

ANNEX - DEFINITIONS FOR STATISTICS ON PROCEDURE

EXAMINATION RATE

This rate shows the proportion of the applications for which the period to file a request for examination expired in the reporting year, that resulted in a request for examination up to and including the reporting year.

Since the JPO allows a seven year period to file a request for examination, the rate for the JPO in 1996 relates to applications filed in 1988.

For the EPO where the request for examination has to be filed not later than 6 months after publication of the search, the rate for 1996 relates to applications mainly filed in the years 1994 and 1995.

GRANT RATE

This is the number of applications that were granted during the reporting period, divided by the number of disposals in the reporting period (applications granted plus those abandoned).

The grant rate given for the USPTO includes plant and reissue patents in addition to utility patents. However, since utility patents comprise over 99% of patent applications, and over 99% of those patents issued, the USPTO grant rate is almost identical to a grant rate based strictly on utility patents.

OPPOSITION RATE

This rate does not apply for the USPTO since there is no opposition procedure.

The opposition rate for the EPO is the number of granted patents for which the opposition period ended in the reporting year and against which one or more oppositions are filed, divided by the total number of patents for which the opposition period ended in the reporting year.

MAINTENANCE RATE IN THE OPPOSITION PROCEDURE

This rate only applies for the EPO.

The rate for the EPO is the number of decisions (in the opposition procedure) to maintain, possibly in amended form, a patent during the reporting year divided by the total number of decisions in the opposition procedure during the reporting year.

APPEAL RATE

For the EPO appeal rates are given for examination and opposition being the number of decisions in the examination, respectively opposition, procedure against which an appeal was lodged in the reporting year, divided by the number of all decisions for which the time limit for appeal ended in the reporting year.

For the JPO the total number of appeals is shown instead of the appeal rate. The JPO does not make a distinction between appeals against decisions in examination for applications against which oppositions were filed and those against which no opposition was filed.

In the USA patent system, there is no opposition procedure prior to patent issues because the patent applications are not published until after issue. The USPTO appeal rate, which includes utility, plant, and reissue categories, captures the number of appeals filed after an examiner's decision to issue a final rejection against a patent application. The rate is determined by dividing the number of examiner answers written during the year in response to appeal briefs by the number of final rejections issued that year.

PENDENCY SEARCH PROCEDURE

This only applies to the EPO. For the EPO the pending applications in search is the number of applications filed (Euro-direct and Euro-PCT entering the regional phase) up to and including the reporting year for which a search report has not been made by the end of the reporting year. Pending search in months is defined as the number of pending applications in search by the end of the reporting year divided by the number of disposed searches in the reporting year multiplied by 12.

PENDENCY BEFORE REQUEST FOR EXAMINATION

This only applies to the EPO and the JPO.

This statistic indicates the number of filed applications awaiting a request for examination by the applicant, for the EPO after publication of the search report and for the JPO at any time during seven years after filing.

For the EPO pending applications awaiting request for examination are the number of applications for which the search report has been published by the end of the reporting year and which have not passed the prescribed period for the request (six months after publication of the search).

For the JPO the number of patent applications awaiting request for examination indicates the number of applications for which no request for examination has been filed by the end of the reporting year, and the prescribed period for the request, seven years from the date of its filing has not passed.

ILLUSTRATION:

Applications 1990-1996	2 574 497
Thereof requests for examination 1990-1996	426 371
Applications awaiting request for examination	2 148 126

PENDING EXAMINATION

Pending applications in examination is the number of applications filed (in the USPTO) respectively the number of requests for examination filed (in the EPO) and which have not been disposed (grant or abandon) by the end of the reporting year.

For the EPO and the JPO pendency examination in months is calculated by dividing the number of pending applications in examination as of the end of the reporting year by the number of disposals (decisions to grant or refuse, withdrawals, abandonments or converted applications) during the reporting year and by multiplying by 12.

The pendency in months in the USPTO for utility, plant and reissue applications is calculated by measuring the time from filing to abandonment or issue for all applications that are abandoned or issued during a three month period. The average time it takes for these applications to either abandon or issue from the date of filing is the pendency in months.

PENDENCY OPPOSITION

This statistic only applies for the EPO.

For the EPO, pending applications in opposition are the patents against which one or more oppositions have been filed and for which no final decision has been taken by the end of the reporting year.

For the EPO, pendency opposition in months is the number of pending applications in opposition by the end of the reporting year divided by the number of disposals in opposition in the reporting year multiplied by 12.

THE JAPANESE POST-GRANT OPPOSITION POLICY

Before the policy revision, it was possible to lodge an objection for up to three months after the publication of an examined application, however after the revision it is possible to lodge an objection for up to 6 months after registration.