

The Emerging Global IP Environment

Trading Ideas, Sydney, Australia

Alison J. Brimelow CBE,
President-elect EPO

29 January 2007



... OR

**“global warming in the patent
system?”**

Signs and portents

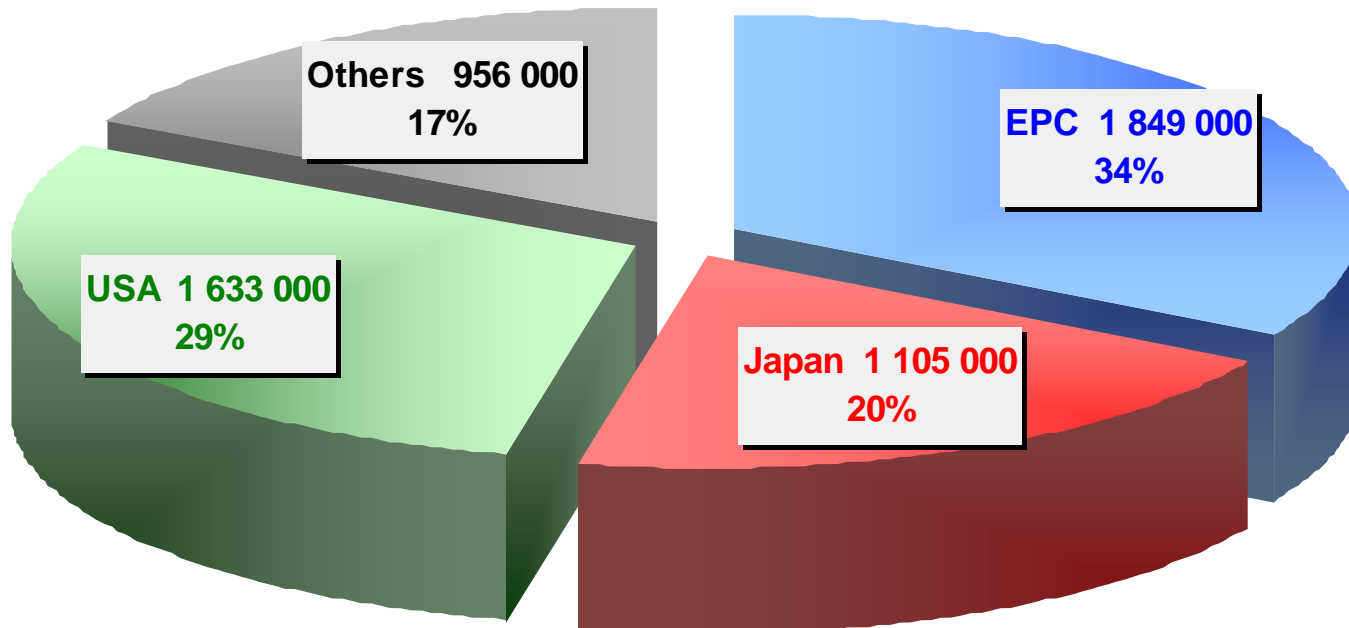
- Volume
- Pendency
- New Asian markets
- European agenda - COMPAT, EPLA, LP
- Divergence in the patent system
- New approaches: Peer review
- Mind the gap: pre and post grant

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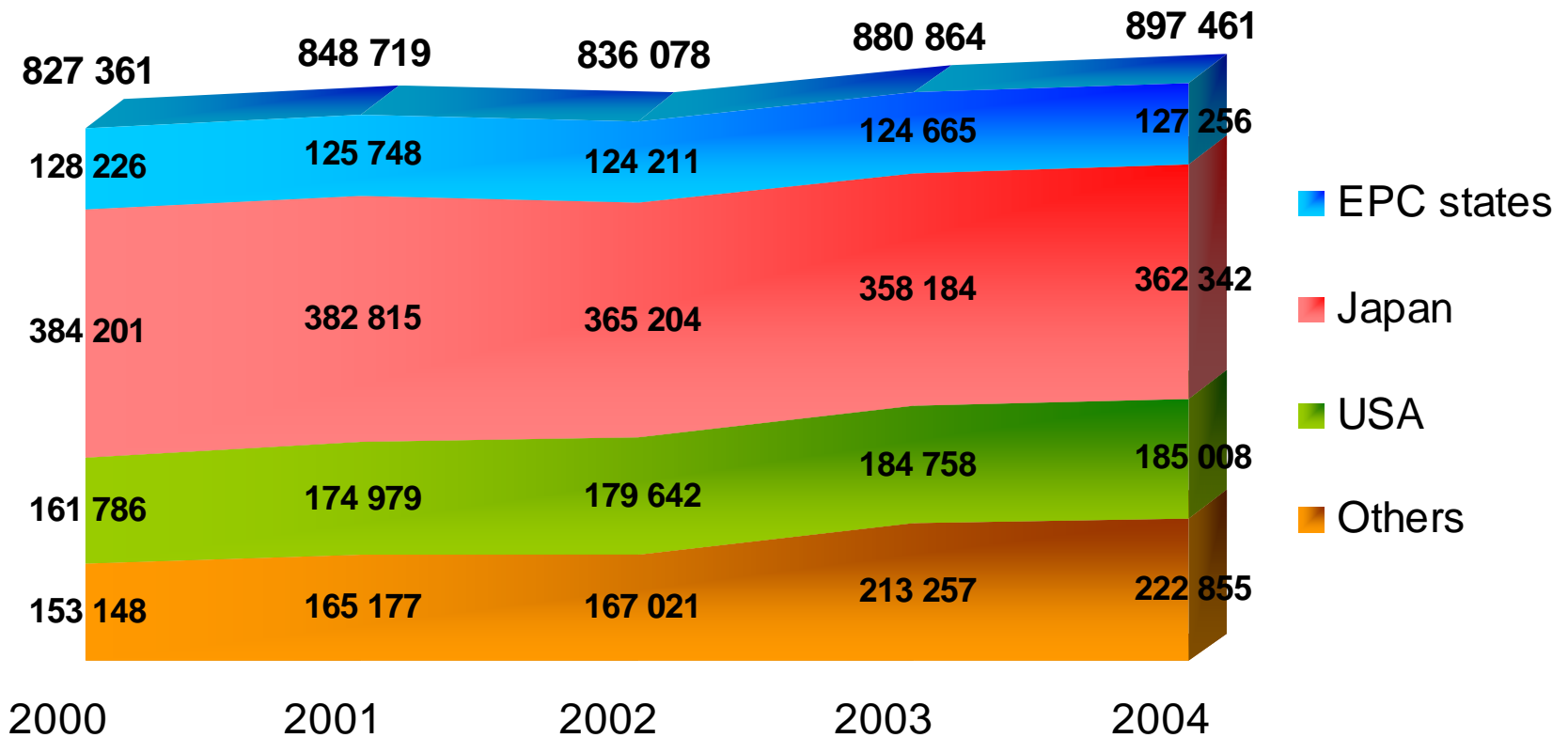
Almost FIVE million patents in force worldwide

PATENTS IN FORCE WORLDWIDE IN 2004



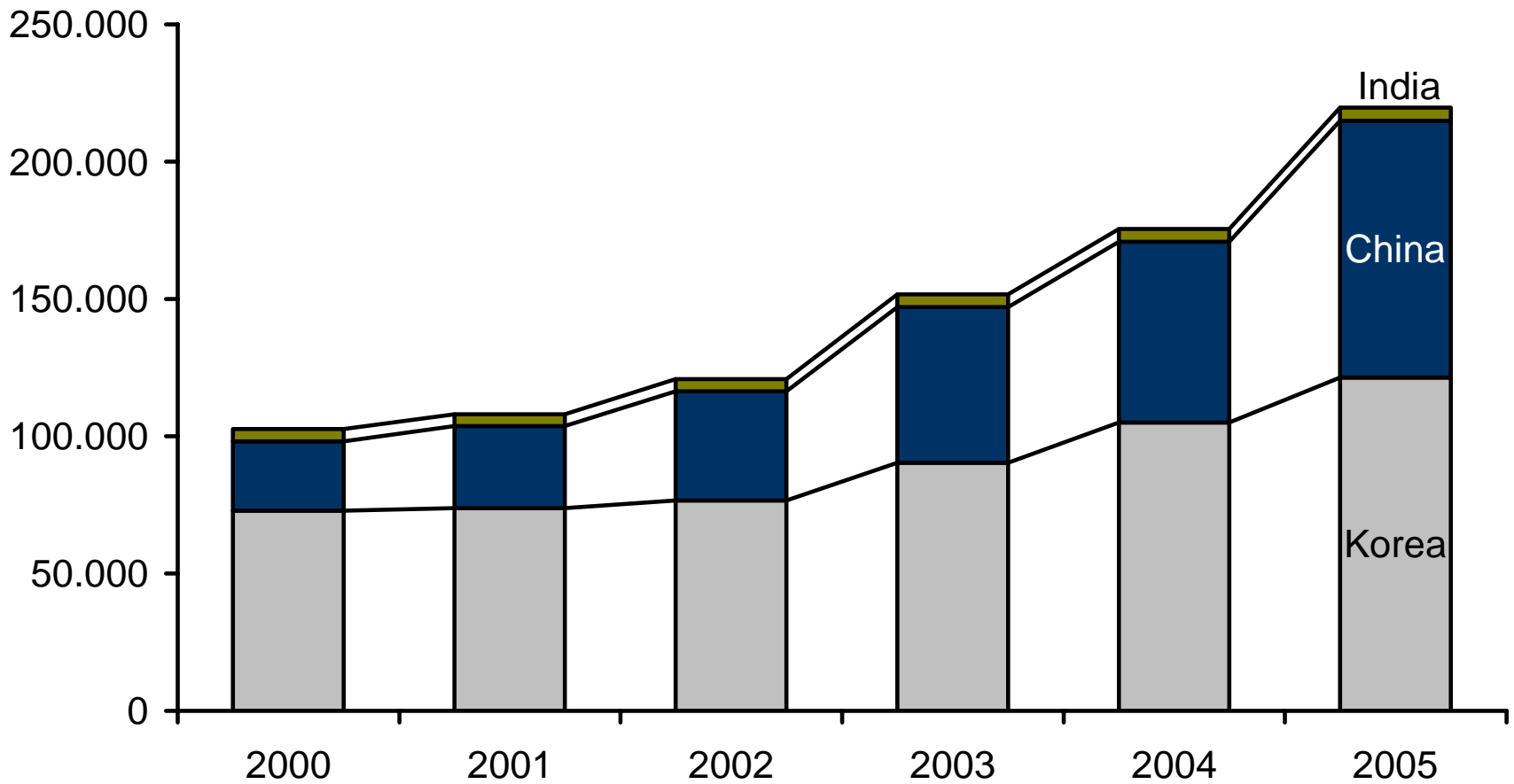
Filings still increasing, especially out of growing Asian economies - such as China and India

FIRST FILINGS BY BLOC OF ORIGIN



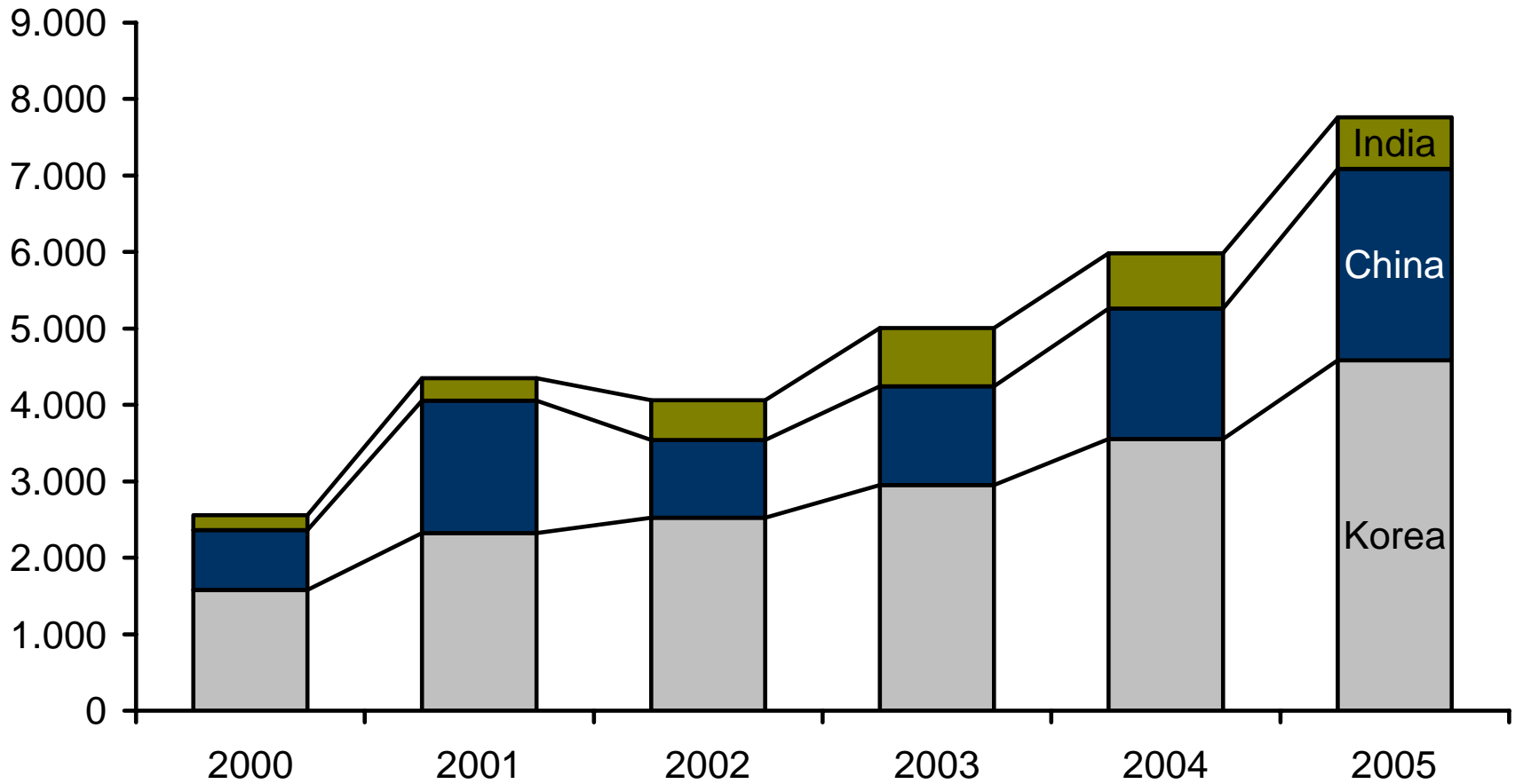
Korea, China, India: National filings doubled over last 5 years ...

National Filings by Residents



... PCT filings tripled ...

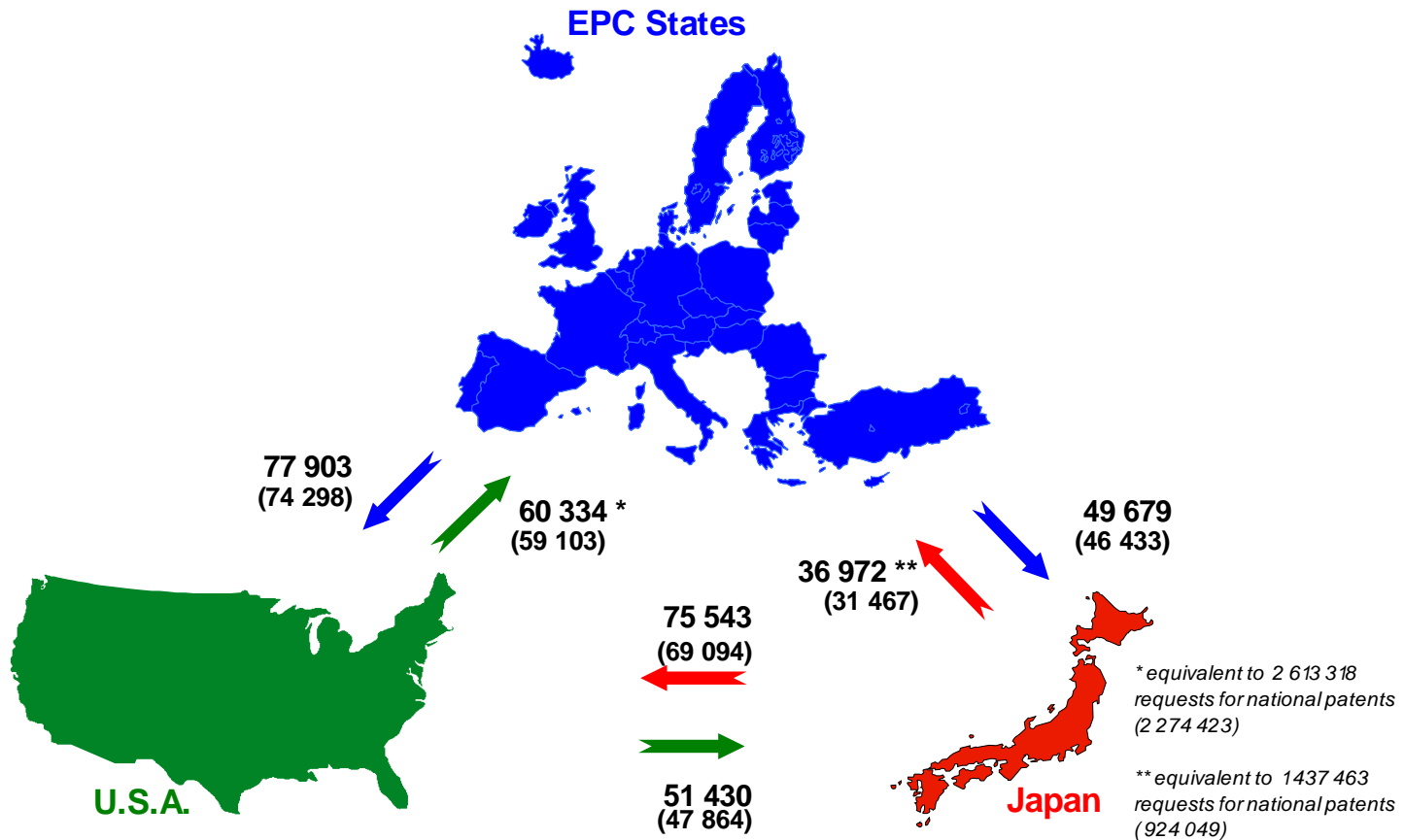
PCT Filings by Residents



Source: WIPO

EPC states clear "net-exporter" and USA clear "net-importer"

FLOWS OF APPLICATIONS BETWEEN TRILATERAL BLOCS IN 2004 (2003)



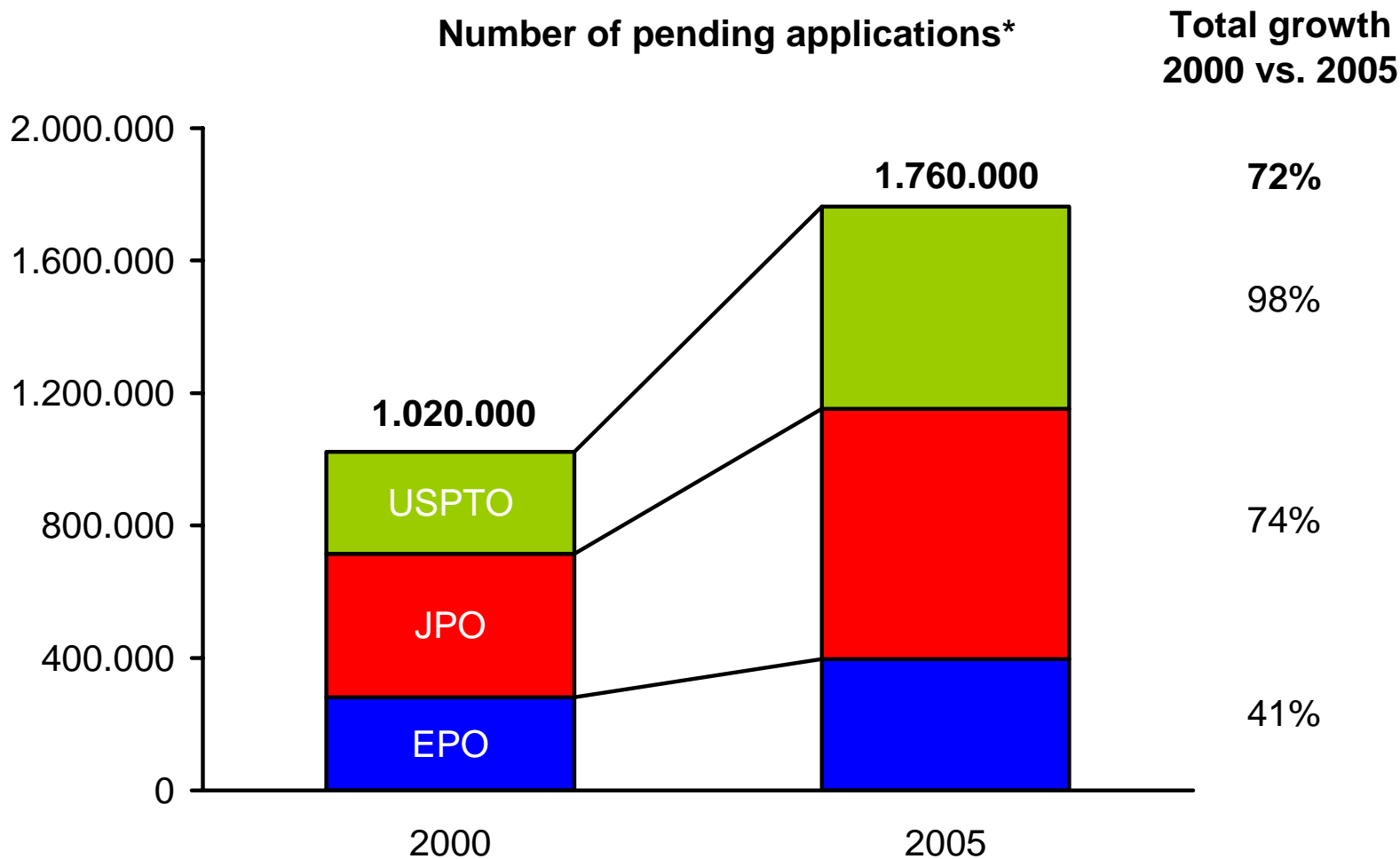
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Dramatic increase of pending applications across all Trilateral Offices



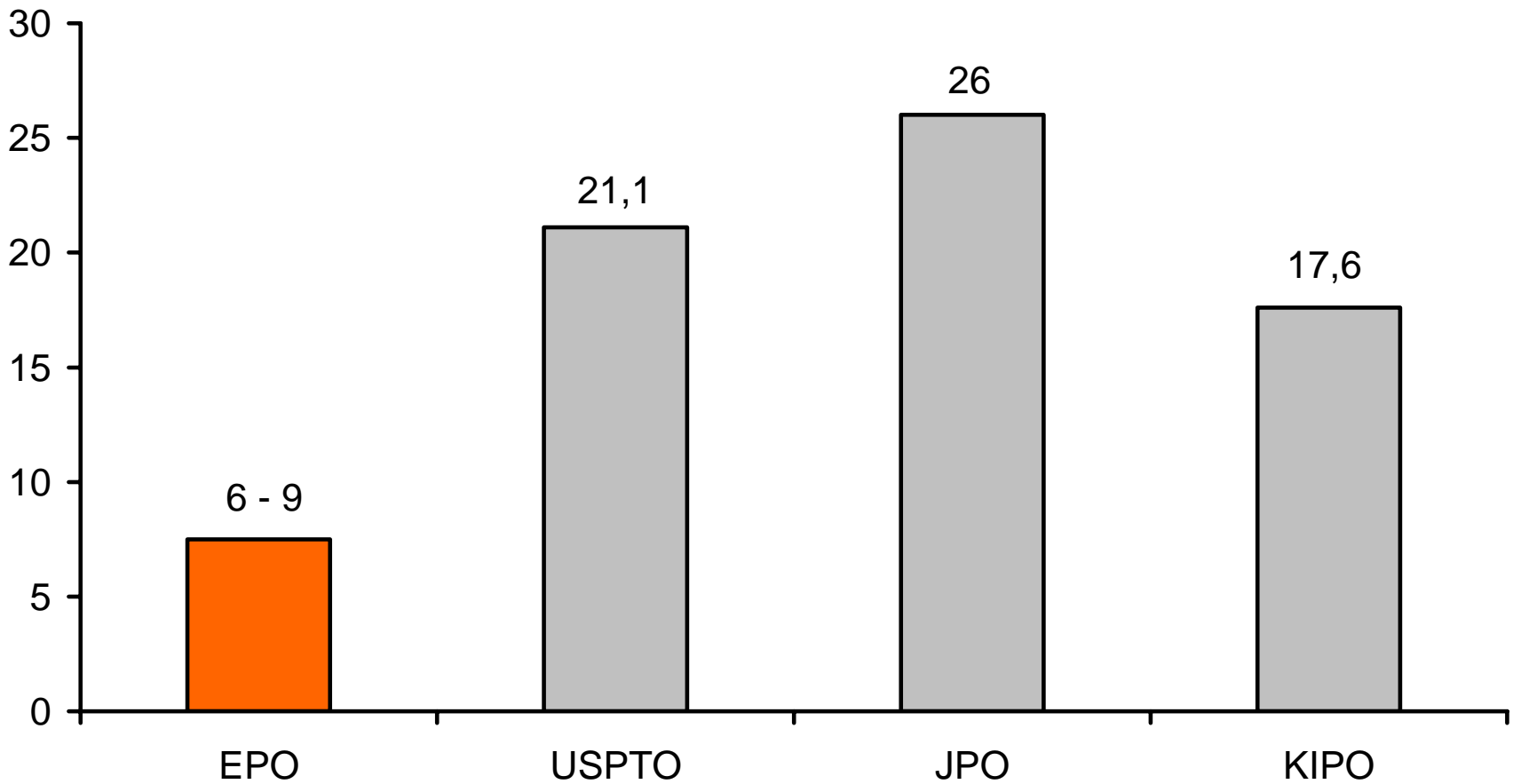
*in search and examination, excluding applications awaiting request for examination

Note: Figures are rounded

Source: Trilateral Statistical Reports (EPO & JPO figures), USPTO Annual Report 2006 (USPTO FY figures)

... PCT filings tripled over last 5 years

Pendency time of First Official Action (in months)



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What can we expect from the future?

- High growth of national AND international applications?
- Availability of and access to prior-art in English?
- Consistent respect for granted rights, and effective enforcement?

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The European agenda - is it stuck?

- COMPAT
- EPLA
- LP
- (European Patent Network ?)

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Different industries with different needs and approaches towards patents: or different responses to failures in the granting process?

"Tailor patent protection to reflect the diversity of innovation environments." [CCIA Patent Reform report]

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Different industries with different needs and approaches towards patents

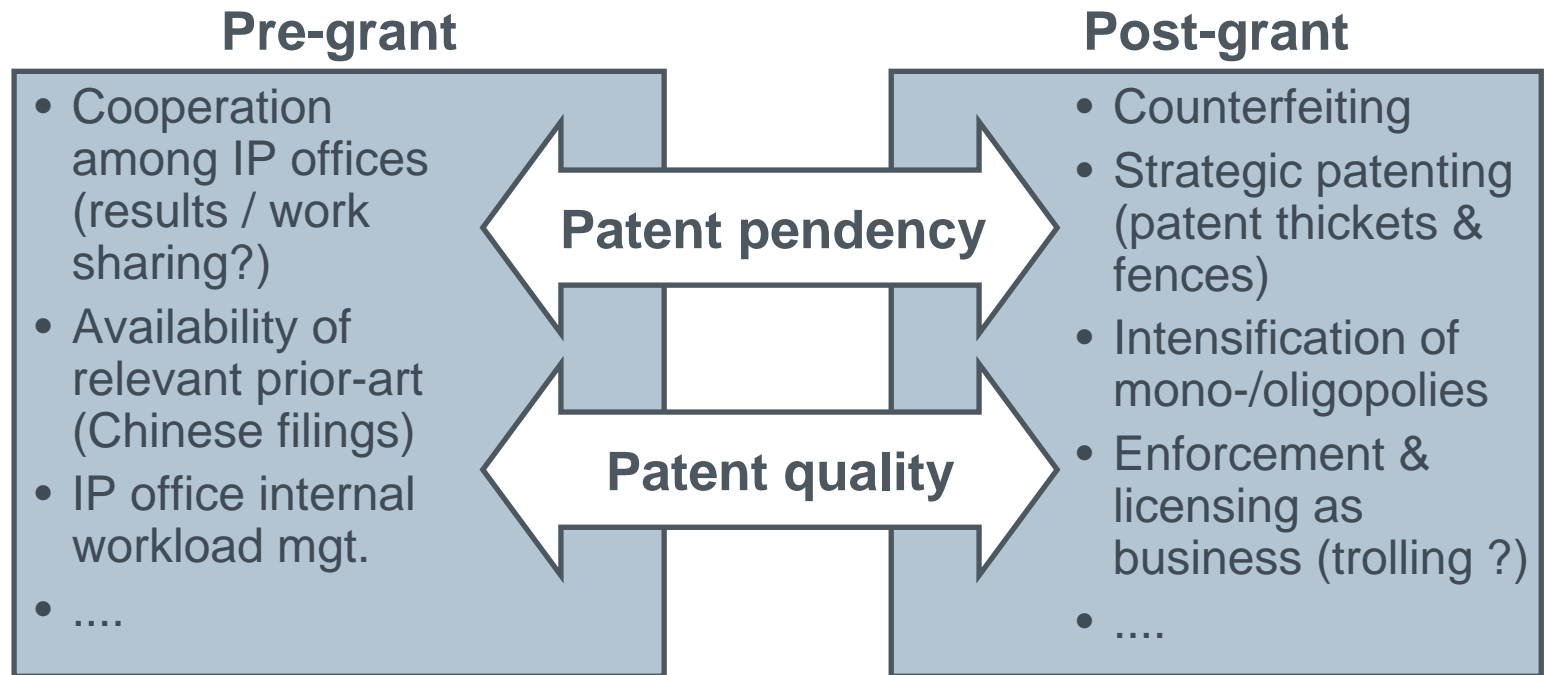
"[Proposal 3] Implement peer review for patent applications." [CCIA Patent Reform report]

"Recommendation 23: The Patent Office should conduct a pilot of Beth Noveck's Community Patent Review [i.e. peer review] in 2007 in the UK to determine whether this would have a positive impact on the quality of the patent stock." [Gowers Review of Intellectual Property]

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Mind the gap: pre grant is technocratic. Post grant is increasingly disputed territory



Key public institutions

IP offices

Courts, Customs, Competition agencies

Type of institutions

Mainly international & big national

Mainly national

So what?

- **Maybe we'll wake up next Monday and we'll be back to 'normal'**
- **But it's probably better to devise an intelligent response...**
- **Like utilisation**
- **Like ending subsidies in the fee structure**
- **Like being serious about quality**
- **Like finding proper space for post-grant problems**
- **Like making enforcement work**
- **And...?**

Because...

- **Our planet and societies face real problems and without effective IPR, the solutions are going to be hard to deliver**

Questions? Answers?

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