

## 2 GUIDE TO TRILATERAL STATISTICS

In this chapter, the statistics presented in this report and the relations between them are briefly described. All statistics apart from those in Chapter 5 relate to patents of invention only.

**2.1** The importance of established patent rights worldwide and in major blocs (i.e. EPC States, Japan, United States and others) is illustrated in the Introduction, **Chapter 1** by the graph of patents in force (Graph 1.1).

**2.2** Assessment of the importance attached to patent protection is the **demand for patent rights**, i.e. the patent applications. These are reported in **Chapter 3**. Statistics in this chapter are primarily derived from the 1997 Industrial Property Statistics from the WIPO and are defined as follows:

- Demand for patent protection via international and/or regional applications is counted in terms of designation of countries.
- PCT applications are counted in the year of filing (in the international phase).
- Domestic applications are defined as all demands for patent rights as required by residents of the country where the application is filed. Foreign applications are those applications by non-residents of the country where the application is filed. For the EPC, foreign demands are those applications of non-residents to the EPC bloc as a whole. For example, applications filed by French residents in one of the other EPC States are counted as domestic demand in the EPC bloc.
- First filings are applications filed without using the priority of another previous filing. It is assumed that PCT filings are subsequent filings.

The development of the total demand is shown, followed by the development of demand in the major filing blocs.

The demand in each major filing bloc is analysed for domestic or foreign origin, as well as for first filings.

The number of inventions for which a patent application is filed is less than the total number of applications filed. Generally for each invention, one application is filed first in the applicant's own country, followed by as many in foreign countries as the applicant finds useful, claiming the priority of the earlier application. First filings can be seen as an indicator of innovation and inventive activity, while foreign filings are a measure for international trade and globalisation.

The next point of interest is the demand from Trilateral blocs to each other since this is an indicator of the importance of Trilateral markets for the other blocs.

In addition to the information above, it is interesting to analyse how many inventions are important for all three blocs at the same time. These are

identified by those first filings which lead to patent applications in all three blocs. The statistics on such trilateral patent families concludes Chapter 3.

**2.3** The information that is reported in **Chapter 3** addresses the demand for patent rights. **Chapter 4** addresses demand for patent rights among the Trilateral Offices. Demand for patent rights is not equal to the demand for services in the patent procedure of the Trilateral Offices. International patent applications, i.e. those filed under the Patent Cooperation Treaty (PCT), only require actions from the designated Offices after entry in the national or regional phase. (Actions required of the Offices as international search authority and international preliminary examination authority are presented in **Chapter 5**).

In **Chapter 4**, PCT applications are counted at the moment they enter the national or regional phase. Therefore, in comparison with **Chapter 3**, differences can appear in the number of applications filed with the trilateral offices.

In the statistics on demand for patent rights in the EPC States, the designations in European applications are counted separately. However, for all designations in one application only one service is requested from the EPO. Furthermore, part of the demand for patent rights in the EPC States is processed through national Offices of these States and does not result in any workload for the EPO.

Statistics on the **demand at Trilateral Offices** are given in **Chapter 4**. Statistics are given for applications filed with Trilateral Offices from each filing bloc, also showing domestic and foreign filings. Furthermore, a breakdown in fields of technology is given according to the IPC classification.

In order to have a "true" comparison of the demand for services at the three Offices, the comparison of the filed applications is supplemented by statistics on patents granted by the trilateral offices.

Although the patent applications filed do indeed represent demands for services, the work is not always performed at a comparable point in time. In the Japanese patent granting procedure, the service only begins after an explicit request for examination, which can be deferred up to 7 years after filing of the application. Within the United States, examination commences upon receipt of the application and final grant follows the notice to the applicant and the applicant's payment of a patent issue fee. The European procedure consists of two separate steps: a novelty search and a subsequent substantive examination. For the second step, however, a separate request has to be filed with the EPO. Consequently, neither the number of applications filed nor the number of requests for examination is a perfect basis for comparison. Taking into account that the percentage of applications that are granted is rather constant in each of the three procedures, some indicator of services actually demanded can nevertheless be provided using statistics on granted patents.

To illustrate the similarities as well as the differences in the granting procedure of the three Offices, characteristics of the Trilateral patent granting procedures are shown in the last section of **Chapter 4**.

**2.4** Maintaining the granting procedure for patents of invention is the most important task for all three Offices. There is, however, **other work**, as already indicated in the introduction, for which statistics are shown in **Chapter 5**.