

FICPI/AIPLA Colloquium
The Patent Offices' Backlog Crisis
17 June 2010

Opening Remarks

Peter Huntsman
President, FICPI, Australia

Alan Kasper
President, AIPLA

Peter Huntsman

Introduction

Good morning to you all. Many of you will not know me. My name is Peter Huntsman and I am the President of FICPI, the International Federation of Intellectual Property Attorneys or, more appropriately as it is known in the official French language, the Fédération Internationale des Conseils en Propriété Industrielle. Most, if not all, of you know that FICPI is a worldwide organisation of IP attorneys in private practice. We have around 5,000 members in about 86 countries and it is my pleasure on behalf of the organisation to welcome you to this beautiful city of Edinburgh and to the colloquium that we have jointly arranged with AIPLA on the Patent Offices' Backlog Crisis and obviously to open the colloquium as well.

As it says in your invitation to this colloquium, in 2001, 2003 and again in 2007, FICPI and AIPLA joined forces to host high-level colloquia for patent offices and user groups to explore problems arising from the exploding growth in the number of patent applications worldwide and their impact on the functioning of the patent system. I believe these earlier colloquia – the last in 2007 was on patent quality and several of you were there – have been very successful in bringing to the attention of all concerned in the patent system: the offices, the users, the academics and the representatives, all of whom are represented here today, all of the issues concerned with the topic under discussion. Today and tomorrow that topic is the backlog crisis and we have gathered a very strong team of speakers to provide expert opinions on this.

Acknowledgements

We have a very tight timetable and I am going to hand over to Alan Kasper from AIPLA to talk about the next two days, but before I do that there is just one thing I want to do. Putting together a programme like this and a team of speakers such as we, FICPI and AIPLA, have done does not happen easily. There have been many involved in the planning and organisation of the colloquium, but I want to take this opportunity thank one in particular without whose drive, energy, passion, determination and commitment we would not be here today. That person is Danny Huntington. He is a member of AIPLA. He is a President of

Honour of FICPI, the immediate Past President of FICPI, and I would like you to join with me in thanking him for organising this event.

Alan Kasper

Aims and Objectives

My name is Alan Kasper, President of AIPLA. The Patent Offices' Backlog Crisis is the title for this Colloquium. However, the title begs two questions: what is a “backlog” and is, in fact, there a “crisis”? Answers from among the several speakers from industry, Offices, user groups, academia and government, and you, the experts in the audience, may differ. However, the hope is that the programme, as organised, will present a broad spectrum of perspectives to stimulate questions and encourage discussions that lead to the creation of ideas that can address what is projected to be an explosive growth in the demand for patent protection globally.

Programme

This morning, the expert panels from Offices large and small, and user groups will address the scope, sources and economic consequences of the backlog and the institutional and practical impediments to solving the growing backlog problem today.

This afternoon, the panels will identify ways in which the problem may be addressed from the perspectives of Offices and corporations. There will also be a review of the impact and interrelationship with other key issues, such as quality, efficiency, cost control and PCT reform.

Finally, in the last session, becoming even more granular, a critical review will be conducted of practical and effective strategies, from Office, user and theoretical perspectives, for addressing the backlog problem. The programme will end with a panel discussion on what has been learned and what new perspectives and strategies have been discovered. Every effort will be made to permit time for your questions. However, you are encouraged to take opportunities to discuss your views with the speakers and other attendees during breaks and the lunches and dinner that will follow.

With that, I will turn the programme over to Todd to begin. Thank you.

Session A: Scope, Sources And Economic Consequences Of The Backlog Problem

Todd Dickinson

Executive Director, AIPLA

Introduction

My name is Todd Dickinson. I am the Executive Director of the AIPLA and, more importantly for today, I will be your moderator throughout the day. I want to start off with a few housekeeping comments and then I will introduce the panellists.

First, all of our speakers are here by invitation, but they were also invited with an eye towards letting a conversation flow. This is a group of people who, as Alan and Peter pointed out, have great experience in the areas we are going to talk about. Therefore, while these are presentations direct to you, they are intended to provoke conversation. They are intended to lead to, we hope, questions and responses. I think that if we do that we will achieve a major objective of the session today and tomorrow.

We are going to try to be very rigid about timing today because it is a very full programme and I have not too much compunction about standing up and walking over and thanking you for your presentation if it runs too long, so please try to keep it tight. The presentations will be posted on both websites and a transcription of the comments will also be available; the speakers will have a chance to review those before they are posted. We have one well-known blogger in the room, but I do not believe there are any press. In any event, I hope that does not inhibit too much of the conversation. The speakers' CVs have been provided to you, but I will do brief introductions of each of them as they get up to speak.

Agenda

Let us start off today with the background, with the scope, the sources and some very good studies about the economic consequences of the backlog problem. This morning, we are going to have government and user representatives presenting what we hope is a very global view of how the backlog problem developed in the first place, with a focus on numbers and statistical information. We may have a little debate about what constitutes a backlog; there has been some discussion about that already in the run up. We will consider where the problem is most acute, where it arises from in particular, and then some perspective on the practices, the policies and, as we said, the economic effects.

We have also organised the various programme segments throughout the day such that we will start in most cases with a representative of one of the trilateral offices. With that in mind, let me call Wim van der Eijk, who is the Vice President for Legal and International Affairs, number two at the European Patent Office, and I am sure he is well known to all of you.