

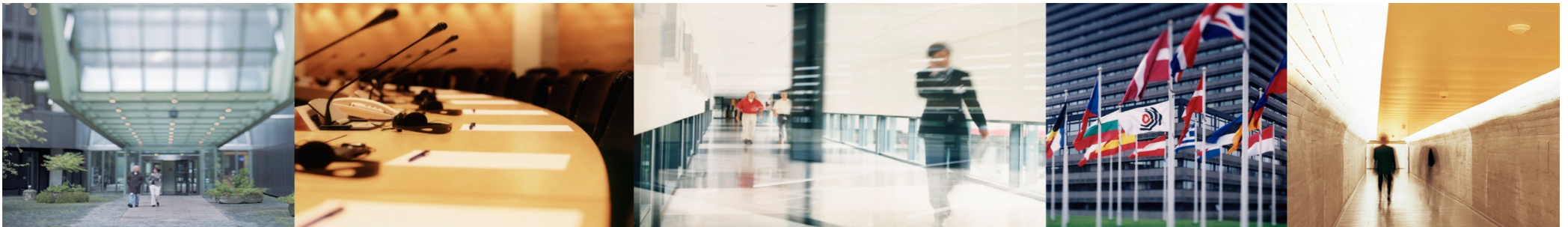


Europäisches
Patentamt
European
Patent Office
Office européen
des brevets

How is the European Patent Office supporting innovation in Europe?

Enrique Molina Galan
Director Biotechnology

BIO2009, 19 May 2009



European Patent Organisation

- A European intergovernmental institution, but
- **not an EU institution**
- Self-financing, i.e. revenue from fees covers operating and capital expenditure
- **35 member states**
- a market of over 500 M citizens
- **Single procedure & language**

Member states:

Austria • Belgium • Bulgaria • Croatia
• Cyprus • Czech Republic • Denmark
• Estonia • Finland • France •
Germany • Greece • Hungary •
Iceland • Ireland • Italy • Latvia •
Liechtenstein • Lithuania
• Luxembourg • Former Yugoslav
Republic of Macedonia • Malta •
Monaco • Netherlands • Norway •
Poland • Portugal • Romania •
Slovakia • Slovenia • Spain • Sweden
• Switzerland • Turkey • United
Kingdom

01.07.09: San Marino

Extension agreements:

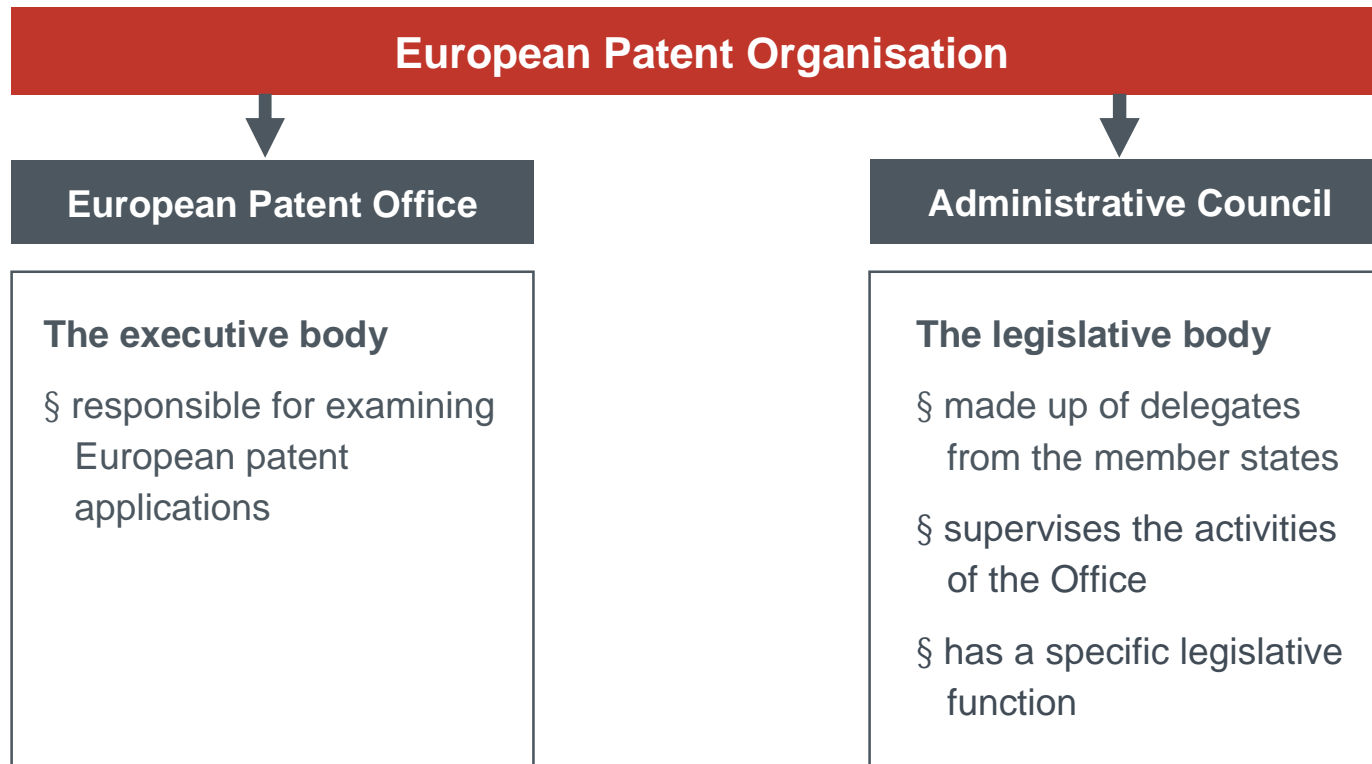
Albania • Bosnia-Herzegovina •
Serbia



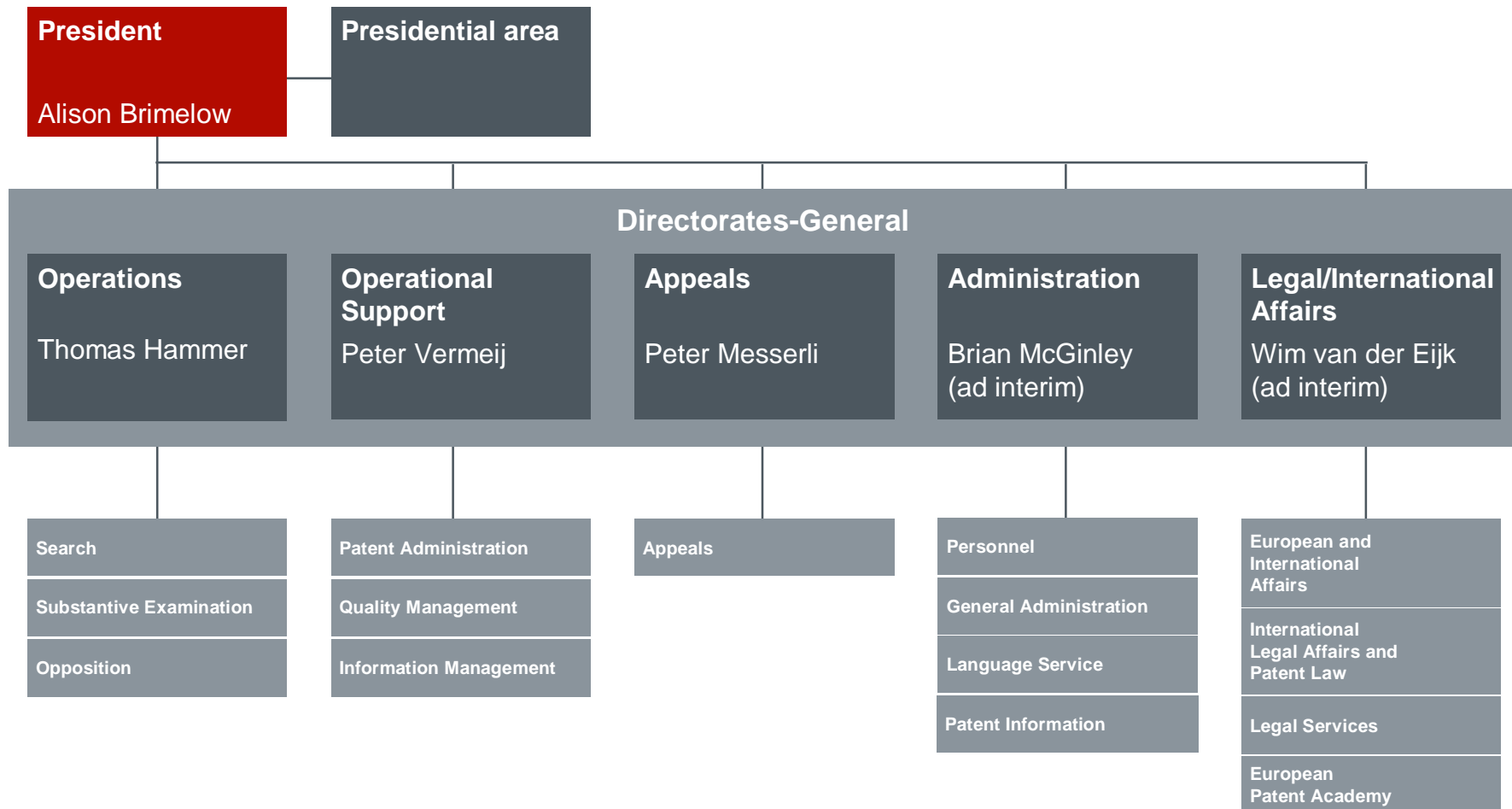
A bit of History

- § 1973 Diplomatic conference setting up EPC
- § 1977 EPC enters into force
- § 1978 EPO starts operating and receives first European applications
- § 2000 Diplomatic conference performs the first comprehensive overhaul of EPC; EPC 2000
- § 2007 EPC 2000 enters into force

Structure of the European Patent Organisation



Structure of the European Patent Office



Status: January 2009

Number of staff and locations

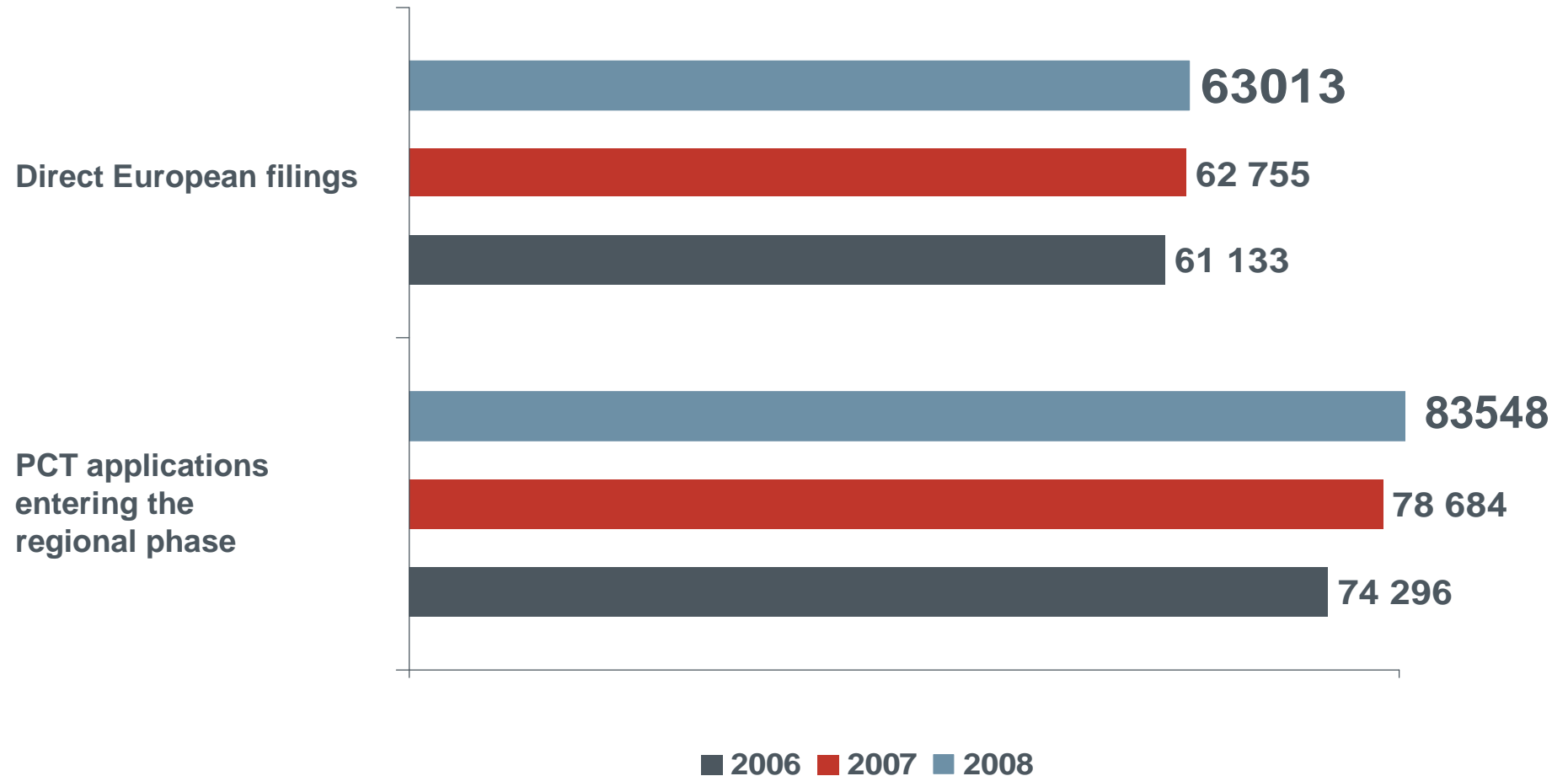
Munich	3 629
The Hague	2 659
Berlin	276
Vienna	117
Brussels	4
Total	6 685



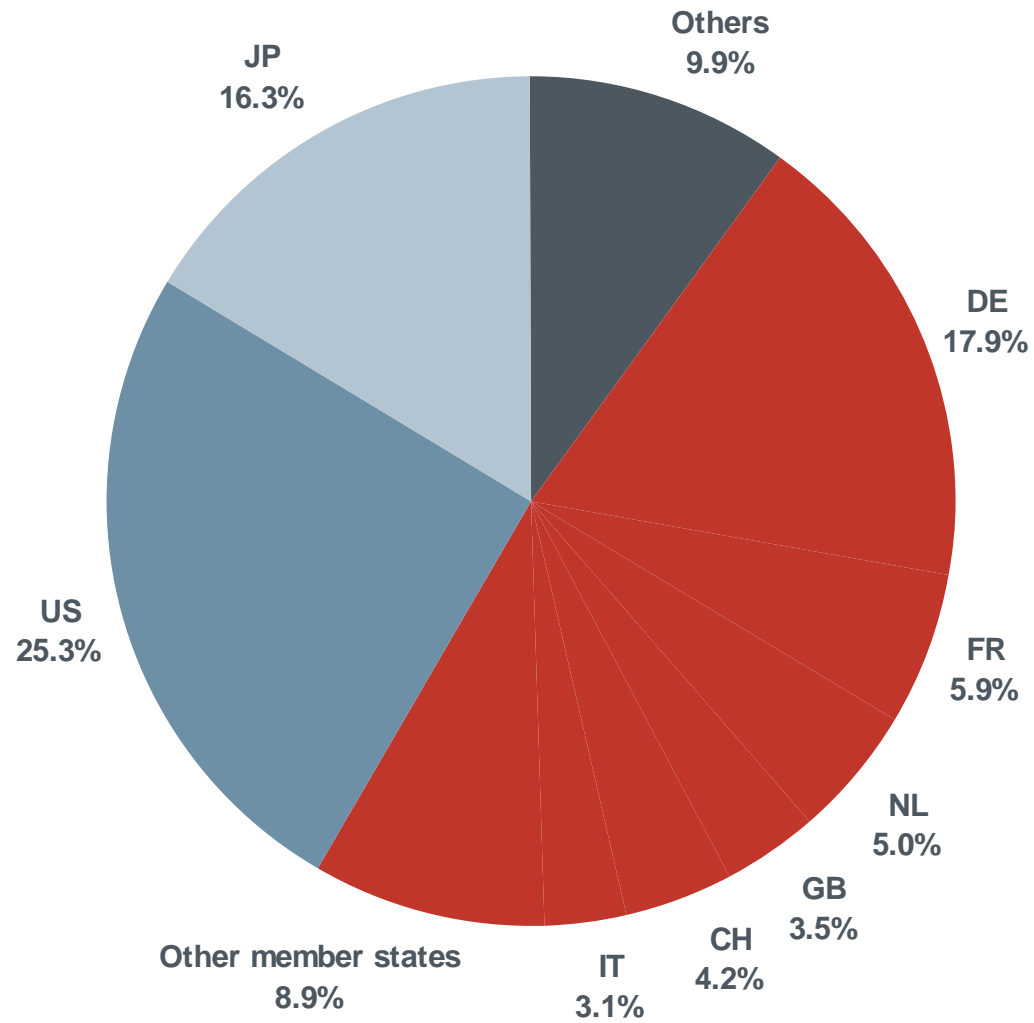
**Around 60% (3990) are
patent examiners**

Headquarters are in Munich

Applications filed EPO-wide



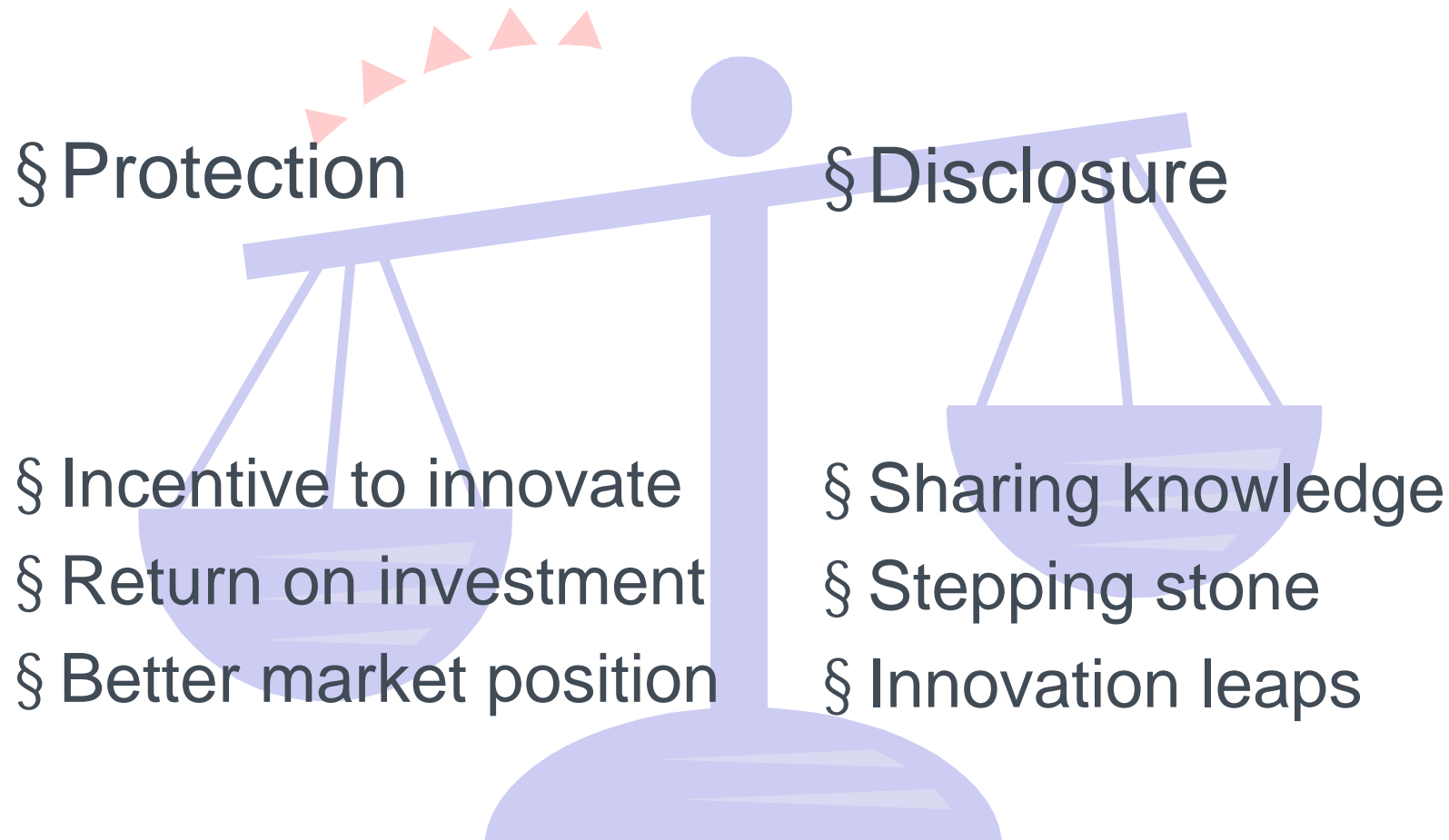
Applications by residence of applicant (2007)



The EPO & Its role in innovation



Right balance is essential!



Apply high patent standards!

EPO'S Mission statement

§ *As the Patent Office for Europe, we support **innovation, competitiveness and economic growth** across Europe through a commitment to **high quality** and **efficient services** delivered under the EPC*

Cornerstones to assure Quality and Efficiency

§ Granting with high presumption of validity

- enabling disclosures
- undisputed inventive contribution
- commensurate scope of protection

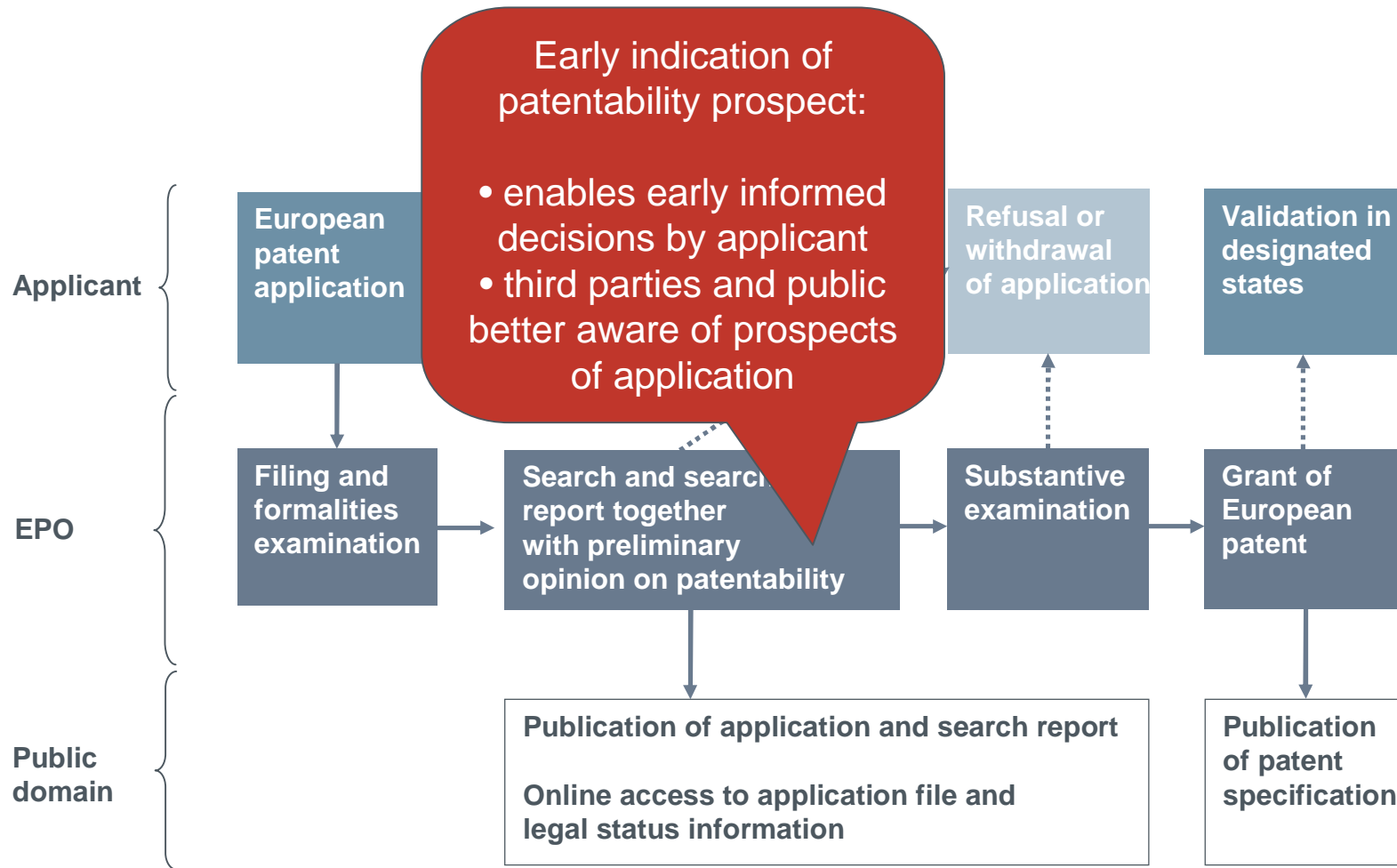
§ Timeliness of grant procedure

- dealing with increasing amounts of workload
- minimising procedural delays
- minimise legal uncertainty as early as possible

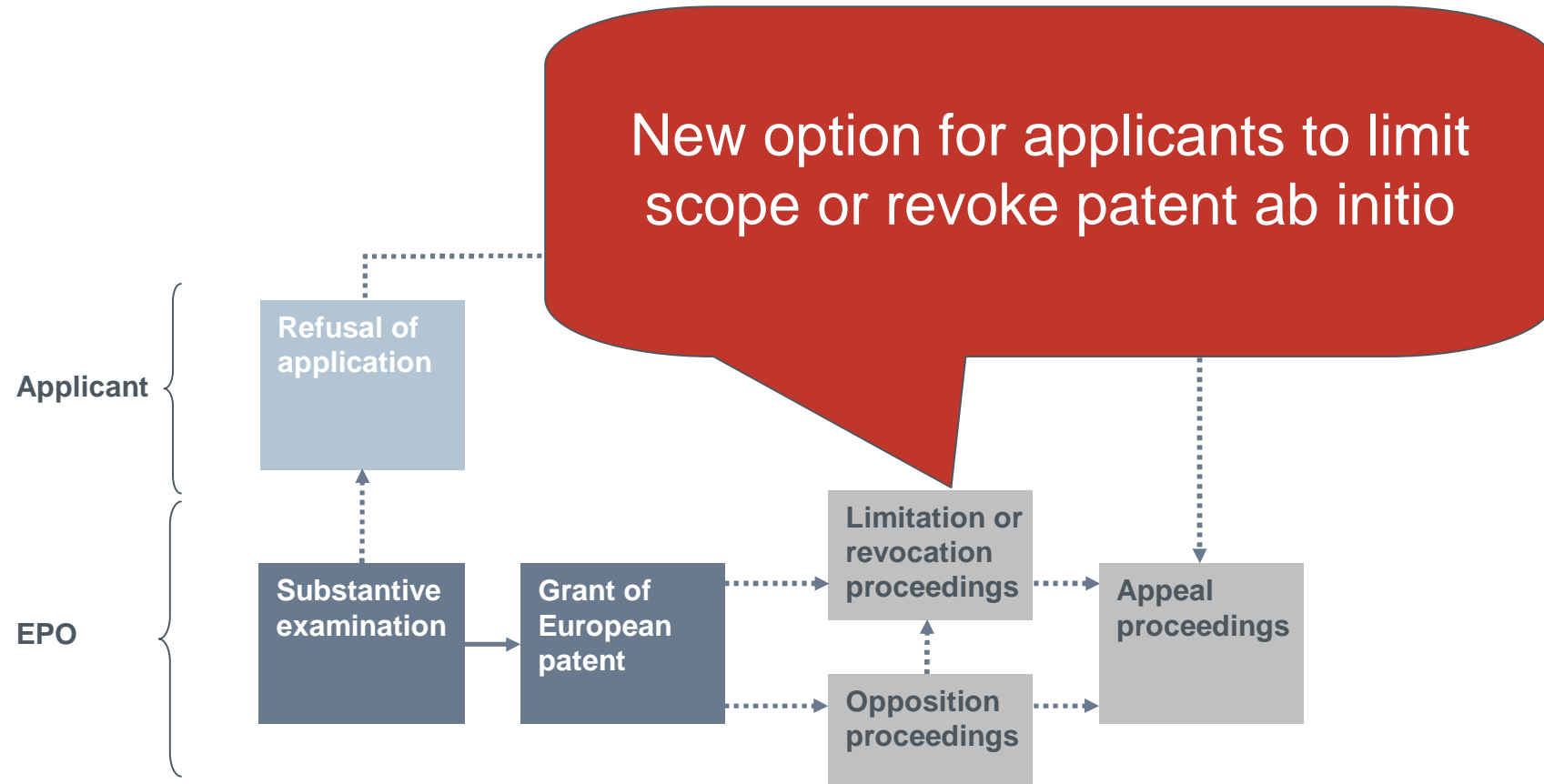
Quality at the EPO: four key ingredients



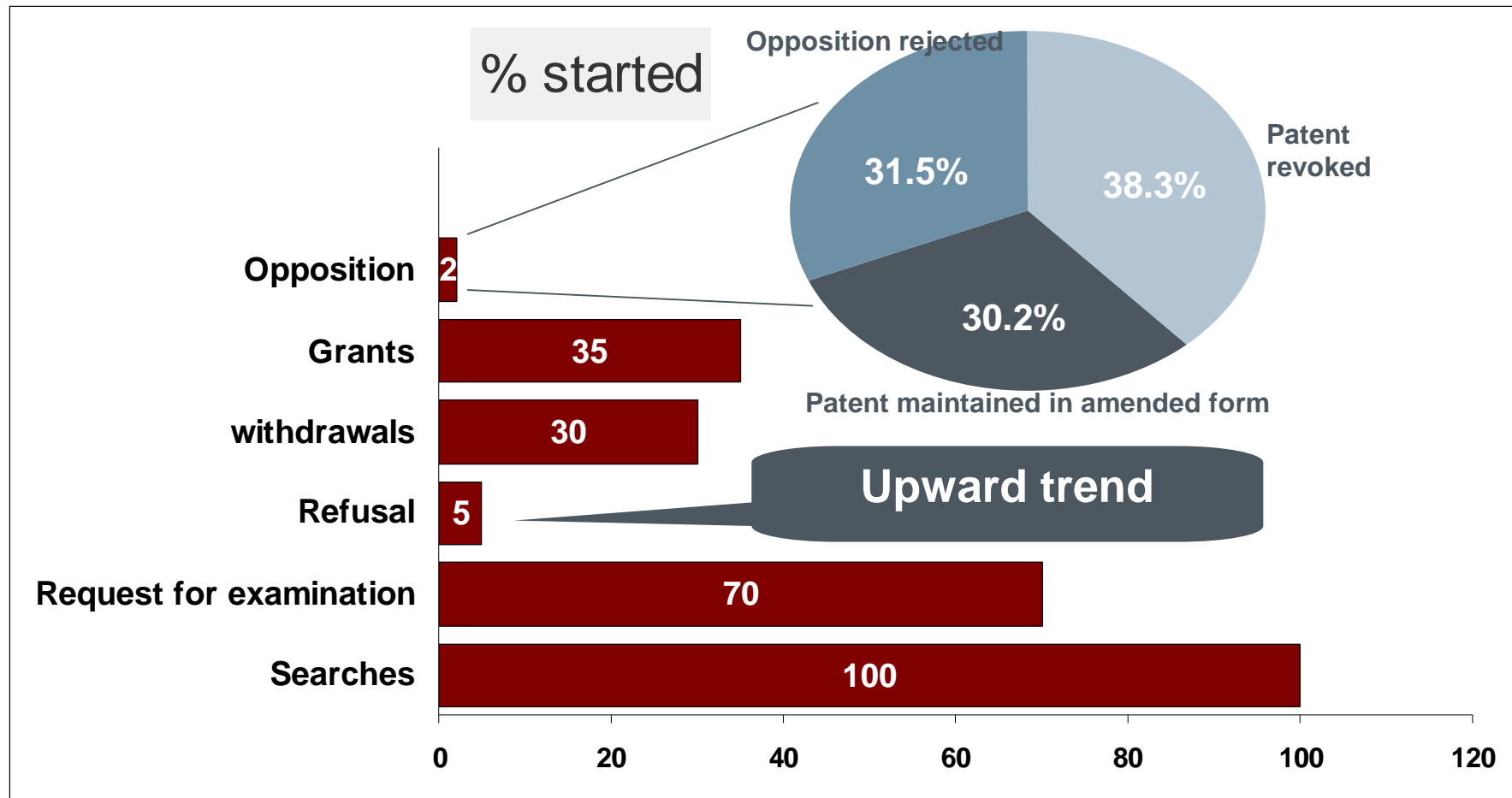
Overview of European patent grant procedure (I)



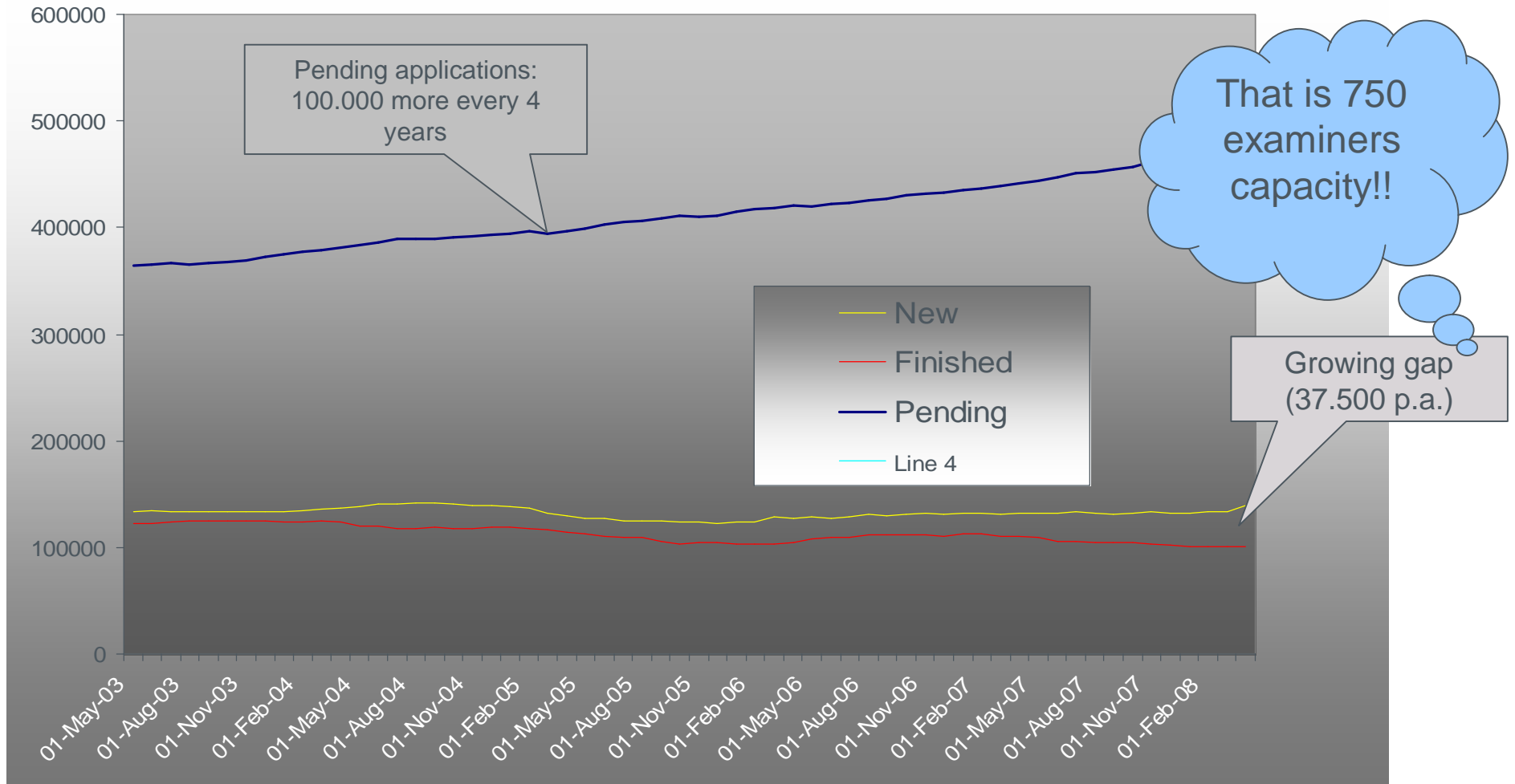
Overview of European patent grant procedure (II)



Fate of the biotech applications from search to grant



Danger: Ever growing number of pending applications



"Raising the Bar"

Goal:

§ Improving the quality of incoming patent applications and streamlining the grant proceedings.

Raising the Bar: Measures entering into force on 01.04.2010

- when deemed appropriate the search can be restricted to one independent claim per category;
- where a meaningful search is not possible, the applicant will be invited to clarify the subject-matter to be searched
 - § Examination will be limited to searched subject matter
- a response to the search opinion will be mandatory
- amendments and their basis shall be clearly identified
- amendments at applicants initiative are restricted
- All that with associated (tight) time limits and severe sanctions (deemed withdrawn)

Divisionals

§ time limits for the filing of divisional applications as of April 2010

§ voluntary divisional applications: twenty-four months from the Examining Division's first communication **in respect of the earliest application for which such a communication has been issued**

§ mandatory divisional applications: to be filed within a period of two years from the first objection of lack of unity

Workload sharing and avoiding duplication

§ European level

– with National Patent Offices

§ **EPN** (European Patent Network)

§ **UPP** (Utilisation Pilot Project)

§ Worldwide

– **Trilateral**; USPTO, JPO, EPO

– **IP5**: As above plus SIPO and KIPO (Chinese and Korean Patent Offices)

IP5: Foundation Projects

Developing common tools among the 5 Offices to support work-sharing:

- § Common documentation database
- § Common hybrid classification
- § Sharing and documenting search strategies
- § Common search and examination support tools
- § Common access to search and examination results
- § Common training policy
- § Mutual machine translation
- § Common application format
- § Common rules for examination practice and quality control
- § Common statistical parameter system for examination

Further collaboration initiatives

§ Triway

§ PPH (Patent Prosecution Highway)
– bilateral agreements

And of course:

§ PCT (Patent Cooperation Treaty)
– preferred option with a developed and well
known infrastructure and procedures.

Need more information?



Visit us at Booth 4254, Hall B4

Join us for a typical Bavarian
breakfast at the
Omni Hotel, Pine Room
tomorrow 20th May
from 6:00 to 7:30 am

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