

The future of European patent information

Curt Edfjäll *

European Patent Office, 80298 Munich, Germany

Abstract

In the context of the 50th anniversary of the PDG, and from the EPO's perspective, the author explores a number of scenarios for future trends and new developments for patent information. In addition to the extension of current trends and the possibility of sudden and unpredictable events – fulgurations, the possibilities of market led, geopolitical led, society and non-governmental organisations led and technology led scenarios are explored.

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1. Introduction

This article is closely based on a presentation that I prepared for the Annual Members' Conference of the Patent Documentation Group (PDG) in Maastricht, The Netherlands, in May 2007 which celebrated the 50th anniversary of the PDG.

I was asked to talk about the future of patent information, about my “vision of what this field might look like on the 60th anniversary of PDG in 2017”. Well, my first point is that the future, whatever it holds for us, will follow the simple law of cause and effect. It will depend on what is happening and what has happened.

On an occasion such as a fiftieth birthday it is only natural to look forward, and to look back. And if we do so, we observe that the Patent Documentation Group has been a master of cause and effect. I suspect that the PDG have, in fact, “caused” more “effects” in patent information than any other body.

From the EPO's perspective, the PDG was instrumental in the creation of the INPADOC patent family system, which could never have been as successful as it was without the collaboration that took place at the time. The newer members at the conference might not have realised it, but

during the early years of INPADOC, we needed to collect data from as many sources as possible in order to get a usable database operational. PDG member companies contributed their data collections and helped to make this possible.

Today, INPADOC data is fully integrated into the EPO's databases, which thanks to INPADOC, and therefore thanks to PDG, are the biggest patent databases in the world.

PDG's expertise and views have carried weight in Europe for fifty years, and continue to do so. I was very honoured, therefore, to be among the invitees to this conference.

So, what will the future bring? What will patent information look like ten years from now, what will PDG look like?

The EPO has been putting a lot of thought into the future recently. For many years we took the view that, as a public service organisation, we did not have a lot to say about “visions” and “strategies”; our role was simply to implement the European Patent Convention and, if necessary, react to changes. This is no longer so.

Supporting innovation, competitiveness and growth in Europe is our main mission, and this requires us to take a long-term perspective on patents.

We have done this in a number of ways. Firstly, we can make the assumption that we are *leaders* in our field and

* Tel.: +49 89 23994001.

E-mail address: jdiel@epo.org

can play a leading part in moulding the future. An alternative approach is more *reactive*. We call this the “scenarios approach”, where we assume that there are major trends in the world that exert pressure on the patent system, but which we can barely influence. We plan what we would do should a particular scenario show signs of becoming reality. Finally, there is the view of the future based on *fulguration*.¹ More about that later.

All three of these approaches can give us some indicators of what the future has in store for us. I shall look at each of them in turn in this presentation.

2. Taking the lead – strategic renewal

The “leadership” approach picks up on what I was saying about taking a more active stance when it comes to “vision” and “strategy” in the context of the European patent system. We realised that the EPO was seen by some as a loner, not integrated into the fabric of Europe, or into the innovation process, perhaps a little like the image of a very bright school kid, who is a great achiever, but introverted.

This prompted us to start a process that we have called “strategic renewal”.

The aim of the strategic renewal work was to strengthen the leadership within the EPO, and to develop a *long-term vision* to take us through the next ten years. The process is nearly complete. A draft vision has been ready for some months, and we are now consulting our member states and other stakeholders in order to finalise it. The result will be a list of five strategic directions, and five concrete projects.

The definitive version of the vision was not available at the time of the PDG conference, but what I can say is that, in all likelihood, one important element for patent information, and for the members of the Patent Documentation Group will be a concept called “raising the bar”. This is based on the premise that European patents should be patents of quality, and that numbers alone cannot indicate whether a patent system is successful or not. In the past two years, China and Korea have overtaken the EPO in terms of the numbers of patent applications filed, driving us down to fifth place in the list of patent offices worldwide. And that has happened despite a continuous growth in filings in Europe.

It would be tempting, and instinctive, to react to this trend by trying to foster more filings in Europe. But at what cost? At the EPO, we have thought hard about this and have concluded that we cannot fall into the “volume is good” trap. We shall therefore be taking a clear stance on this issue, and adopting a “quality is good, volume is bad” policy in order to send a message that in Europe pat-

ents are granted through a strong procedure that gives inventors and other players in the field a sense of legal certainty.

We want to “raise the bar” for patenting in Europe, to create an environment for better enforcement and reduce the number of technically trivial patents. One of the measures to achieve this will be to provide the infrastructure for good prior art searching before patent filing, and that means better patent information, and better search tools.

A second area spotlighted in our vision for 2017 is *knowledge*. This is certainly linked to the “raising the bar” concept; it involves the goal of an ever-improving understanding of patent information by those who participate in patenting and those who are affected by it. This will mean an active role for the EPO in the evolution of automated translation programs, and in the creation of tools that can give business insights based on patent data. We shall also exploit the special situation we have in Europe by involving the member states, through the European Patent Network, to build on the language expertise and local understanding that exist in order to reach patent information users and potential patent information users across our continent.

3. Scenarios – planning for eventualities

Let me now consider situations where we have no leading role, but which have a dramatic impact on European patents. At the European Patent Forum in April 2007, we presented four “scenarios” for the future.² The scenarios were not an attempt to predict the future, but rather to help us plan what to do if certain things happen.

Each scenario has a title, and a defining colour.

The grey scenario, “Market rules”, describes a situation where business is the driving force in the economy and where the patent system is a victim of its own success, endangered by excessive patent filings. Patents are used aggressively by multi-national industry and the name of the game is litigation.

The *red scenario*, called “Whose game?”, imagines a world driven by geopolitical forces, where countries adapt patent systems to their individual needs. Enforcement becomes increasingly difficult and the patent world more fragmented.

“Trees of knowledge” is the *green scenario*, in which it is society and non-governmental organisations who are in charge. Here, the main issue is how to ensure that knowledge remains a common good.

Finally, there is “Blue skies”, the blue scenario. In this case, technology is the main determining factor and the patent system has to adapt to the speed and nature of technological evolution, abandoning today’s one-size-fits-all procedure.

¹ UPPER AUSTRIA. A WEALTH OF POTENTIAL. Systemic location development and innovation policy Regional output and effects Monitoring Report 2004, page 4. Available at: archiv.bmbwk.gv.at/medienpool/13881/welzl.pdf.

² <http://www.epo.org/focus/patent-system/scenarios-for-the-future.html>.

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