



Europäisches
Patentamt
European
Patent Office
Office européen
des brevets

"Patent Office insights on Trilateral process.. Past Successes and future challenges"

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Trilateral User Conference
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SCENARIOS FOR THE FUTURE

How might IP regimes evolve by 2025?
What global legitimacy might such regimes have?

IP world in 2025

Market Rules

Rationalised in the
face of ever-increasing
numbers

Trees of Knowledge

Societal pressures shrink
patent system

Whose Game?

IP becomes a pawn as
geopolitical stresses rise

Blue Skies

Patent system split as
technology requirements
diverge

The major challenges today

Market Rules

- Workload/Pending Times ↑
- Validity of patents ↓

Trees of Knowledge

- Debates on Access, Fairness, Ethics ↑
- Legitimacy of IP ↓

Whose Game?

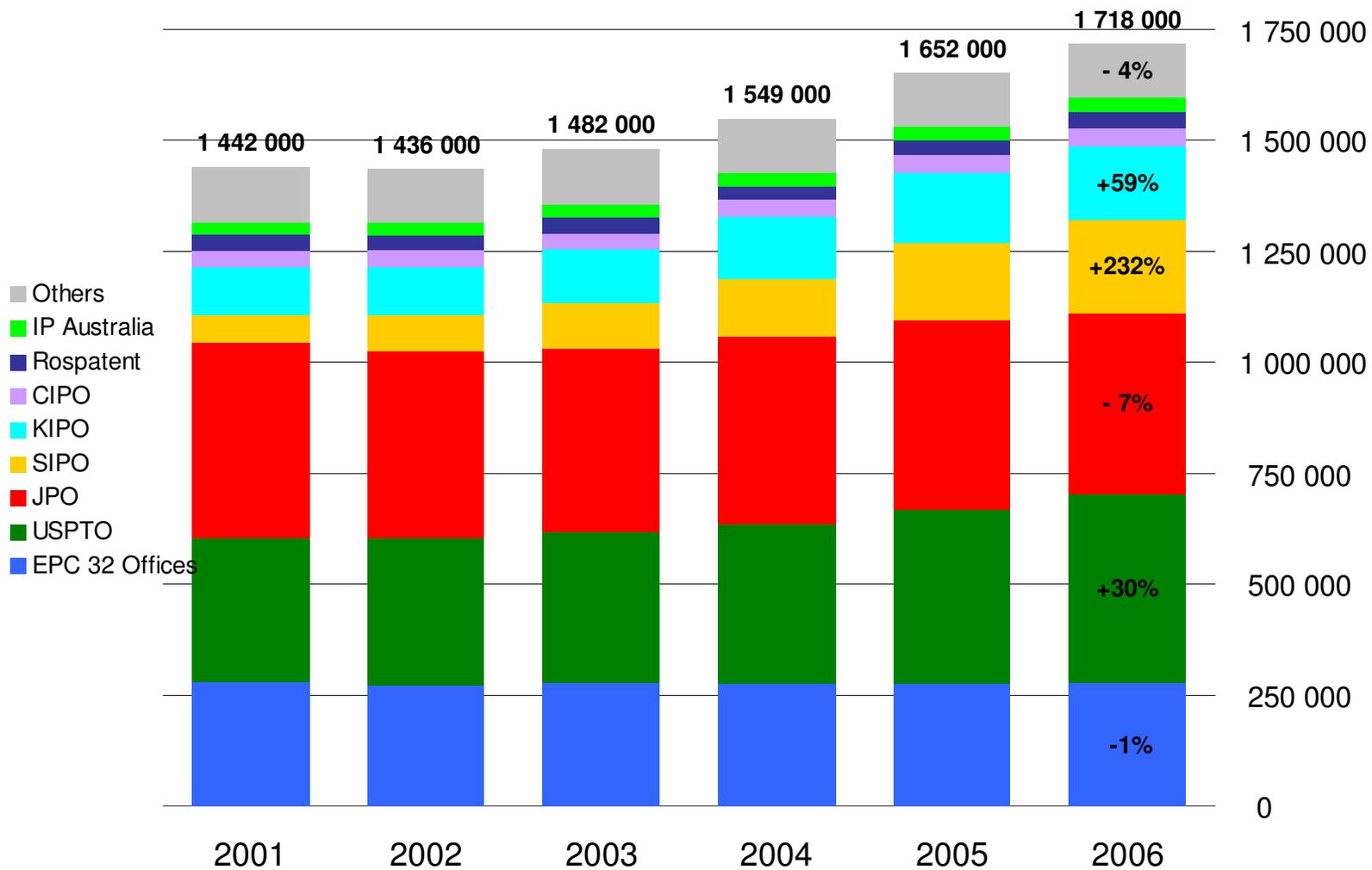
- New players ↑
- Language diversity ↑

Blue Skies

- Pace of technological change ↑
- Interdisciplinarity, complexity, interoperability ↑

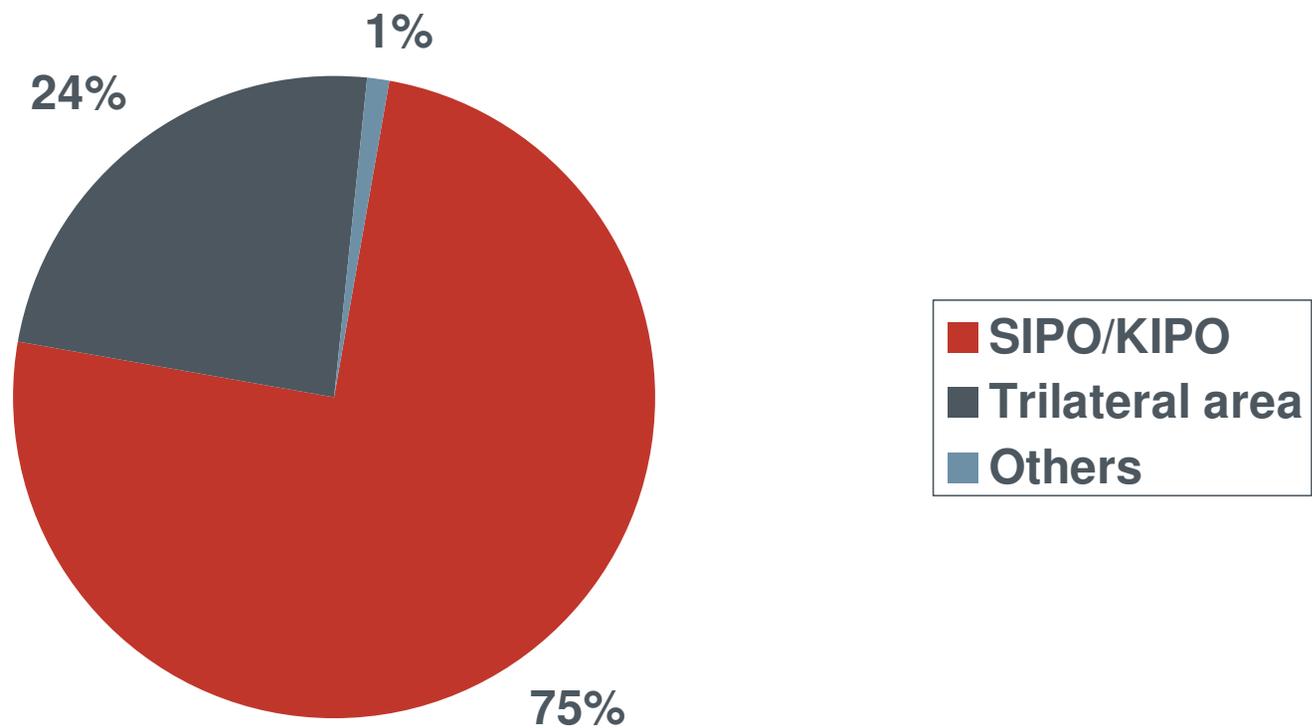
Increasing Workload

Worldwide patent applications by filing offices



with increase between 2001 and 2006

Where were the additional applications filed between 2001 and 2006?



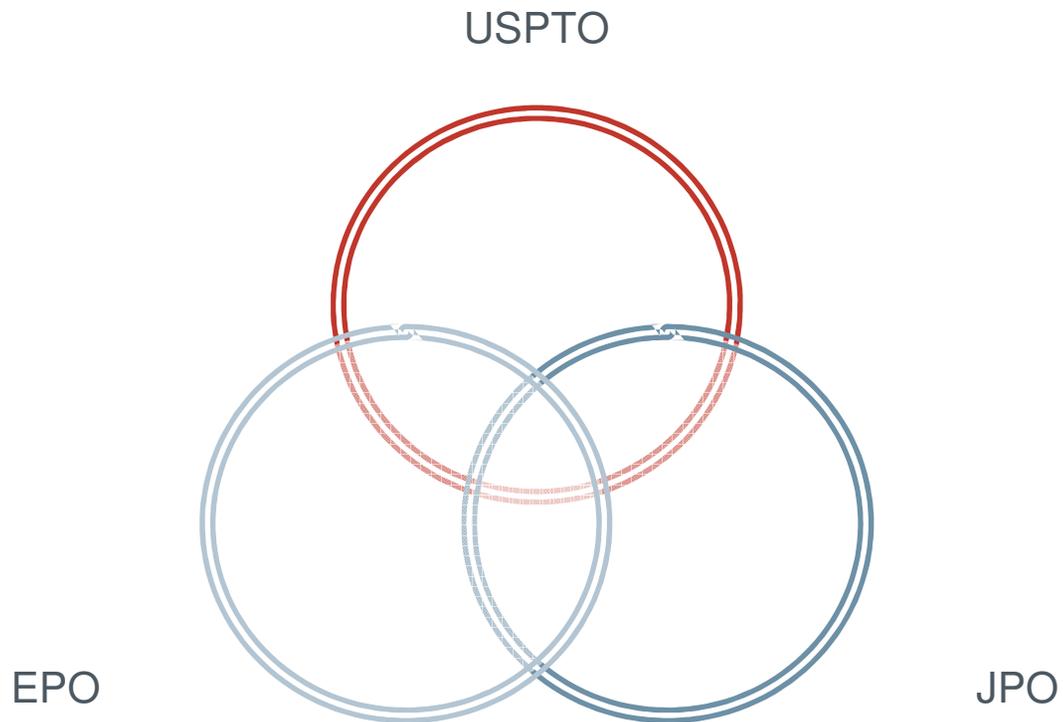
Increasing number of languages

- Portuguese and Korean have recently become publication languages in the PCT
- Increase of prior art available in Chinese only
 - 930 000 Utility models now form hidden prior art
 - relative prior art in CN → A copy of a US patent can be re-filed as utility model as long as the product was not yet sold in CN
 - Recent court case of Schneider

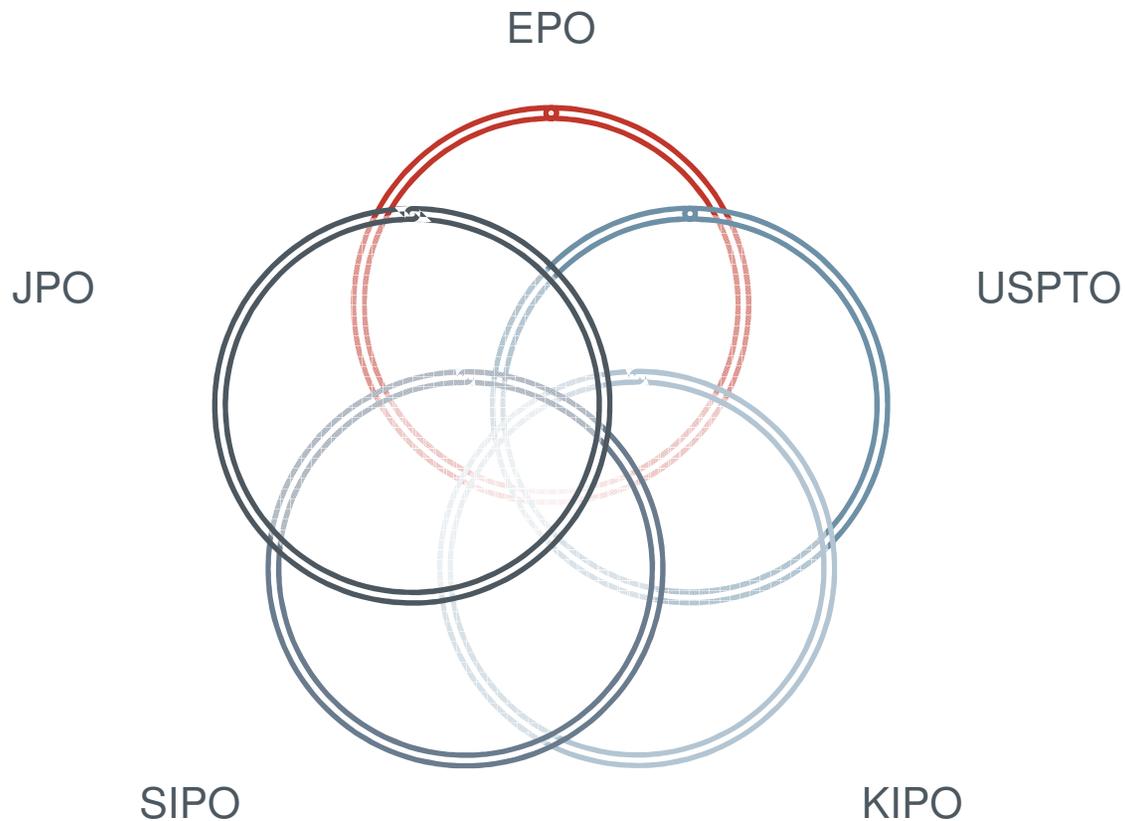
The London Protocol is coming into force in 2008

- The European patent can be **validated** in one, several or all 32 Member States (Set to be 34 member states in January 2008).
 - 23 languages will be relevant for translation
- Once the London Agreement enters into force:
 - A translation of the European patent will no longer have to be supplied in France, Germany, United Kingdom, Liechtenstein, Luxembourg, Monaco, Switzerland
 - A State having no official language in common with one of the official languages of the EPO will have the right to require that:
 - a translation of the **claims** into one of its official languages be supplied
 - the **description** be supplied in the official language of the EPO prescribed by that State

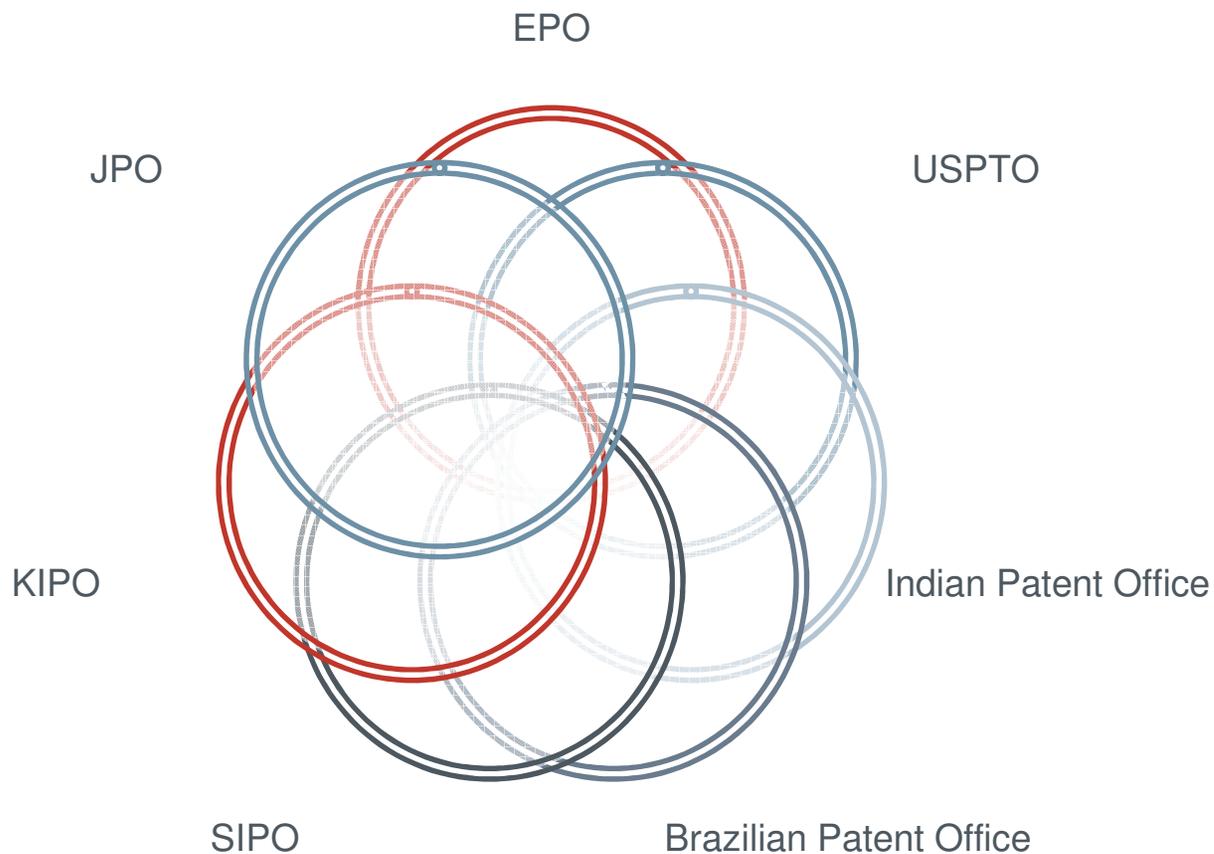
It all started with three Patent Offices...



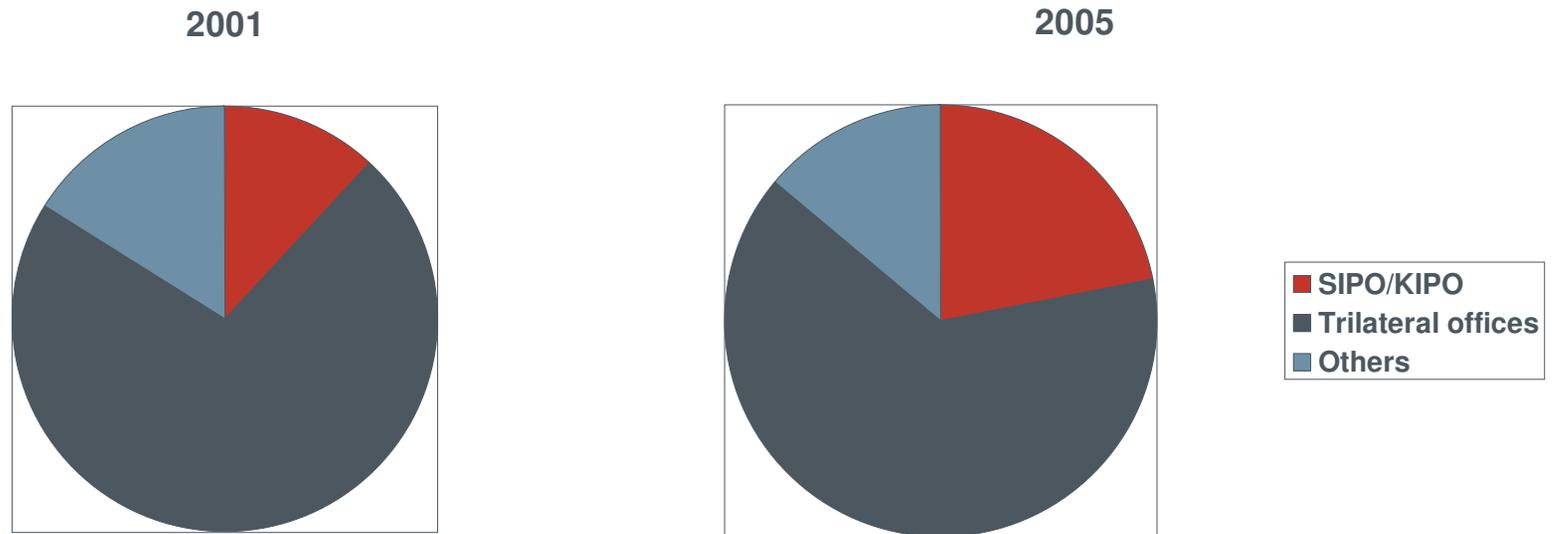
Who have extended their cooperation with KIPO and SIPO



And who will soon extend their cooperation to further Patent Offices...



Increasing number of major Patent Offices



Worldwide patent applications by filing offices

- Decrease in the relative importance of the Trilateral Offices
- We need to involve more and more Patent Offices in the discussion of harmonisation and Work-Sharing



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Let's master the situation before the situation masters us....

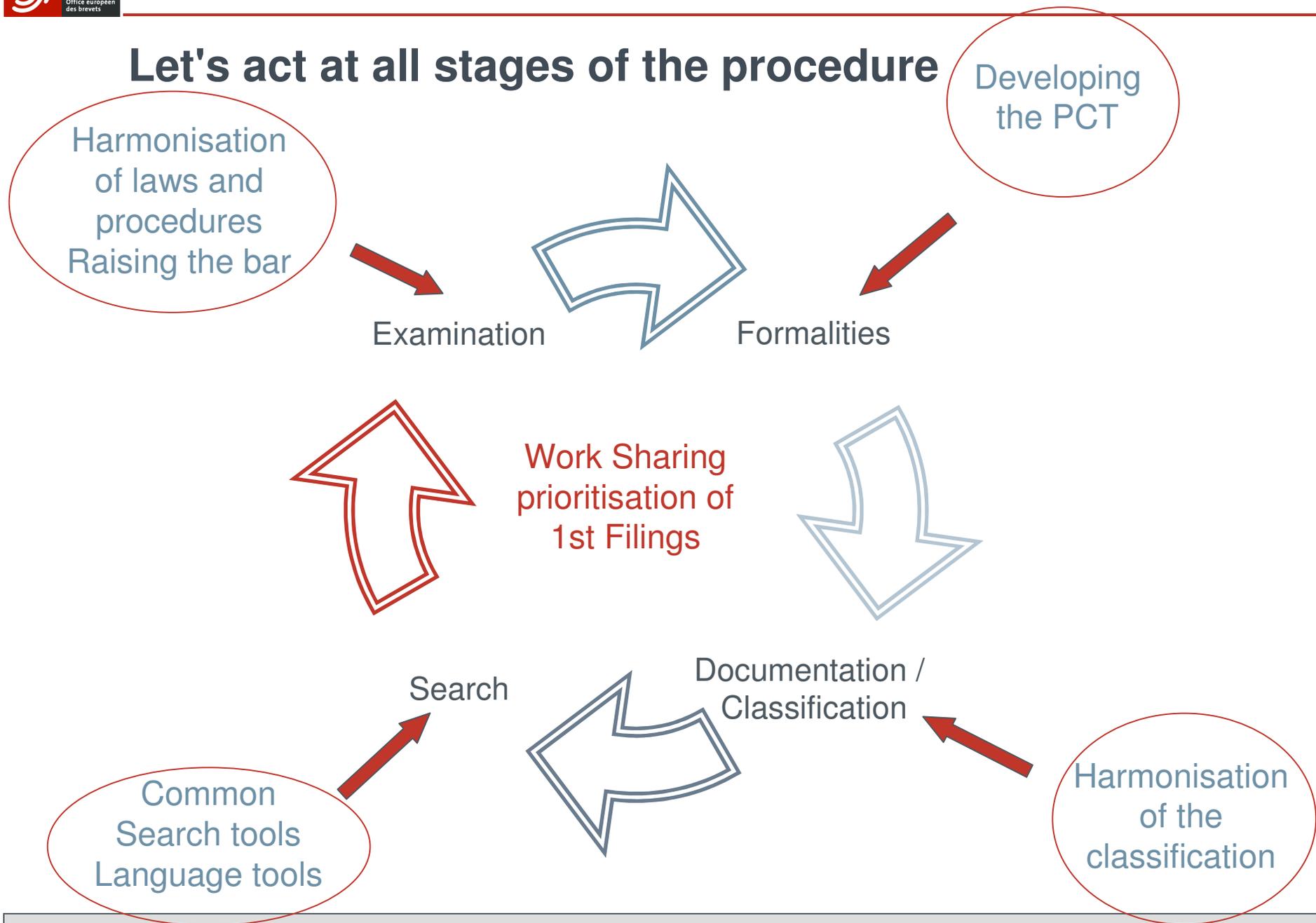
Agir pour ne pas Subir



What we need to do

- Reinforce the cooperation between the Trilateral Offices
- Set a Trilateral Standard
- Have a common Trilateral approach: "Quality instead of Quantity"
- Act on all stages of the procedure

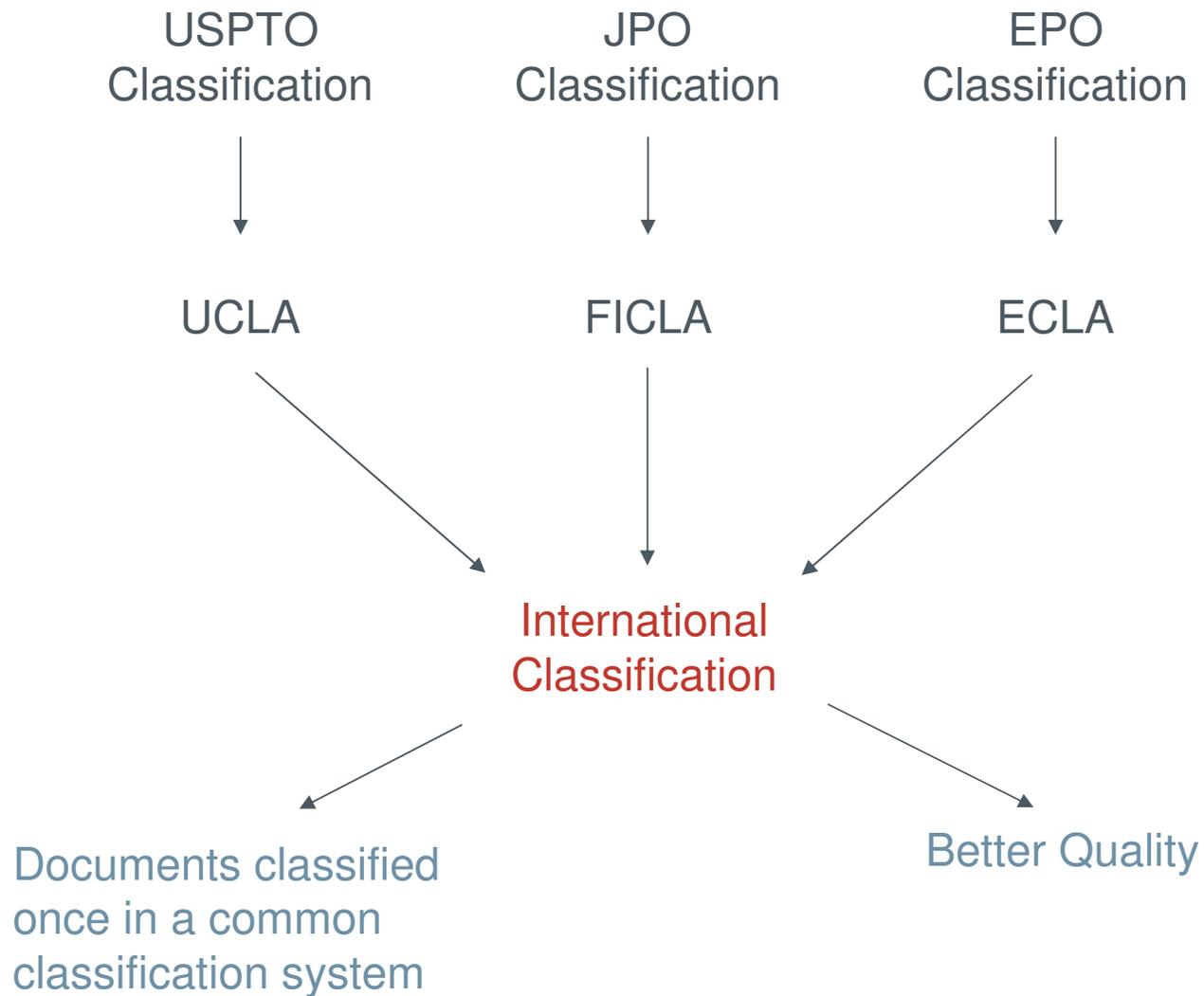
Let's act at all stages of the procedure



Developing the PCT

- SIS - Supplementary International Search
- DAS - Exchange of Priority documents
- Early scanning and conversion in XML Format

Common classification



Common search tools

- Biotechnology
- Develop search tools within certain technical areas
 - Using the same documentation
 - Using the same search template

Common language tools

- Continue the development of Machine Translation tools
- In the mean time, obtain "human" translations of claims for the Chinese documentation
 - Share efforts and avoid duplication

Raising the bar

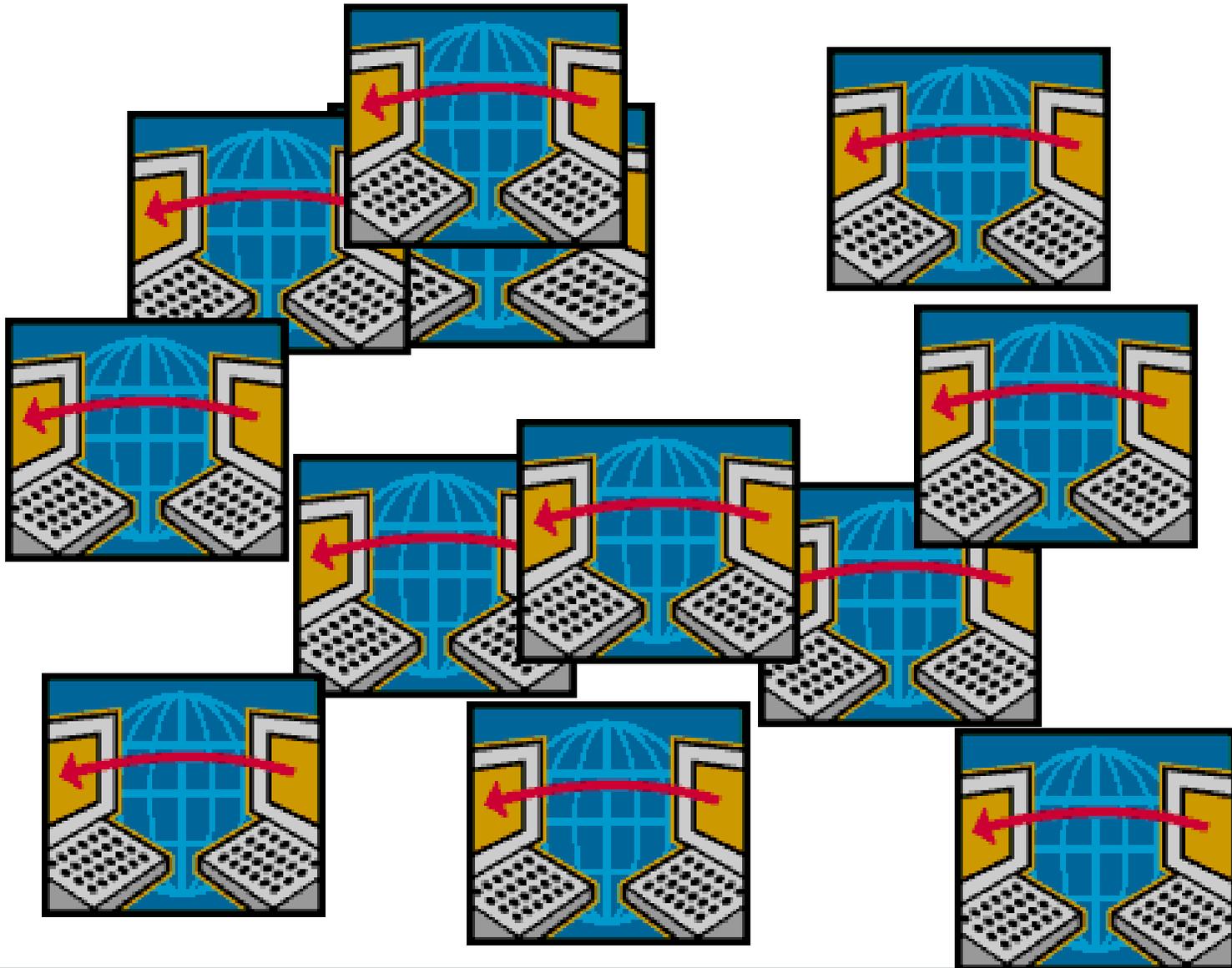
- Quality of the incoming application
- Quality of the granted patents
- Raising the inventive step - build on KSR

Increase Work-Sharing

To Address Workload issues

- Several proposals are being discussed
 - SHARE
 - PPH
 - Triway
 - New Route
- The EPO has proposed a project: "FOCUS":
 - 1st Step: concentrate the work on a limited number of technical areas to obtain rapid results. First in a Pilot.
- - 2nd Step: deploy to all technical areas

In this increasingly globalised world



I wish Happy Birthday to the Trilateral Cooperation

