

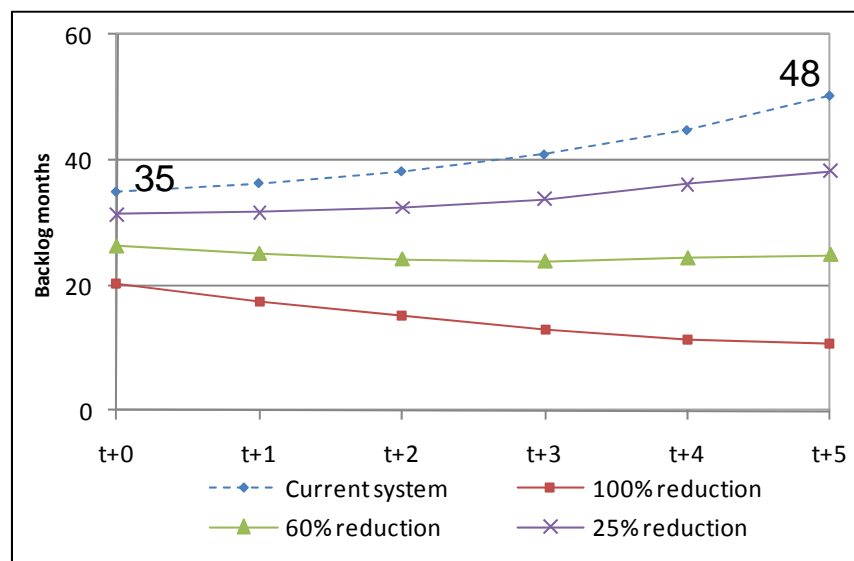
FICPI/AIPLA Colloquium
The Patent Offices Backlog Crisis
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Worksharing – the role of the backlog problem as an impetus for Offices

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Patent Backlogs and Worksharing

- 1 extra year of delay costs £7.6 billion at EPO, JPO and USPTO alone
- 1 year extra pendency within 5 years



Vancouver Group

- UK, Canada, and Australia IP Offices
- Established April 2008
 - Similar sized developed offices
 - Similar legal heritage
 - Long-standing relationships
- Aim
 - share information and experiences on common issues around managing mid-sized IPOs; and
 - contribute to a more effective approach to multilateral worksharing

Vancouver Group

- Mutual Exploitation of Patents – IP Australia
- Economic Research – UK IPO
- Business Performance Reporting – CIPO
- Trademark Business Processes – IP Australia



VG Mutual Exploitation

- Office-driven process
- On equivalent applications rely on:
 - Patent granted by another VGO
 - Or search and examination report of another VGO
- Do further work only if necessary
- Apply transparently
- Applies to all work done by VGO

VG Mutual Exploitation

- 111 requests since Feb 2010
 - 33 UK reports sent to AU/CA
 - 9 AU/CA reports used by UK
- Feedback shows a useful saving of work





VG Mutual Exploitation

- Working with WIPO to develop centralised access for VG search/exam reports
- Could be extended as a multilateral repository
- Overall, demonstrating a practical model for worksharing



Patent Co-operation Treaty (PCT)

- PCT is valued by users but could work better
- WIPO looking at ways to improve performance without changing the Treaty
- UK IPO consulted on PCT reform in 2009
(<http://www.ipo.gov.uk/pro-policy/consult/consult-closed/consult-closed-2009/consult-2009-pct.htm>)
- Proposals based on the views of UK users being discussed in WIPO this week



PCT (UK) Fast Track Service

“Today we announce a new fast-track system for international patents to reduce the global backlog which stifles growth and enterprise and costs the global economy £7.6 billion for every year patents are delayed.”

- Prime Minister, David Cameron,
28 May 2010

PCT (UK) Fast Track Service

- Accelerated national phase exam allowed if:
 - All claims entering national phase have been considered in international phase and meet criteria for novelty, inventive step and industrial applicability
 - Request made in writing stating reason as positive IPRP received
- Examination report issued within 2 months
- Applies to Ch I and Ch II (<http://www.ipo.gov.uk/about/press/press-release/press-release-2010/press-release-20100528.htm>)

Other UK IPO Measures

- Wider co-operation
- Acceleration of ... anything, with reasons
- Acceleration of “green” patents
- Backed up by targets
- And an overall examination target
 - To have cleared all examinations older than 49 months by March 2011

Closing thoughts

- “The Patent Offices Backlog Crisis”?
- “Worksharing – the role of the backlog problem as an impetus for Offices”?
- Yes, but ...
 - Sharing best practice
 - Minimising unnecessary duplication
 - Creating a more efficient patent system
 - Improving the quality of patent rights
- Surely end users would expect this to be our shared goal anyway?