



Europäisches
Patentamt
European
Patent Office
Office européen
des brevets

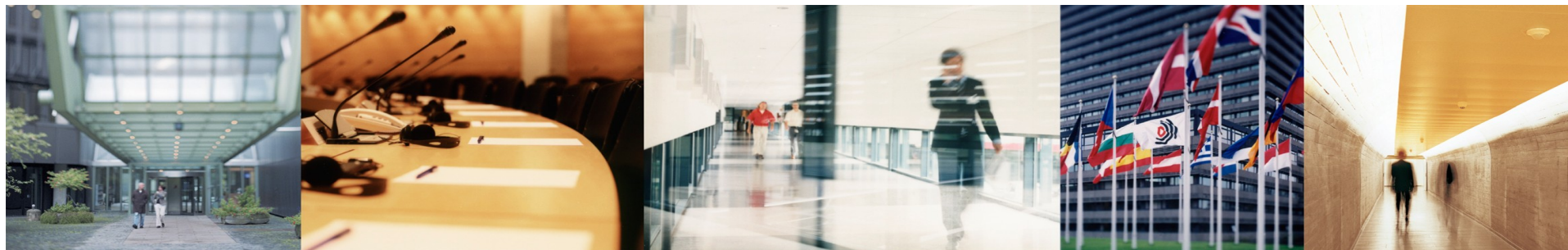
Recent International Developments in Intellectual Property Economics

Economic Aspects of Intellectual Property Rights

Organized by the World Intellectual Property Organization
in co-operation with the Hungarian Intellectual Property Office
Budapest, April 15 and 16, 2013

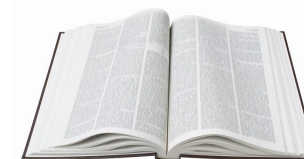
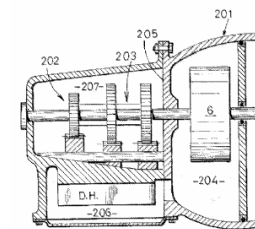
Nikolaus Thumm (European Patent Office)

Chief Economist



Overview of intellectual property

Legal right	What for?	How?
Patents	New inventions	Application and examination
Copyright	Original creative or artistic forms	Exists automatically
Trade marks	Distinctive identification of products or services	Use and/or registration
Registered designs	External appearance	Registration*
Trade secrets	Valuable information not known to the public	Reasonable efforts to keep secret



The "social contract" implicit in the patent system

**Reveal
invention**

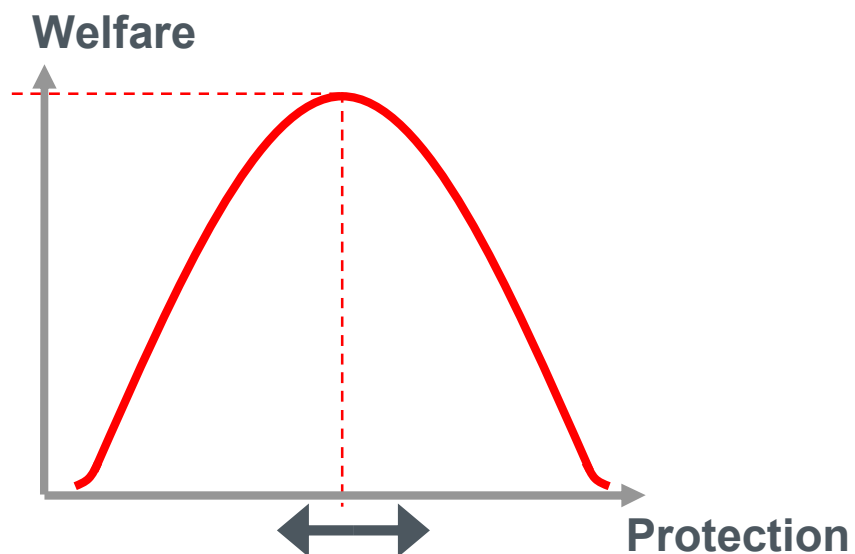


**Get
exclusivity**



... so that others can learn from it
and improve upon it!

Patents (IP) as a regulatory measure



Problem area? →

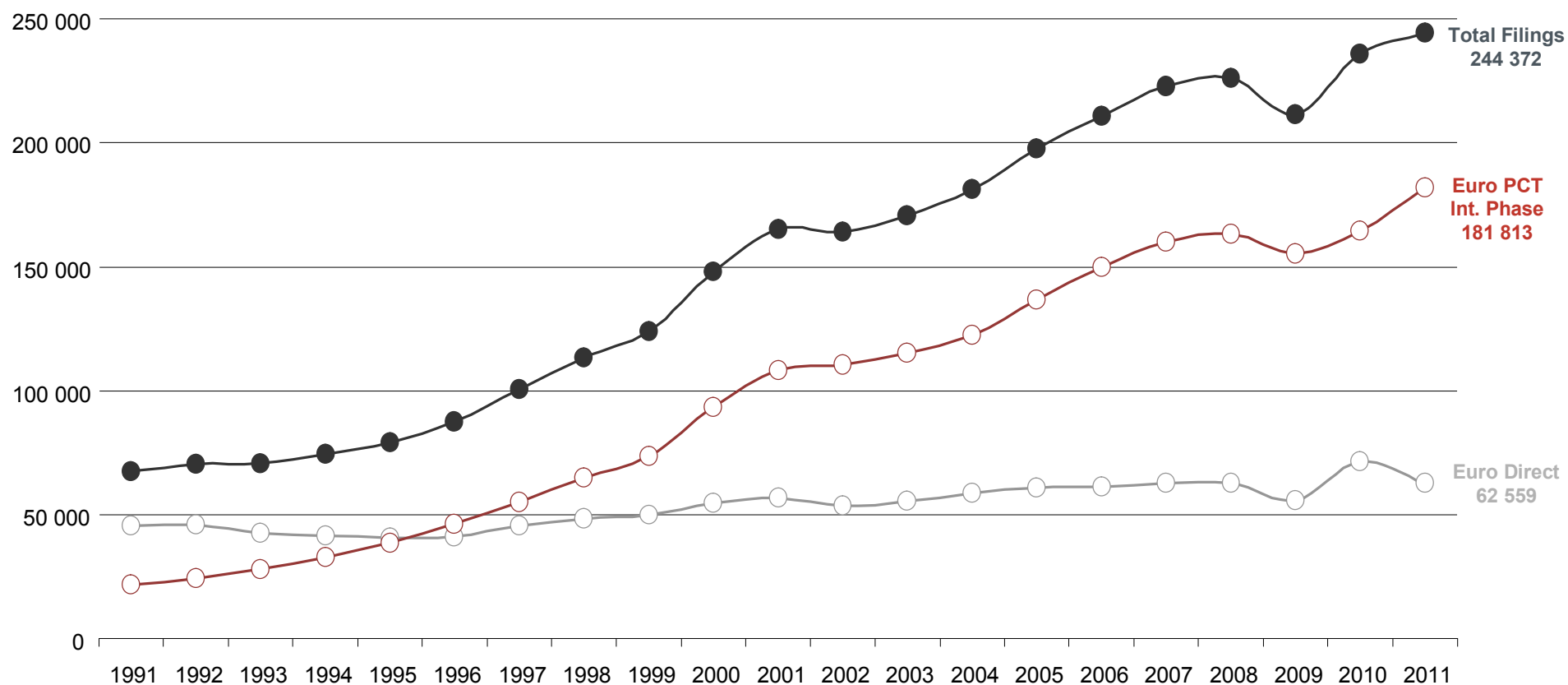
Too much
protection?

Not enough
protection?

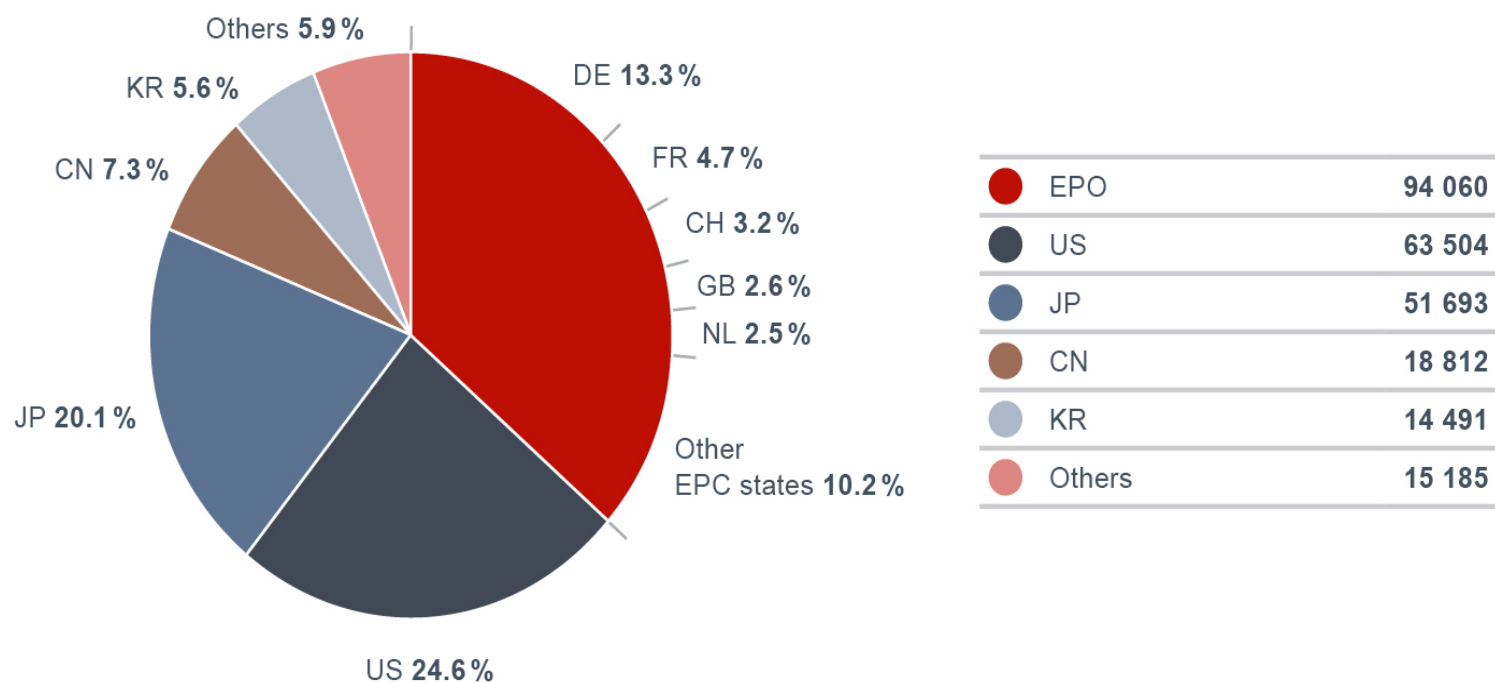
→ Feasible measures

Background

European Patent Filings (1991- 2011)













Origin of European patent filings (2012)¹



¹ Direct European filings under the EPC and International filings under the PCT

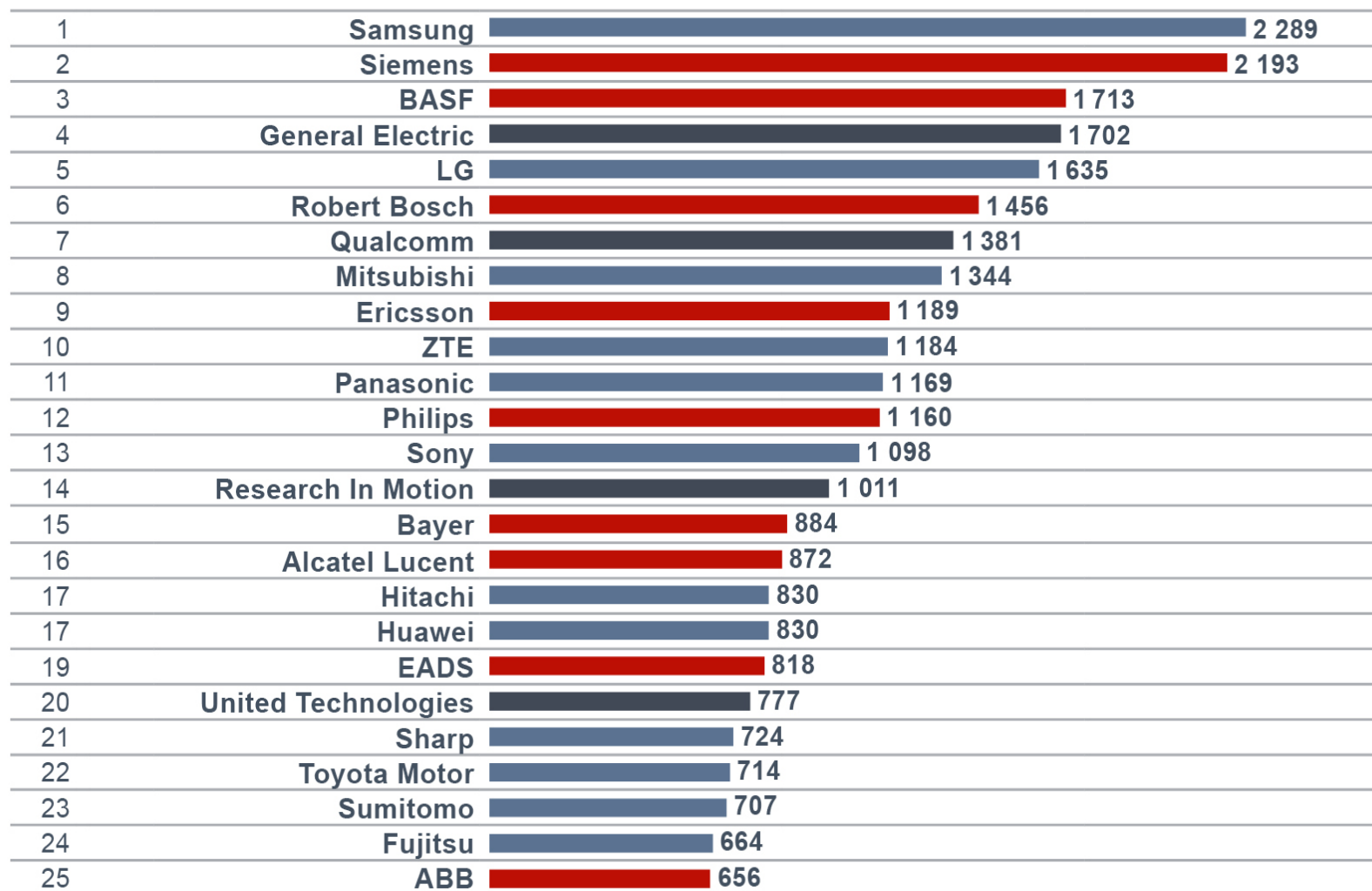
Technical fields¹ with the most applications (2012)²

				% vs. 2011
1	Medical technology		10 412	1.6 %
2	Electrical machinery, apparatus, energy		9 799	11.4 %
3	Digital communication		9 592	20.4 %
4	Computer technology		8 288	3.3 %
5	Transport		6 633	7.2 %
6	Measurement		6 428	1.9 %
7	Organic fine chemistry		6 002	-6.9 %
8	Engines, pumps, turbines		5 668	20.0 %
9	Pharmaceuticals		5 364	-0.2 %
10	Biotechnology		5 309	-4.3 %

¹ Classified according to the IPC and technology concordance table compiled by the Fraunhofer ISI for WIPO

² Based on European patent applications filed with the EPO

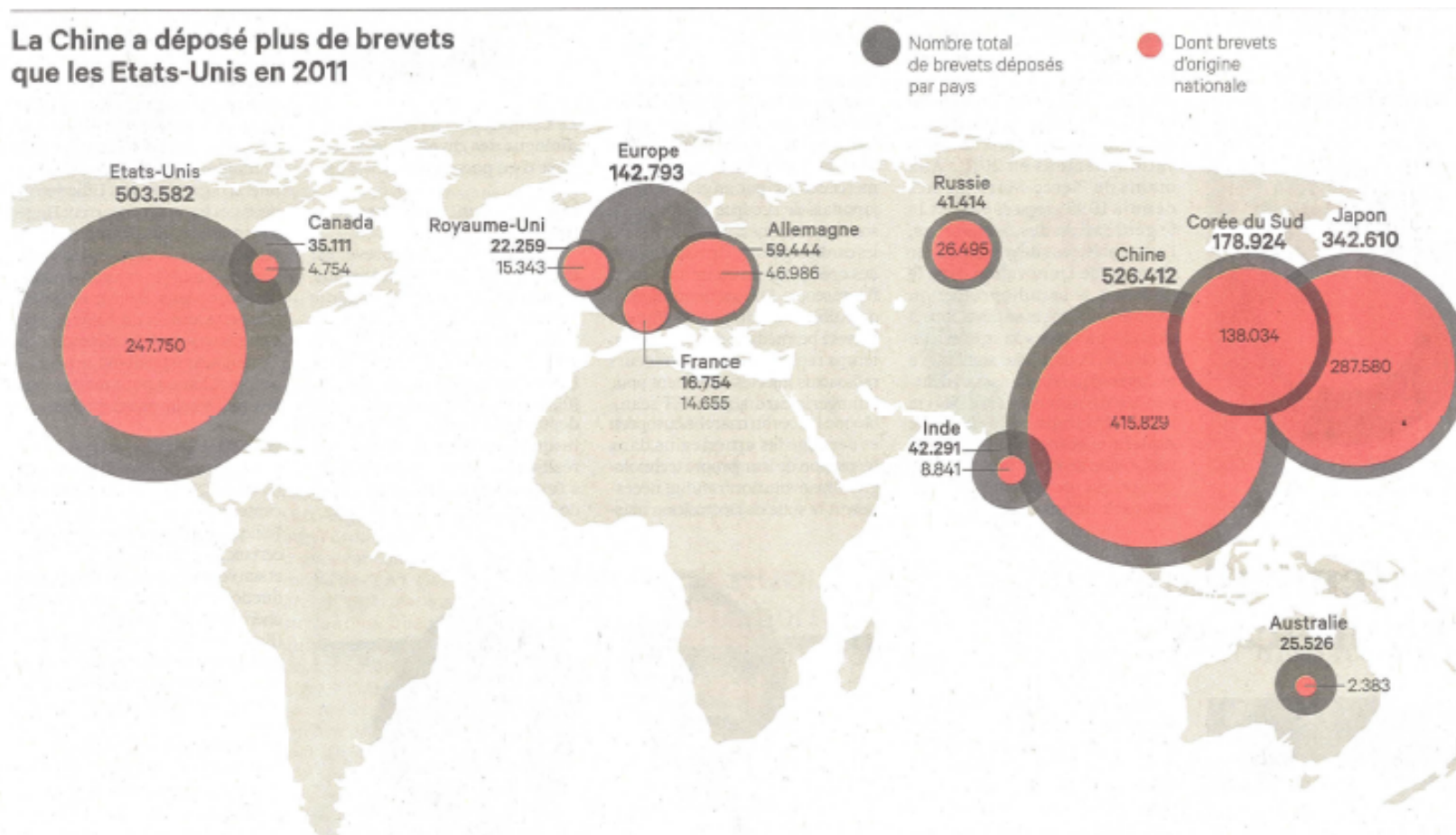
Top applicants seeking protection with the EPO in 2012¹



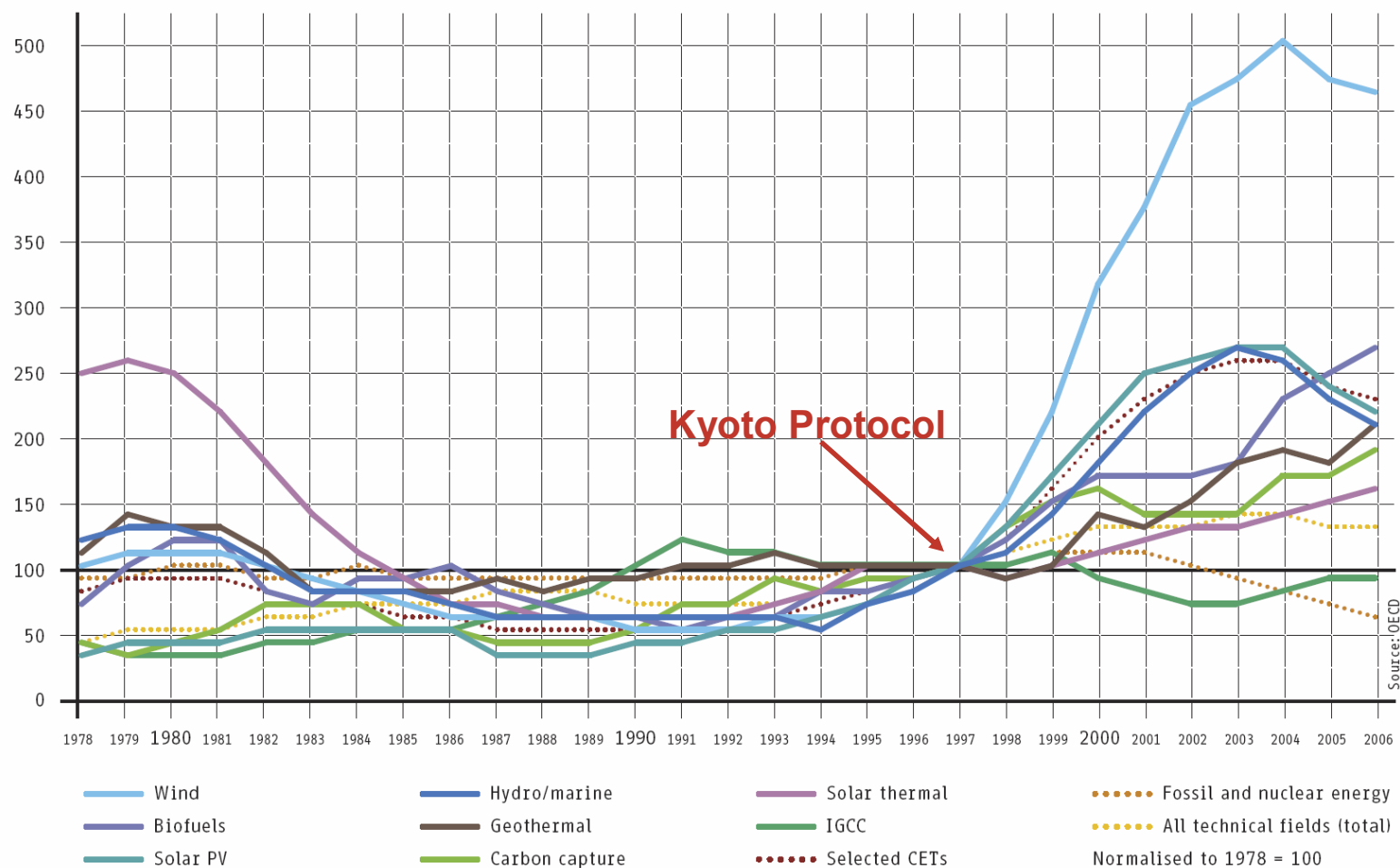
¹ Based on European patent applications filed with the EPO

Patent Filings World Wide (Les Echos 11 avril 2013)

La Chine a déposé plus de brevets
que les Etats-Unis en 2011



The wider regulatory framework



Figures refer to claimed priorities.

Patents and Clean Energy Technologies (CET) in Africa

Africa has vast untapped potential for clean energy technologies

- Hydro-electric, solar, geothermal, wind, biomass...

Global patent system

- Legal protection for inventions in exchange for disclosure

EPO Patent Information system

- 88 mio. patent documents available worldwide via the internet, free of charge
- EPO's Y02 classification "tagging" of climate change relevant technologies

Patent applications 1980 - 2009

- 650.000 patent applications relating to Clean Energy Technology
- **Less than 1% of CET patent applications filed in Africa**

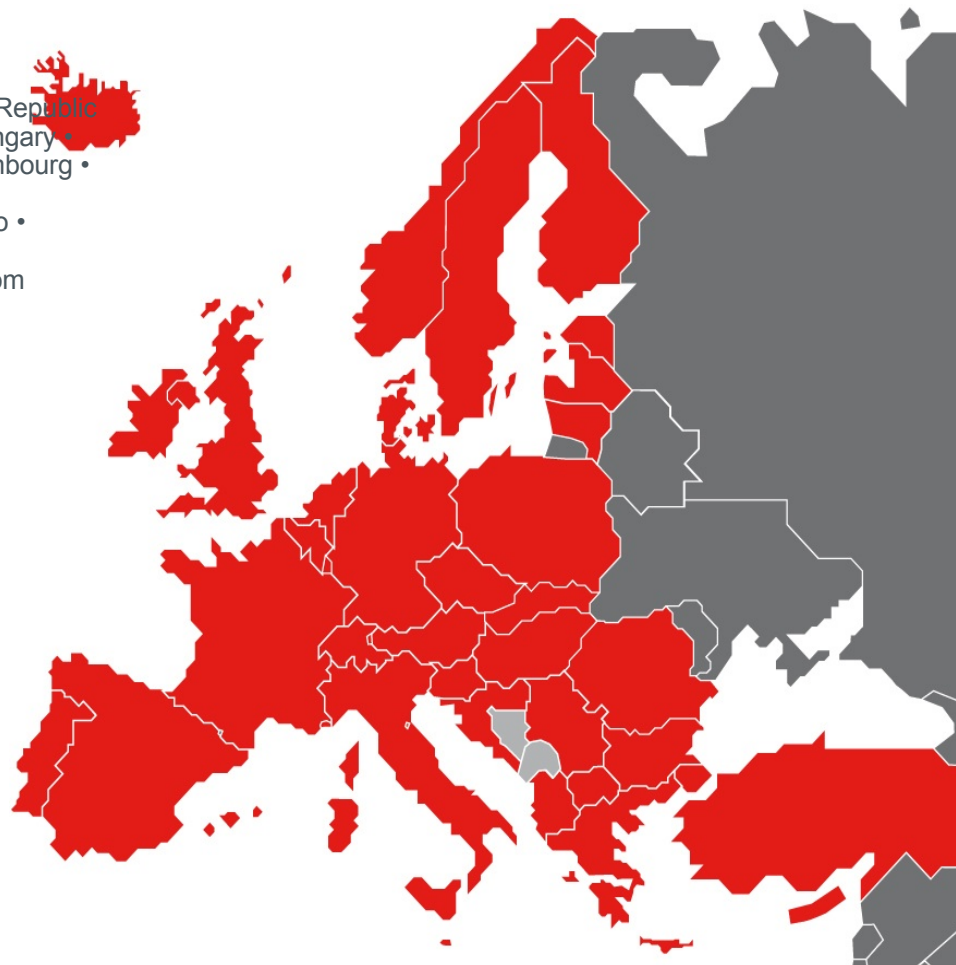


38 member states

Albania • 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 • San Marino • Serbia • Slovakia • Slovenia • Spain • Sweden • Switzerland • Turkey • United Kingdom

European patent applications and patents can also be extended at the applicant's request to the following states:

Bosnia-Herzegovina • Montenegro



Key facts about the unitary patent

- **Basic principles**
 - a European patent **granted under the EPC**
 - **unitary effect** for the territories of the 25 EU member states currently participating, at the applicant's request
 - **co-existence with the existing European patent and national patents**
 - **validated in one single administrative step by the EPO** for all the participating states in the language in which it was granted
 - **language regime being finalised**; transition measures foreseen
- **Objective**
European Council Presidency and
EU Commission intend to have
**the first unitary patent
granted in 2014**



Advantages

- **For inventors**
 - protection in **one single step for the 25 states** currently participating
 - **significant cost savings** (translation, validation, administration)
 - **simplified validation procedure** (instead of up to 25 different procedures)
 - **simplified and more cost-efficient renewal** procedure
 - **increased legal certainty** due to uniform litigation system
- **For Europe**
 - **optimal protection** in the participating states as a whole
 - better framework **conditions for innovative companies** and organisations
 - **simplified European protection mechanism** for companies from outside Europe
 - **improved competitiveness** of the European patent system

THANK YOU FOR YOUR ATTENTION

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