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Does Great British Energy promise IP boom for clean and green tech in the UK?

By **Douglas Clarke-Williams**

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A UK government-owned investment body aimed at helping drive the green energy transition and boost funding for Net Zero projects could help catalyze the development of green energy IP in a traditionally risk-averse sector. Nuclear and solar power have been proposed as areas of particular focus, and could indicate where new IP development could be most energetic.

Great British Energy, a UK government-owned entity tasked with investing in renewable energy and clean power projects, has been given legislative backing to invest more than £8.3 billion in domestic clean power initiatives.

Directions suggesting that it target riskier projects than those taken on by the private sector have sparked hope that it could drive a flourishing of British intellectual property in the space.

The Department for Energy Security and Net Zero published its statement of strategic priorities to Great British Energy on Sept. 16, giving it investment aims including the "need to take on risk — and in some cases to take on more risk than the private sector would on its own."

This institutional backing for accelerating investment in greentech and cleantech beyond what the market might otherwise find comfortable has encouraged some to see Great British Energy as a potential fount of new IP.

"It sets a precedent around government seeing a problem, coming in to try and create different mechanisms to fix it, recognizing that there is this big gap at the moment, and therefore leading to more confidence that if people start their company and register their IP then they've actually got somewhere to go along the entire chain for funding," said Sarah Mackintosh, director at industry coalition Cleantech for UK.

The funding base established by the government through Great British Energy would encourage private sector investment, Mackintosh added.

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Great British Energy — Nuclear has been established as a separate but allied body to the main enterprise, and the government's directions highlight the Solar Roadmap with the ambition to increase solar capacity from the current 18 gigawatts to between 45GW and 47GW by 2030.

A 2024 report by the Intellectual Property Office, or IPO, on trends in green intellectual property found that global patent filings for green technologies had steadily increased since 2001, and new patent filings for green technologies comfortably outpaced those for traditional or fossil fuel-based "brown technologies" over the same period.

But it also found that within the UK, there was only one company, Intelligent Energy, which featured in both the top ten owners of green technology patent families and ranked among those companies for which greentech made up the biggest share of their patent portfolio.

Large companies such as GE and Rolls-Royce boasted significant green patent holdings that were nonetheless dwarfed by their intellectual assets in traditional energy, while entities such as the University of Chester or Oxford PV had portfolios dominated by green technology but that were small in absolute volume.

There are hopes that by de-risking — to an extent — the development of green IP and providing a surer path to commercialization, Great British Energy could mitigate some of the market uncertainty around these technologies.

John Johnston, a senior patent attorney at specialist IP law firm HGF, pointed to Great British Energy's commitment of £300 million to support offshore wind supply chains as an example of the sort of backing that could encourage growth in not just that sector but clean energy more generally.

"I can see this inflow of new capital meaning that developers (including Great British Energy when they develop or co-develop their own projects) will be more willing to commit to new technologies," he said.

"Further, if this capital can also support innovators in the sector, then an increase in IP should result."

Despite the rosy outlook, one aspect of the strategic priorities given to Great British Energy could give IP developers pause for thought: the mission of "promoting shared ownership in existing or soon-to-be-developed renewable generation."

While shared ownership can spread the cost and risk of investment in early-stage IP development, encouraging participation from private capital, it can cause issues when companies come to commercialize their inventions.

"It opens the door for investment in earlier-stage innovation and more collaborative models, but also introduces complexity around IP ownership and licensing," said Tomas Karger, a partner at Marks and Clerk.

"Shared ownership of renewable generation, as encouraged in the statement, will require careful structuring to ensure innovators are incentivized and protected."

The IPO has already done some work to clear the path for new green IP, establishing the Green Channel in 2009 to accelerate patent applications with environmental benefits. As of 2024, there had been 4,000 applications made using the Green Channel, with around 2,300 of those still active.

Great British Energy must now prepare its own strategic plan, taking into account the government's directions. This is expected to be published in six months.

"Companies engaging with Great British Energy will need clear, forward-looking IP strategies — both to secure their position in the UK energy transition and to compete globally," Karger said.

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