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The EPO and the IP5 Programme

Wolfram Förster
European Patent Office



Agenda

1. The IP5 Programme: Why is it a top priority for the EPO?
2. IP5 Vision
3. Work-Sharing
4. The IP5 Foundation Projects
5. IP5 Governance
6. Current status of developments in IP5



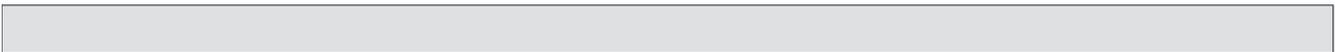
Why does the EPO participate in the IP5 Programme?

The world wide patent system faces some important challenges:

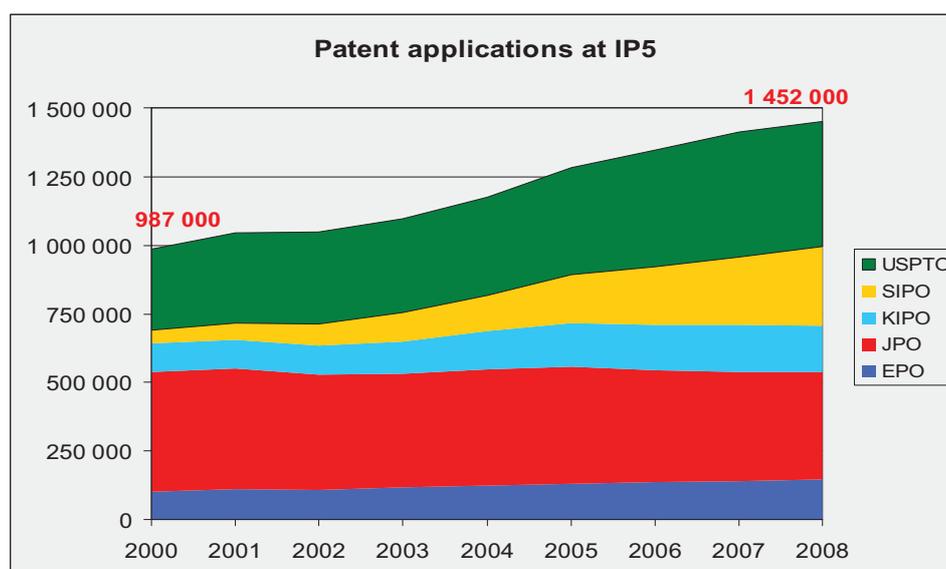
- Level of **filings** worldwide, mainly due to cross-filings.
- Increase in **documentation** that is difficult to access due to:
 - **Language** (Chinese, Korean, Japanese)
 - **Classification** (several existing schemes with different coverage)

The implications for the EPO in the near future:

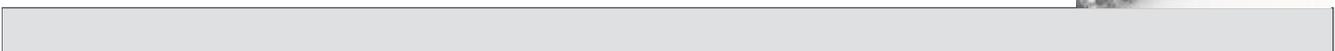
- *How to address applicants' requirements, i.e. high quality EPO prior art searches and examinations ?*
- *How to increase efficiency to cope with workload ?*



Challenge: The level of filings (+60% in 10 years)

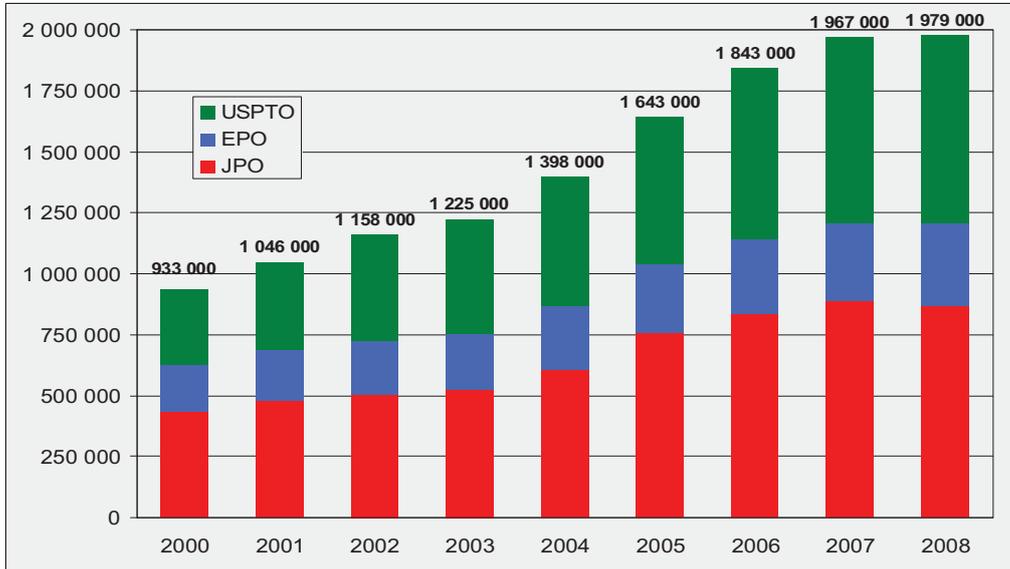


- 1 500 000 are filed at the IP5 Offices (more than 83%)
- 93% of all PCT work done by IP5 Offices



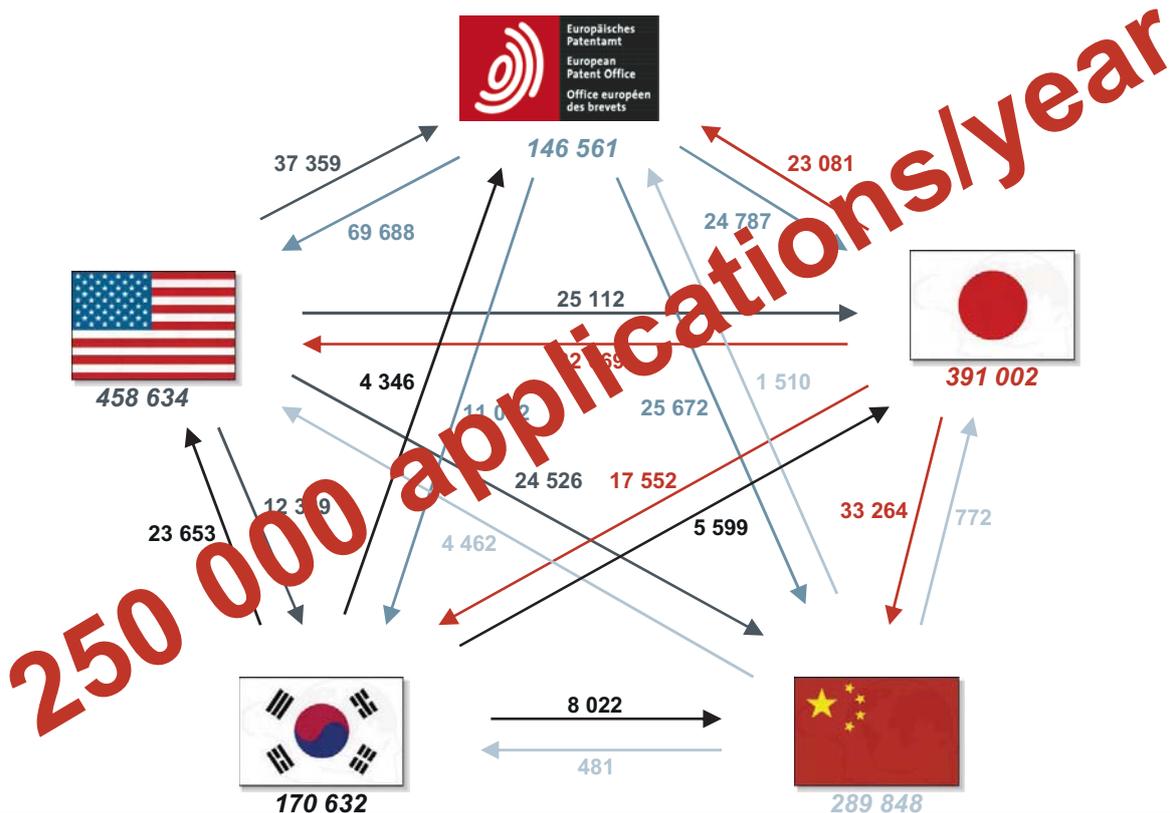
Challenge: Rising backlogs

Alone within the Trilateral Offices there are about 2 million pending files in examination. If nothing is done this number could rise to 4 million in 10 years



Prepared by the Controlling Office

Opportunities: Application flows between IP5 Offices (2008 *)

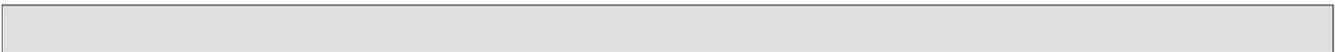


* Flows from EPO are indeed flows from the EPC states

How does the EPO prepare for the future ?

Today's strategy will determine where the EPO will be in 10-20 years time:

- *We cannot work anymore in isolation*
- *Global problems require global solutions*
- *Let's define our future before someone else does it for us !!*



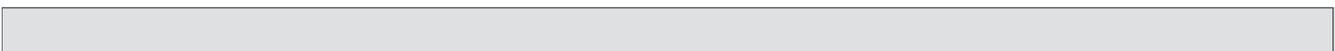
IP5 Vision

Reutilisation of work done by other offices. The work-sharing opportunity is of at least 250 000 applications/year among the IP5 Offices.

The elimination of unnecessary duplication of work between the Offices, enhancement of patent examination efficiency and quality, and guarantee of the stability of patent right

What are the conditions for reutilisation of others' work:

- **Timeliness:** Results available on time
- **Quality:** High quality of work essential



IP5 is about work-sharing: Timelines and quality

Timelines: *Need to increase the number of cases where the OFF has completed a First Office Action before the OSF starts work:*

- For PCT applications, this is already available.
- For Paris Route applications, improvements needed. Should be based on office prioritising actions.

Quality: Ten Foundation Projects.

- *Objective: Do the main work once, with high quality, and reuse results !!*
 - *Key principle: To build trust among IP5 examiners*
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Efficient work-sharing: The PCT

- *140+ PCT contracting states*
 - *Harmonised legal framework*
 - *Time tested procedures*
 - *Established links with national procedures*
 - *Clear rules on timeliness and quality*
 - *High acceptance by users (nearly 164 000 PCT applications filed in 2008)*
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Platforms to further develop work-sharing

- **SHARE: Strategic Handling of Application for Rapid Examination**
(EPO: Systematic Prioritisation of first filings, JPO: JP-First, USPTO-KIPO pilot)
- **PPH: Patent Prosecution Highway**
(EPO-USPTO pilot, EPO-JPO pilot, KIPO-USPTO pilot, KIPO-JPO pilot, USPTO-JPO)
- **Trilateral PCT/PPH: Patent Prosecution Highway**
(EPO, JPO, USPTO, pilot)
- **Pilot for Triway and New Route**

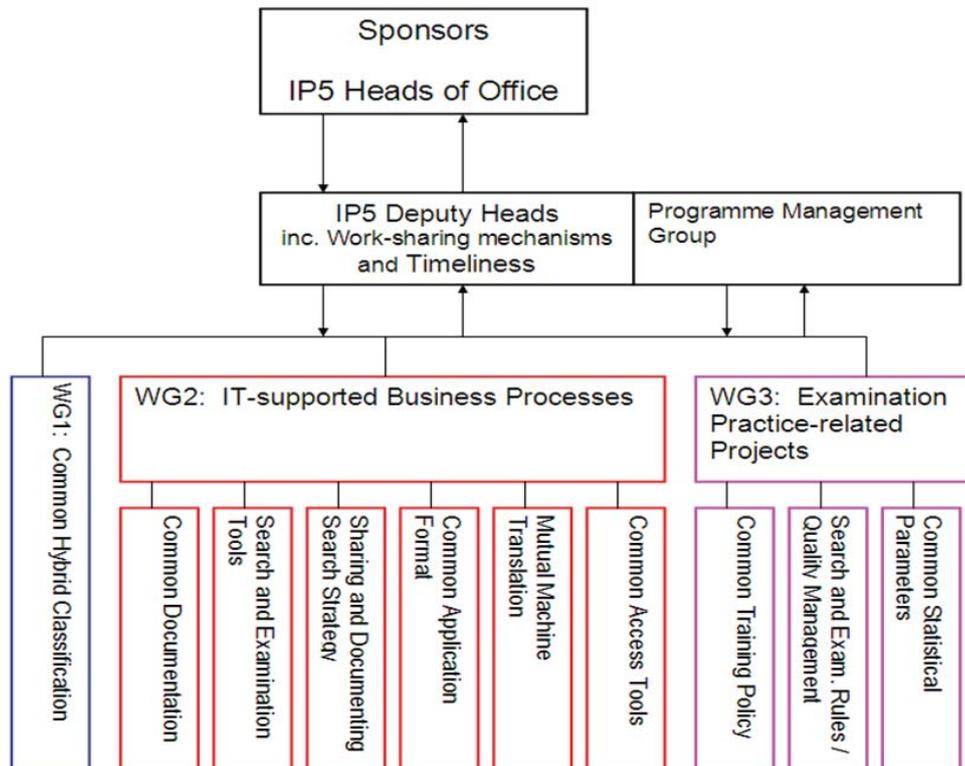


IP5 Programme: 10 Foundation Projects

- Common documentation (EPO led)
- Common hybrid classification (EPO led)
- Sharing and documenting search strategies (USPTO led)
- Common search and examination support tools (USPTO led)
- Common access to search and examination results (JPO led)
- Common application format (JPO led)
- Common training policy (KIPO led)
- Mutual machine translation (KIPO led)
- Common examination practice rules and quality management (SIPO led)
- Common statistical parameter system for examination (SIPO led)

IP5 Governance structure

WIPO participation at all levels (some topics closed)



Interpretation at all levels...

Current developments in IP5 - I

- Meetings of the three Working Groups (WG1, WG2 and WG3) took place before Christmas.
- Task breakdown and resource estimates provided by each Office for 2010-2011. All Offices aligned in terms of investments for the next two years.
- Deputy Heads met in China at the end of January and committed to the resources for the short-term goals (2010-2011).
- Some concrete milestones of the overall IP5 cooperation:
 - 4 CHC pilot projects have started.
 - Improved access to other Office's results to ease examiners work.
 - Project teams already working on the 2010-2011 goals !!

Current developments in IP5 - II

Some other ongoing or under planning IP5 activities:

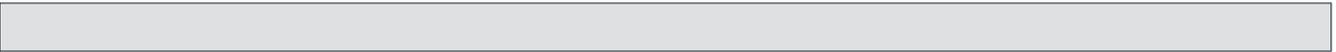
- **JP-FIRST** pilot project to address the timeliness with JPO.
 - **Collaborative S&E pilot project** between EPO, USPTO and KIPO.
 - **Examiner exchange** in February 2010 in the US. Focus on how to best record and share search strategies to ease work-sharing.
 - Schedule of **cross-office trainings** for 2010: The first one in JPO in March, but many more to come during 2010-2011.
 - **IP5 Examiner Workshop** in the EPO in October 2010.
 - **Communication Plan** for internal and external stakeholders in place
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Some additional information

- The IP5 partnership is not a closed club.
 - We want to inform on future directions and take input on board.
 - The EPO reports regularly to its Member States via the Administrative Council.
 - Co-operation with other work-sharing initiatives is actively promoted.
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Therefore ...

- The IP5 Offices see work-sharing as the way forward.
- The work to be shared needs to be of **high quality** and must be **on time**.
 - Quality and "on time for reuse" are key aspects that the IP5 Programme will address.
- The IP5 Offices imagine a future based on trust and collaboration.



Thank you for your attention

