

# Overview economic research activities at the EPO 2013/2014

Theon van Dijk  
EPO Chief Economist

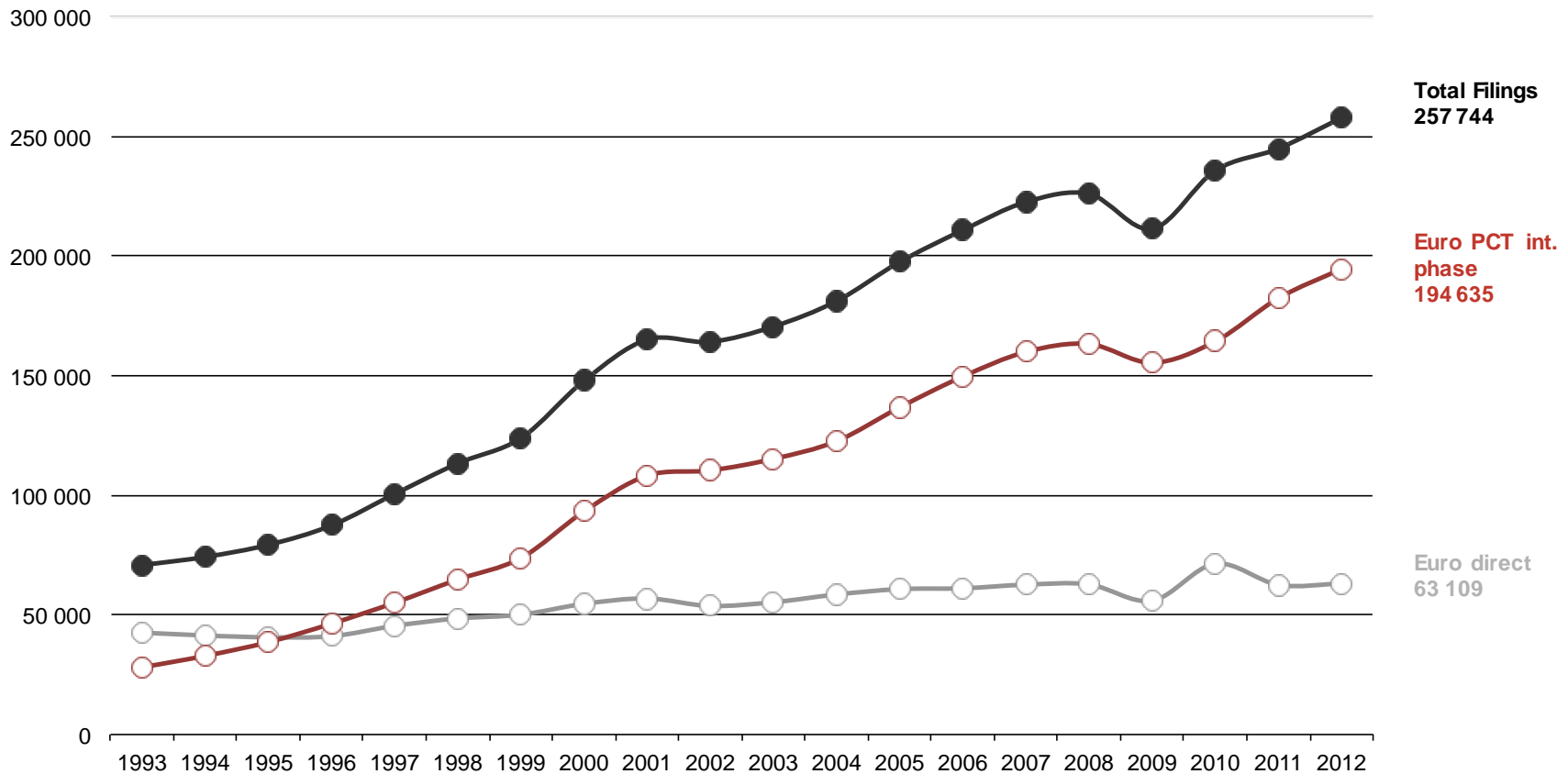
PSDM 2013, Rio de Janeiro  
12 November 2013



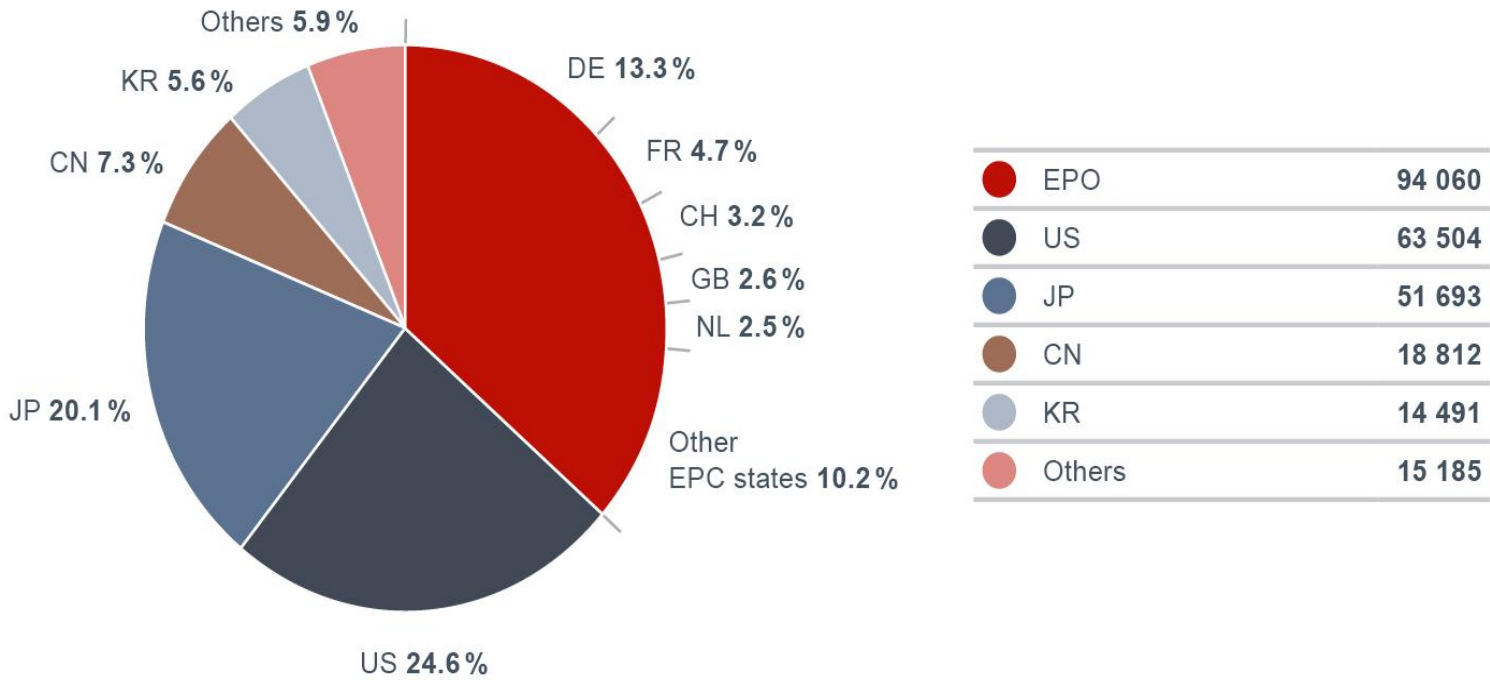
# Overview

1. Trends in **European patenting**
2. **Follow-up** IPR-intensive industries study
3. Studies of the Economic and Scientific Advisory Board (**ESAB**):
  - Recommendations for improving the patent system (2013)
  - Study on the economic effects of the **unitary patent** and **Unified Patent Court**, on-going
  - Study on the economic effects of introducing a **grace period** in Europe, on-going
4. **PATSTAT** developments
5. Other economic analysis at the EPO
6. Important **trends** in Europe

# European Patent Filings (1993 - 2012)



# Origin of European patent filings (2012)<sup>1</sup>



<sup>1</sup> Direct European filings under the EPC and International filings under the PCT

# Follow-up IP contribution study: at firm level

- **Main objectives**
  - To analyse the specific features of **IPR-intensive companies** in Europe.
  - To **quantify** the comparative advantages of IPR-active companies in the EU
- **Research questions:**
  - What types of company make more intensive use of IP rights in Europe?
  - Do companies make use of single or a bundle of IPR to enhance their performance?
  - Do IPR-intensive companies exhibit better performance than non-IPR-intensive companies?
- **Methodology:**
  - creation of a **joint patent/trade mark/design database** linked to companies' business-related data
  - descriptive statistics and **econometric analysis**

# The Economic and Scientific Advisory Board

- **The role of the Economic Scientific and Advisory Board (ESAB)**
  - to contribute to a comprehensive analysis of the patent system in its economic and social context
  - to support the EPO with evidence-based policy making
- **Recommendations for improving the patent system (2013)**
  - "No urgent need for a fundamental patent fee reform"
  - "Consistent and harmonised fee policies at European level could help to avoid low-quality applications ..."
  - "Patent thickets not a root cause for problems. Measures to improve patent quality will reduce complexities of dealing with patent thickets"
- EPO website <http://www.epo.org/about-us/office/esab.html>

# Study on the economic effects of UP and UPC

- **Main objectives**
  - to identify, quantify and understand the **economic costs** and **benefits** of the unitary patent and of the Unified Patent Court for patent applicants
  - to evaluate the impact of the unitary patent and the Unified Patent Court on the future **patent filing strategies** of applicants
- **Methodology**
  - An extensive survey of patent applicants
  - Analysis of different users and industries
  - Overview and analysis of recent economic literature on the topic

# Study on the economic effects of UP and UPC: survey

- **Factors influencing the decision to use the unitary patent**
  - Current patenting practices of respondents
  - Expected cost savings (validation phase; renewal phase; licensing phase)
  - Increased business opportunities (e.g. easier entry in additional markets)
  - Possible disadvantages (e.g. less renewal flexibility)
  - Patent characteristics (e.g. high quality patent)
- **Aspects of the Unified Patent Court**
  - Various perspectives: infringement and revocation actions; defendants and claimants
  - Potential benefits (legal certainty; simplicity; effectiveness)
  - Potential disadvantages (legal uncertainty, complexity; inconvenience)



# Study on a possible grace period in Europe

- **Main objectives**
  - Gather evidence on the possible economic and social effects of introducing a grace period in Europe.
  - Focus on domestic and international users of different sizes and in different industrial sectors
  - Analyse the economic effects in an international context
- **Methodology**
  - An extensive survey of the users of the patent system.
  - Analysis of different users and industries, taking into account their geographic location (particular focus on SMEs, technology transfer offices of universities and PROs)
  - Overview and analysis of the recent economic literature on the topic

# Recent developments in PatStat: Legal Status



- Post-grant legal events
- Data from national patent offices
- Events on national applications
- During lifetime of patent

- Is patent valid in country X ?
- Did PCT enter national phase ?
- Change of ownership ?
- Licence contracts / licensees ?

- Legal events during grant process
- Data (mainly) from EPO
- Only for EP and Euro-PCT applications
- Until end of opposition period

- Did EPO grant a patent ?
- Is there opposition ?
- In what countries designated ?
- Who is the legal representative ?

**More information: [patstat@epo.org](mailto:patstat@epo.org)**

# Other economic work at the EPO

- **Patent landscape green-energy technologies**
  - Africa
  - Latin America (see poster presentation)
- **EPO Patent filing survey**
  - Analysis of filings forecasts
  - Additional information about European patent portfolio and importance of other IPRs
  - New report to be published in Spring 2014
- **IP5 statistical report**
  - First IP5 Statistics Report 2011 published at end of 2012. The 2012 edition will appear soon.
  - Key statistical data on five offices, patent family flows, historical data series, fees, annual filings and grants by IPC codes at the three digit level, etc... (see [www.fiveipoffices.org/stats.html](http://www.fiveipoffices.org/stats.html))

# IP trends in Europe

- Increasing integration of IP in **top-level business strategy**, especially in high-tech industry
- Increasing **strategic use** of IP information (technology, market and technology watch)
- Increasing **exploitation of IP value** as additional source of revenue and benefits (licensing, patent auctions etc.)
- Increasing importance of **value of intangible assets** in the balance sheets of companies
- **IP enforcement** (litigation) with increasing economic impact on companies (revenue, profitability, stock performance, etc.)