

**TRILATERAL OFFICES AND USERS  
CONFERENCE**

**(16 NOVEMBER 2006)**

**STRICTER EXAMINATION TO  
ADDRESS THE WORKLOAD ISSUE**



# LANDSCAPE IN THE TRILATERAL AREA

- Increasing number of filings of patent applications in the Trilateral areas → increased difficulties to cope with the workload in all three Offices;
- Two major causes:
  - ✓ New players (China, Korea) and new technologies have emerged. This trend cannot be reversed and its importance will only grow
  - ✓ Many applicants believe « If you really want a patent, you have it »  
→ something needs to be done to address this!



# « IF YOU REALLY WANT A PATENT, YOU HAVE IT »!

- Several factors have contributed to the spreading of this wrong message, although not to the same degree in all Trilateral regions
- Key factors:
  - ✓ Applicant is a customer who must be satisfied!  
→ How can you refuse an application if you wish to satisfy your customer?
  - ✓ Far more difficult for an examiner to really reject an application than to grant a patent  
→ Responsibility of Appeal Boards or Courts reviewing rejections of applications



# « IF YOU REALLY WANT A PATENT, YOU HAVE IT »!

- Two more factors:
  - ✓ Endless possibilities for an applicant to delay final disposition of his case or sidestep any rejection
    - An issue to be addressed by the legislator
  - ✓ Interpreting the patentability criteria so liberally that patent examiners have almost nothing left on which to base a rejection
    - An issue to be addressed by Patent Offices and Courts!



## ACTION IS REQUIRED NOW!

- It is in the interest of patent applicants and patent Offices to address these points now
- Changing the message will help curb the overall demand
- Deficiencies of the system raise growing concerns within society, governments, parliaments, at least in certain parts of the world
  - If patent Offices, working with economic players, do not address the problems, it is possible that extreme measures will be imposed on the patent system



***THANKS YOU FOR YOUR KIND  
ATTENTION***

