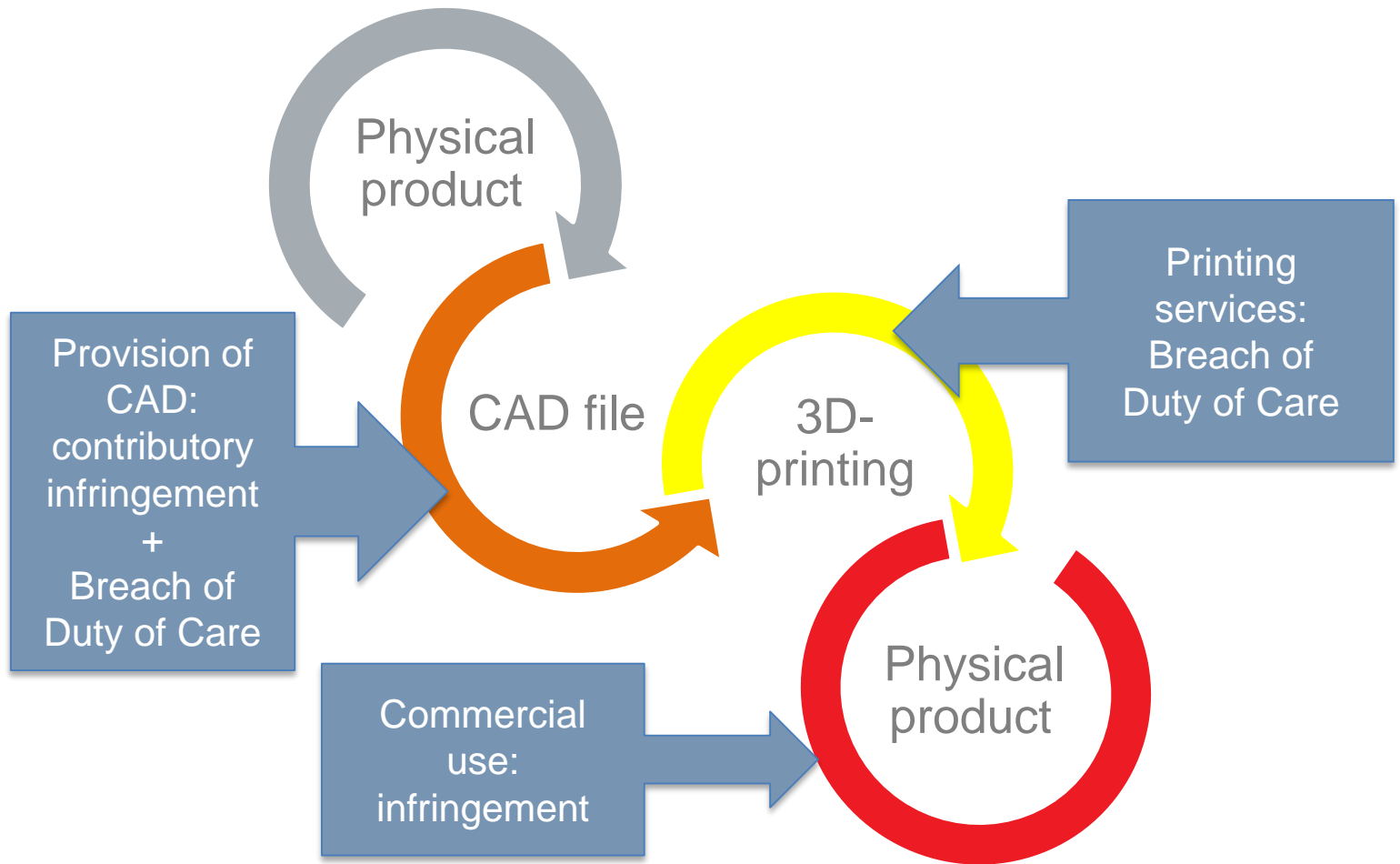
COPYRIGHT





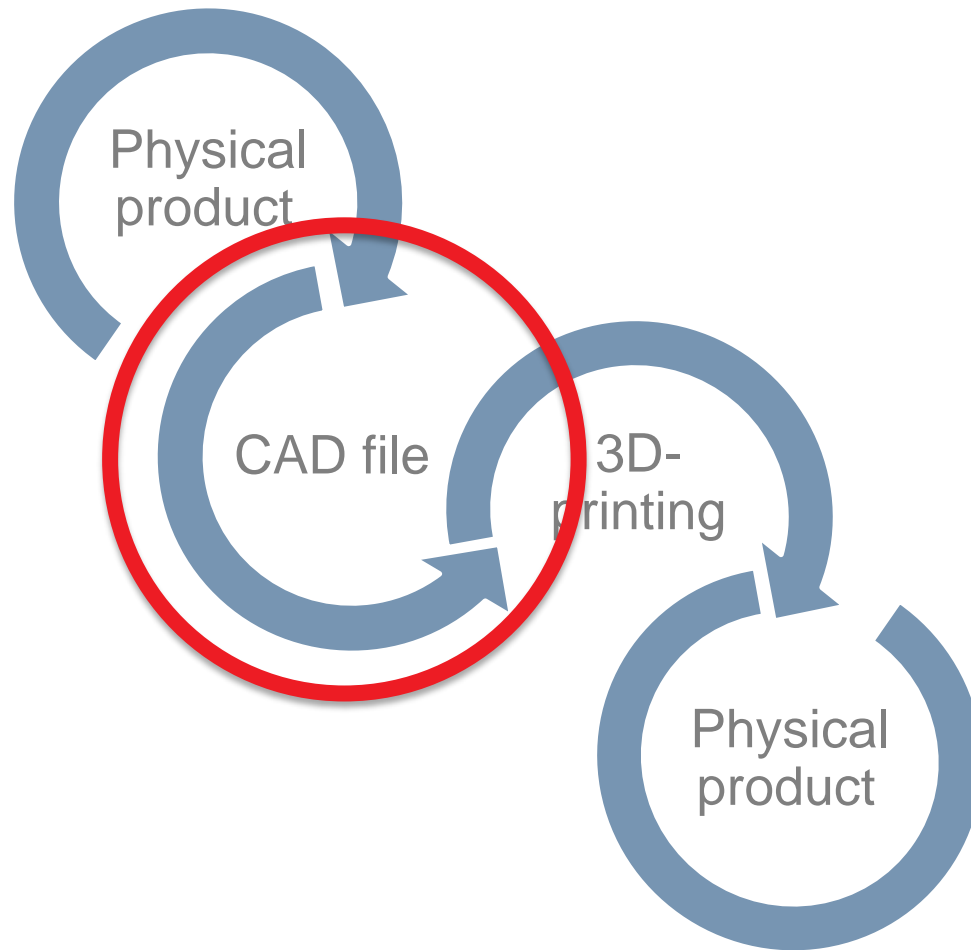
3D-PRINTING - SCENARIO 6

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3D-PRINTING – LACK OF PROTECTION





POSSIBLE SOLUTIONS / WORKAROUNDS

- Control of 3D-printing (see e.g. US 8,286,236) similar to limitations in 2D-printing
- General license fees on 3D-printers / 3D-printing material
- Additional patent claims: “A computer-readable medium having computer-executable instructions adapted to cause a 3D printer to print (the relevant product / product of claim 1)” (disclosure needed)
- Claiming contributory infringement in design and copy right cases



JOB FOR THE LEGISLATER / COURTS

The description of a physical product needs to be considered as an equivalent of the physical product as such in the context of IP rights.



SUMMARY

- 3D-printing offers a new approach for production and re-production of almost any physical product using almost any material.
- Only parts of a 3D-printing process are covered by existing IP rights.
- Potential damages for IP-holders are incalculable.
- Different approaches for protecting IP are available, however these are limited.
- Action by legislator / courts required.



**THANKS TO THE
AUDIENCE!**

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