



TESLA MOTORS: COPY US IF YOU WANT

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On June 12th, Elon Musk, CEO of the Tesla Motors automaker, issued a release on the company's website announcing the “freeing” of Tesla patents in order to allow competitors to use them.

More specifically, the high-end electric automaker will retain its patent rights, but will commit to not initiate court proceedings against potential competitors. In return, these competitors will have to agree with the “*open source*” vision of Tesla Motors by freeing their own patents.

In his release, Mr. Musk mentioned that Tesla Motors was created with the mission to accelerate the advent of sustainable transport and to clear a path to the creation of compelling electric vehicles. However, according to Musk, in order to carry out this mission, the company must avoid using intellectual property assets to create barriers for those who are following in its footsteps.

This announcement led some to question the reasoning behind investing in a patent only to allow competitors to use the patented technology for free. In other words, would it not have been better to save money by not patenting the technology in the first place?

To answer this question, it is worth remembering that a patent can be used not only as an offensive weapon against those who copy or use the protected technology, but can also be used as a defensive weapon to counterattack in case of a potential prosecution from competitors. This is why Tesla Motors will maintain ownership of its patents, although the company claims that it will not use them against its competitors. In addition, some sources indicate that Tesla uses its patents as a leverage to obtain financing. Tesla's patents could also be used as a bargaining chip in negotiations surrounding a lawsuit.

It appears that this highly publicized decision has two distinct aspects. On one hand, it demonstrates that the company and its CEO are losing faith in the U.S. patent system which, according to Mr. Musk, interferes with its primary mission by slowing

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down technological progress, entrenching the positions of giant corporations and enriching lawyers.

On the other hand, this strategic choice could be a wise business decision. By allowing its competition to adopt its technology, Tesla Motors is hoping that its revolutionary charging technology will become the standard in the electric car industry. This way, the Californian company will be sure that none of its competitors will develop a new standard capable of pushing Tesla Motors out of its own market. In other words, Tesla Motors may have learned from errors made in the past by other standards-related companies, such as Beta-Max and HD DVD, which were replaced by the VHS and Blu-Ray standards.

Is this the beginning of a new era for the freedom of use of patented technology? It is still too early to draw any conclusions, but we hope that this announcement will give a strong boost to the electric car market!



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