



European IP Helpdesk

Stay ahead of the innovation game.

European IP Helpdesk Webinar:
FTO

Dr. Christian Hackl
Senior IP Advisor

April 2026



European IP Helpdesk

- Service initiative of the European Commission
- Addressing **current and potential beneficiaries of EU-funded projects, researchers and EU SMEs**
- Free-of-charge first-line support on intellectual property (IP)
- Hands-on IP and innovation management support
- International pool of IP experts from various thematic fields
- Unique cooperation scheme with the Enterprise Europe Network: 43 ambassadors from 26 EU countries



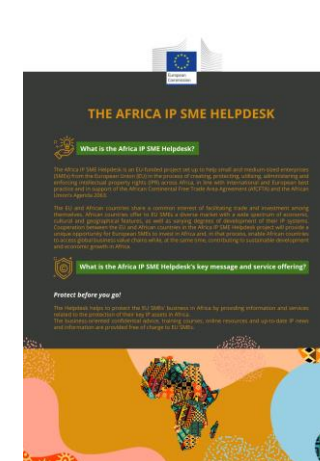
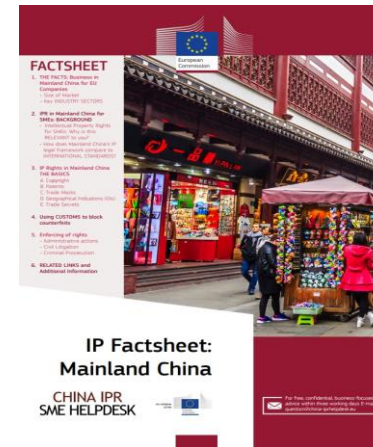
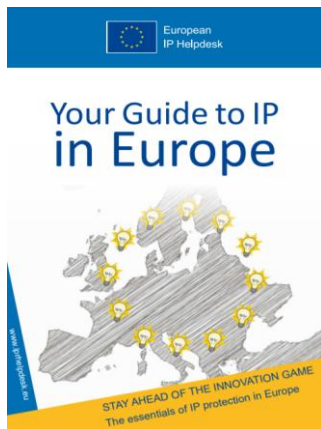


The EC IP Helpdesks





EC IP (SME) Helpdesk Hub – Gateway to Information



- E-learning modules & more
- Guides / Topic, country, sector-specific factsheets / Infographics
- Case studies



Intellectual Property & Quantum: Interview Series with Robert Harrison

[Link](#)





Ambassador Scheme

- **Cooperation scheme** with the Enterprise Europe Network (EEN): 43 ambassadors – 26 countries
- **Building IP capacities** among European SMEs
- **Overcoming language barriers**
- Making the topic **more accessible**
- Exchange and feedback from ambassadors on **needs of SMEs**
- Local awareness and **training events**





Upcoming events



03
MAR
2026

Training and workshops

[EU - Webinar: IP in EU funded projects with a special focus on MSCA](#)

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10
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Training and workshops

[EU - Webinar: IP & Open Science](#)

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[EU - Webinar: IP Commercialisation and Licensing](#)

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[EU - Webinar EPO Coop: Protect your IP in quantum technologies: Focus on quantum computing](#)

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09
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Training and workshops

[EU - Webinar: IP Commercialisation & Licensing - Advanced](#)

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[EU - Webinar: Freedom to Operate](#)

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[EU - Webinar: Finding Patents](#)

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[EU - Webinar: IP Assessment](#)

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[EU - Webinar: IPR and Software](#)

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[EU - Webinar & Horizon Results Platform: Open Science and IPR](#)

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[EU - Webinar: IP for Future and Emerging Technologies](#)

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[EU - Webinar & Horizon Results Platform: Artificial Intelligence](#)

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[EU - Webinar: IP and Artificial Intelligence - Advanced](#)

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[EU - Webinar : Unitary Patent](#)

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Thank you!

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Today's speaker

Dr. Christian Hackl



- Managing Director of TUM-Tech GmbH
- Coordinator of a large hydrogen research project
- Assistant Professor at the Chair for Technology and Innovation Management (Technical University of Munich: TUM)
- Senior IP Advisor for the EU-IP Helpdesk
- Author of several publications, e.g. case studies on usage of IPR by companies
- Co-Founder of a start-up (renewable energy)



FTO

Freedom to Operate

?

“The ability to perform a commercial activity without infringing 3rd party’s IP rights.”

?



Different Types of IPR?

Registered IP

Patents

Utility models

Registered trade marks

Registered designs

Unregistered IP

Copyright

Database right

Unregistered trade marks

Unregistered designs

Soft IP

Know-how

Trade secrets

Confidential information



What is a patent?

- *A patent is a negative right*
- *A patent is the right to exclude others from*
 - *making*
 - *using*
 - *offering for sale*
 - *selling*
 - *or importing*



*the patented invention for a limited period of time
in a certain geography*

A challenging task – for experts!
This training is to give you some
basic information

FTO-analysis: search for 3rd party IPR which can block your activities



Let's assume:

You are in an ongoing R&D-project and would like to do a first FTO-analysis

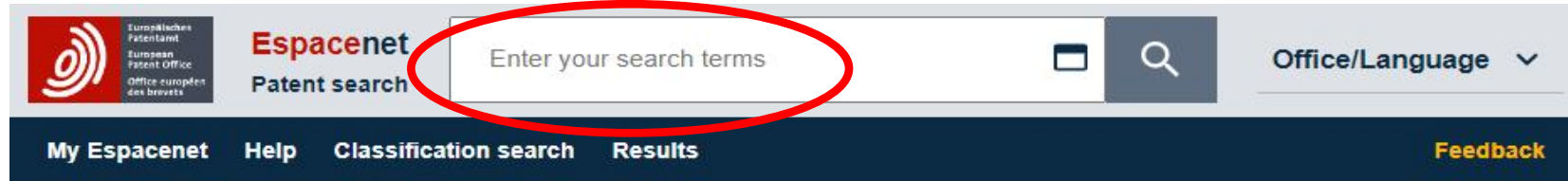
- What would you do?
- Where would you search for 3rd party patents?





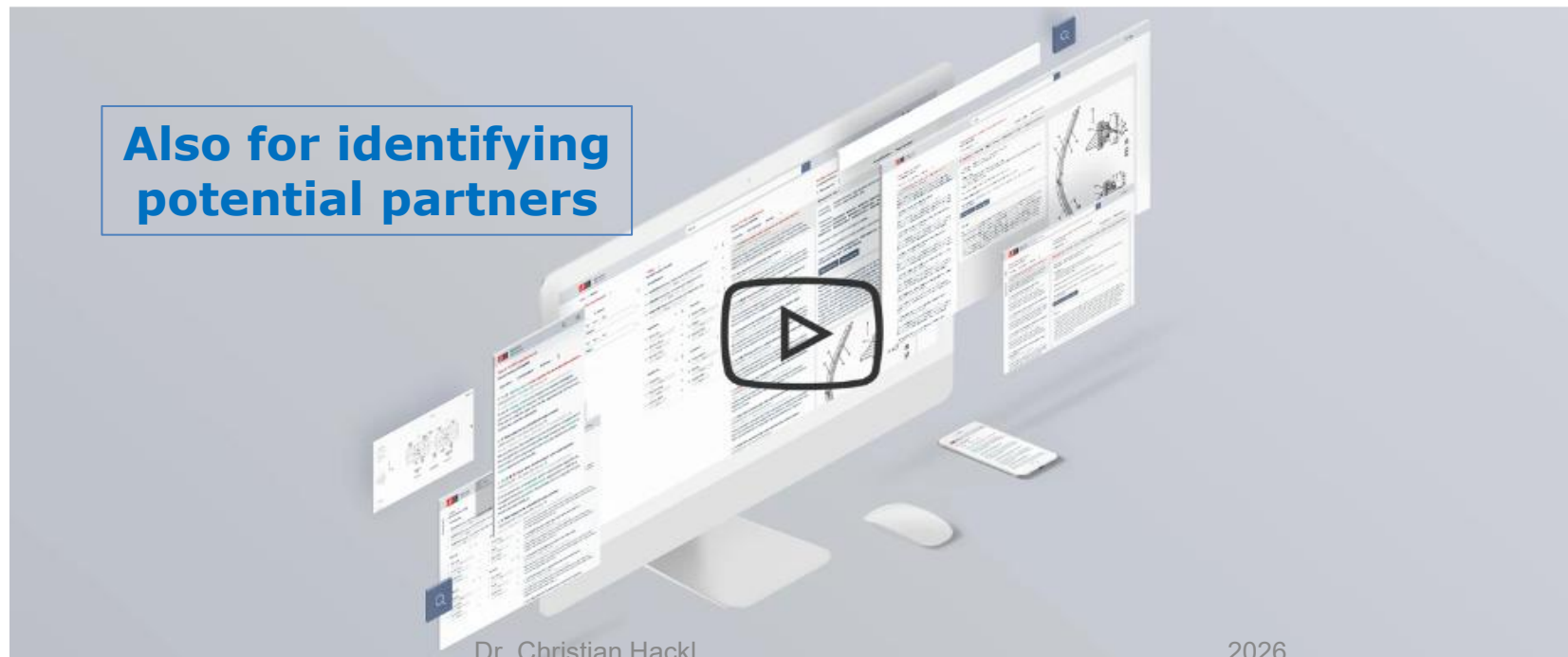
The Espacenet database (over 150 million docs)

<https://worldwide.espacenet.com>



Espacenet: free access to over 140 million patent documents

**Also for identifying
potential partners**





The Espacenet database (over 150 million docs)

Logo: Europäisches Patentamt / European Patent Office / Office européen des brevets

Deutsch English Français

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Navigation: About Espacenet Other EPO online services

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Related links

Advanced search

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Worldwide - collection of published applications from 90+ countries

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Application number: [i](#) DE19971031696

Priority number: [i](#) WO1995US15925

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Publication date: [i](#) yyyymmdd

Enter name of one or more persons/organisations

Applicant(s): [i](#) Institut Pasteur

Inventor(s): [i](#) Smith

Quick access

Discussion forum

Classic Espacenet



The Espacenet (n docs)

Logo: **Espacenet** Patent search

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Home > Results

Query language: en de fr

AND + Field

- AND + Field ×
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[Search Field] ×
 - Title or abstract All → Group
[Search Field] ×
- OR + Field ×
 - Publication number Any → Group
[Search Field] ×
 - Application number Any → Group
[Search Field] ×
 - Priority number Any → Group
[Search Field] ×



The Espacenet (on docs)

The screenshot shows the Espacenet Patent search interface. At the top, the 'Espacenet Patent search' logo is visible. Below it, a navigation bar contains 'My Espacenet', 'Help', 'Classification search', 'Results', and 'Advanced'. The 'Results' and 'Advanced' tabs are circled in red. Below the navigation bar, there is a search input field with the placeholder text 'Enter your search'. The main search area is titled 'Home > Search' and includes a 'Query language: en de fr' dropdown. Below this, there are search filters for 'OR' and '+ Field'. The search results are displayed in a structured format with two main sections: 'OR' and 'AND'. Each section contains search criteria, input fields, and a 'Group' button. The 'OR' section has two criteria: 'Title or abstract' with 'All' as a filter. The 'AND' section has two criteria: 'Description' with 'Proximity' as a filter, and 'Description' with 'Any' as a filter. The 'Proximity' filter is set to '3 words away from'.

Also for identifying
potential partners



Let's assume:

You are in an ongoing R&D-project and would like to do a first FTO-analysis

- What would you do?
- Where would you search?
- You found a very similar patent (claims!)

In what part of the patent document would you search?

Is this the end?





A patent

- Has to be applied for
- Has to be granted
- Has to be valid (max. lifetime 20 years, renewal fees)
- Has to be valid in a certain territory





Let's assume:

You are during a R&D-project and would like to do a first FTO-analysis

- What would you do?
- Where would you search?
- You found a patent with very similar claims

Is this the end?

Not necessarily!



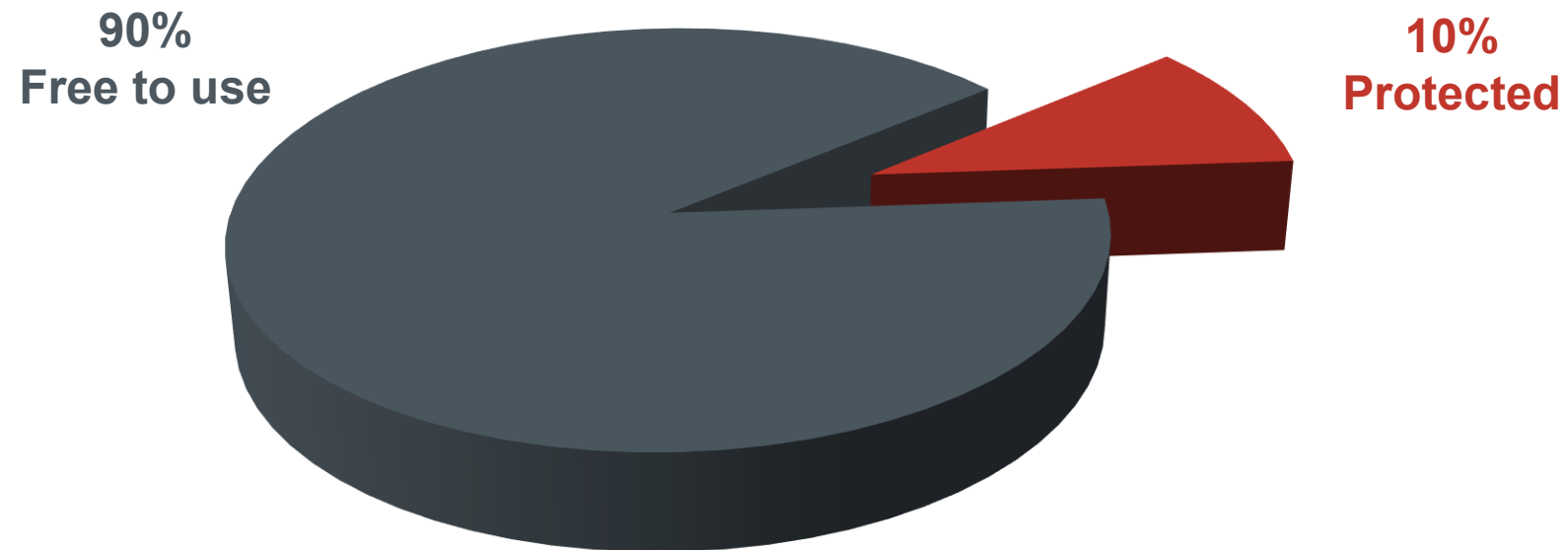
A patent

- Has to be applied for
- Has to be granted
- Has to be valid (max. lifetime 20 years, renewal fees)
- Has to be valid in a certain territory

18 months after filing, a patent (application) will be made public (appear in databases, such as Espacenet) – regardless of the legal status (if not withdrawn before)



Of all solutions found in patent documents



You can find many great solutions for free!



FTO-analysis

Before: search for any 3rd party IP-rights which can block your commercial activities

More precisely: search for any valid 3rd party IP-rights which can block your commercial activities in a certain geography

Business Strategy!



When would you do a FTO-analysis?

- Eg. before the start of a R&D-project (investment)

Remember: Patent protection for a new product



When can a patent be granted?

- **New**
- **Inventive**
- **Commercially applicable**



FTO versus Patentability Ia

Let's assume:

- You conducted a FTO-search before the start of a R&D-project
- You found a patent with very similar claims (not expired, valid in Japan only)
- Your business strategy: doing business in Europe

FTO



Patentability



Strategic question: Would you start the R&D-project, already knowing that you cannot get IP protection?



FTO versus Patentability I_b

Let's assume:

- You conducted a FTO-search before the start of a R&D-project
- You found a patent with very similar claims (expired patent, was valid in Japan only)
- Your business strategy: doing business in Europe

FTO



Patentability



Strategic question: Would you start the R&D-project, already knowing that you cannot get IP protection?



FTO versus Patentability II

Let's assume:

- You have a new idea: computer mouse which needs no cable or battery – it generates its electricity by the movement of the mouse
- Search: let's assume: you found no patent on this specific idea (valid or expired / no application)

Patentability



Check non-patent
literature as well

FTO



Many existing patents on basic
mouse – you build upon



(19)
Bundesrepublik Deutschland
Deutsches Patent- und Markenamt

(10) **DE 10 2008 017 546 A1** 2009.10.15

(12)

Offenlegungsschrift

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(71) Anmelder:

**Fujitsu Siemens Computers GmbH, 80807
München, DE**

(72) Erfinder:

Schulz, Rüdiger, 86399 Bobingen, DE

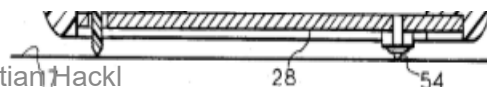
(74) Vertreter:

**Epping Hermann Fischer,
Patentanwalts-gesellschaft mbH, 80339 München**

(56) Für die Beurteilung der Patentfähigkeit in Betracht
gezogene Druckschriften:

DE 10 2005 016293 A1
EP 07 86 849 A1
US 2004/01 96 262 A1

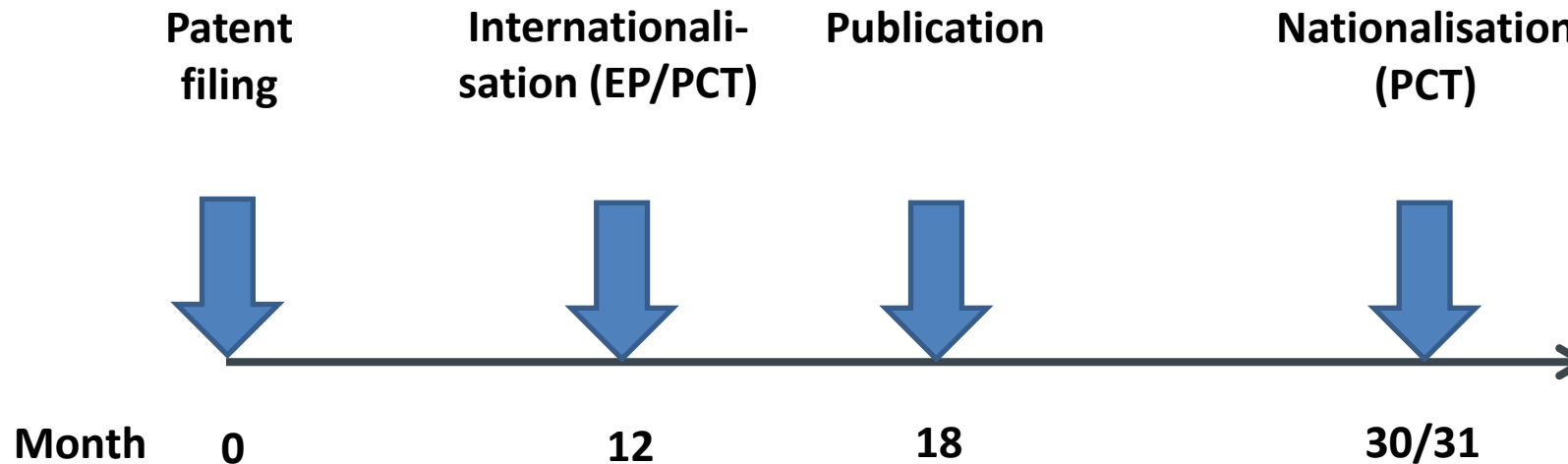
The invention relates to a computer mouse (1) for wireless operation of a computer system. A power supply for the computer mouse (1) is provided without the use of rechargeable batteries or batteries. For this purpose, the computer mouse (1) has a dynamo (2) and an energy storage device (3). By actuating the dynamo (2), energy is generated which is temporarily stored in the energy storage device (3).





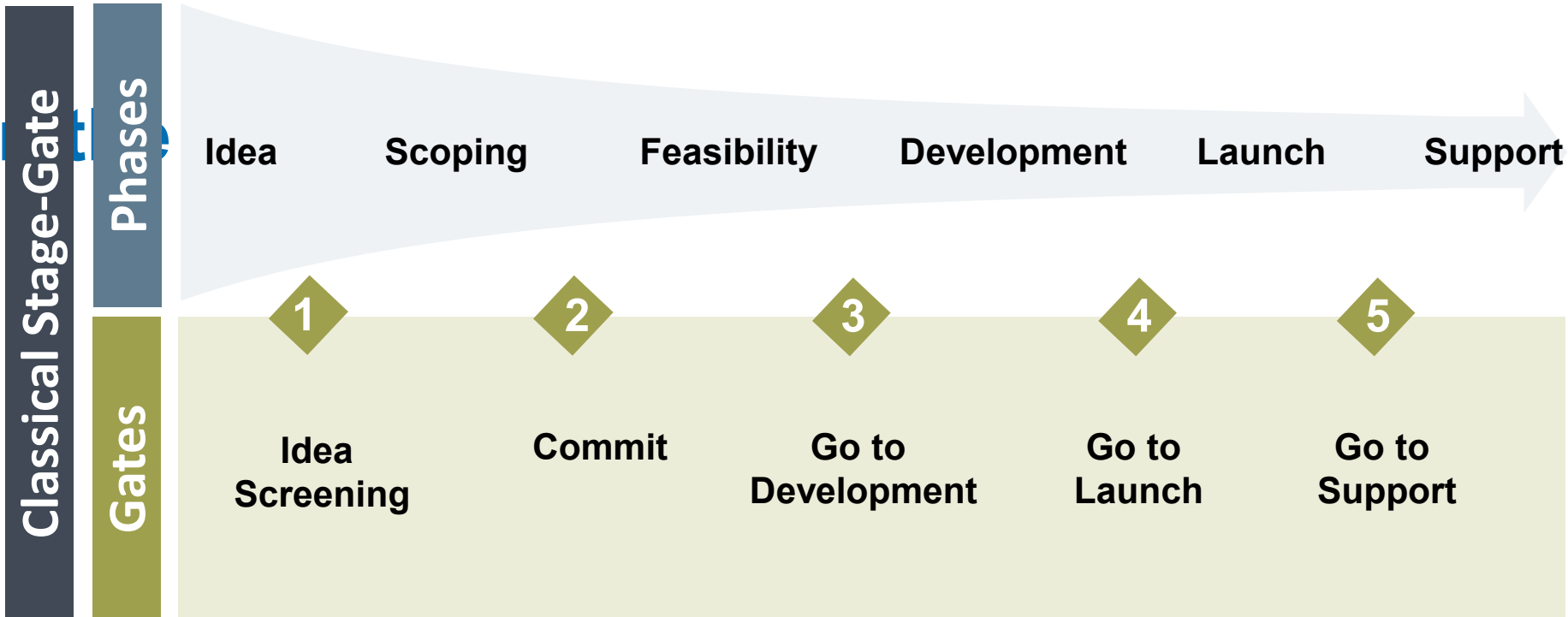
Ongoing Patent Monitoring

- Keep IP monitoring updated (FTO (e.g. nationalization of PCT; applications made public after 18 months) and technology/competitor watch)
- Keep in mind timing of events:





FTO in the





Possible Strategies

Let's assume:

- You did a FTO-search just before the end of the successful R&D-project
- You found a very similar European patent (you want to do business in EU)
- The patent is valid in main EU-member states



Your options:

- Wait for patent to expire
- Modify product / design around
- Move commercial activities (outside validated territories)
- Get a license (cross-licensing), buy patent (M&A)
- Try to invalidate 3rd party's patent
- Abandon R&D-project



Case study: FTO

https://intellectual-property-helpdesk.ec.europa.eu/regional-helpdesks/european-ip-helpdesk/europe-case-studies_en

European
IP Helpdesk

**CASE
STUDY**

Freedom to Operate.
How a rather late identified third party patent almost killed an innovation project – but ultimately resulted in a significantly improved product that has innovated the protective clothing industry.

www.iprhelpdesk.eu



Thank you!

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