



Europäisches  
Patentamt  
European  
Patent Office  
Office européen  
des brevets

# Backlog - interrelationship with Quality

## AIPLA/FICPI Colloquium The Patent Offices Backlog Crisis

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Vice President Legal / International Affairs

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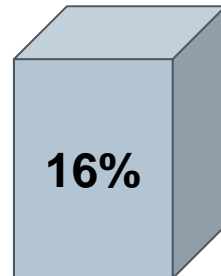


# OVERVIEW OF THE PRESENTATION

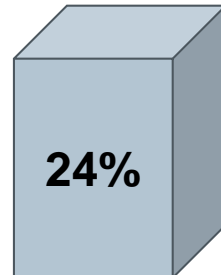
- Some figures: EPO workload
- How does the Backlog affect the Patent System
- Backlog is not the only factor influencing patent quality
- Main Initiatives taken at the EPO to address the Quality and Backlog

## Some figures: EPO workload

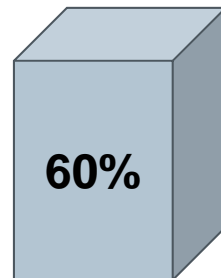
2008 workload  
(207,000)



**GRANTED AND MAINTAINED 16 YEARS  
OR MORE AFTER FILING**

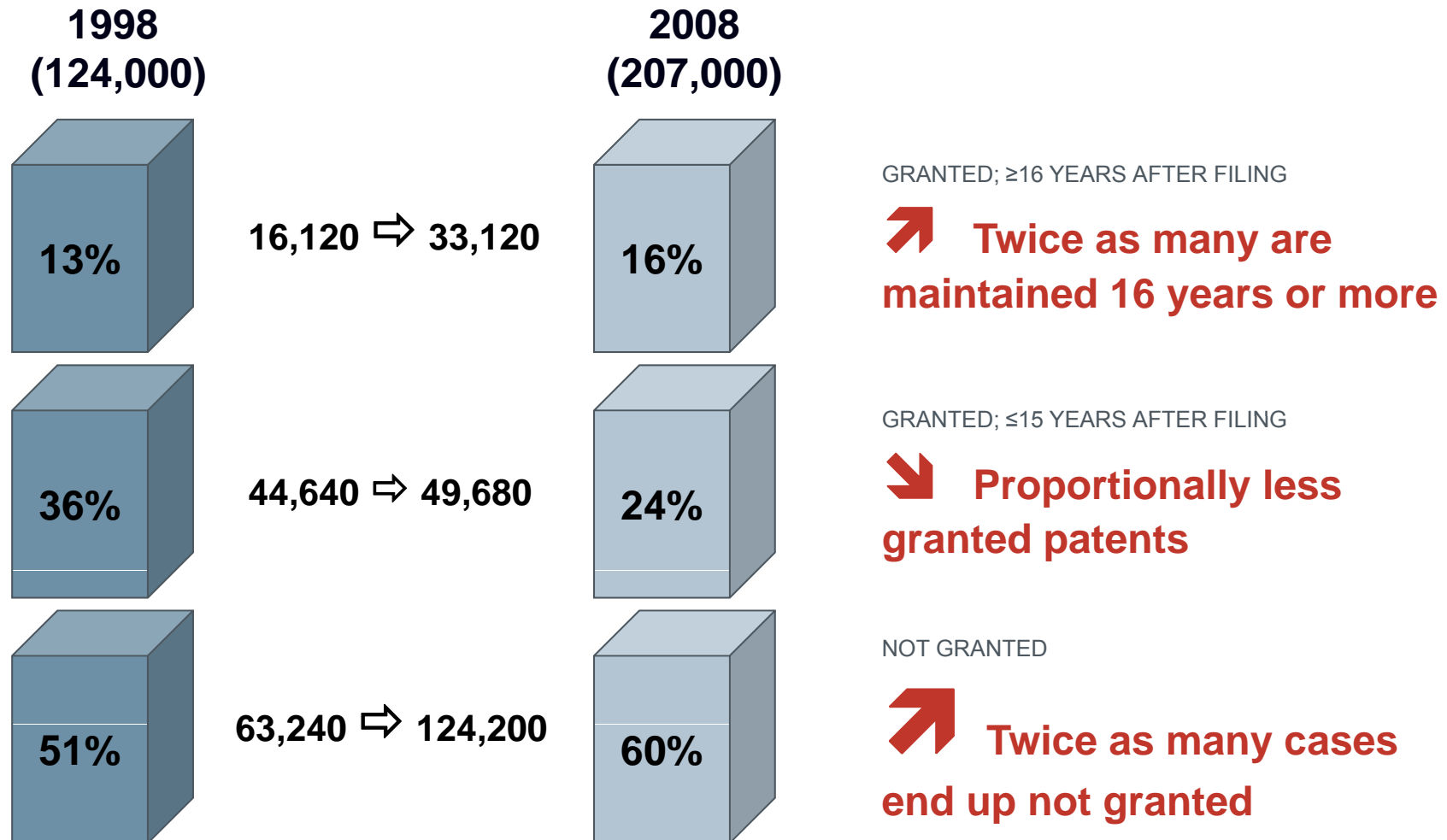


**GRANTED AND MAINTAINED 15 YEARS  
OR LESS AFTER FILING**



**NOT GRANTED**

## Trend of workload at the EPO



## The EPO feels strong about Quality

- EPO does not want to get rid of the backlog by lowering the quality level
- More applications granted means a higher density of patents

# Backlog is not the only factor influencing patent quality

- Other factors:
  - Quality of the patent applications submitted to the Patent Offices
  - Applicant's behaviour looking to lengthen the procedure
  - Patent documentation rising especially from Asia (language barrier)
  - Globalisation (drafting one patent application to be filed in different Patent Offices each having their specificities).
  - Complexity of the patent system

## Main initiatives taken at the EPO to address Quality and Backlog

1. IP5 Co-operation (EPO, JPO, KIPO, SIPO, USPTO)
2. Raising the Bar
3. Rule 141 EPC



# Objectives of the "IP5 Co-operation"

*"The elimination of unnecessary duplication of work between the Offices, enhancement of patent examination efficiency and quality, and guarantee of the stability of patent right"*

- 2 Prerequisites:
  - **Timeliness**: Results available on time
  - **Quality**: High quality of work essential
- 10 Foundation Projects
  - Common documentation (EPO led)
  - Common hybrid classification (EPO led)
  - Sharing and documenting search strategies (USPTO led)
  - Common search and examination support tools (USPTO led)
  - Common access to search and examination results (JPO led)
  - Common application format (JPO led)
  - Common training policy (KIPO led)
  - Mutual machine translation (KIPO led)
  - Common examination practice rules and quality management (SIPO led)
  - Common statistical parameter system for examination (SIPO led)

## Objectives of "Raising the Bar"

*"Grant patents only for innovations with sufficient inventive merit meeting the needs of society".*

- Right benchmark for inventive step
- Clarity regarding subject matter of search
- Substantive examination within scope of the subject matter searched
- Faster examination procedure
- Improved patent information

# Objectives of Rule 141 EPC

## *Integration of utilisation into EPC procedure*

- Information on prior art

An applicant claiming priority shall file a copy of the results of any search carried out by the authority with which the previous application was filed together with the European patent application, in the case of a Euro-PCT application on entry into the European phase, or without delay after such results have been made available to him.

- Applicable to search results from **all** Office of First Filings
- Use work results at **discretion** of examiner
- Entry into force: 1 January 2011

**THANK YOU FOR YOUR ATTENTION**