

### **3. Demand for patent rights**

Statistics in this chapter are derived primarily from the 1995 Industrial Property Statistics from the WIPO. In addition to the statistics from the Trilateral Offices statistics, from many other Offices are necessary in order to present a picture of the world-wide patent activity. Although not all Offices in the world have furnished the necessary information, those for which complete information is available represent almost all patent applications.

Applicants may use three types of granting procedures:

- \* the national procedure,
- \* the regional (like the European) procedure, and,
- \* the international procedure (PCT).

In this chapter national and PCT applications (in the international phase) are counted in the year of filing. European applications are also counted in the year of filing but since one European application replaces a "bundle" of national ones, it is rather the EPC States designated that are reported.

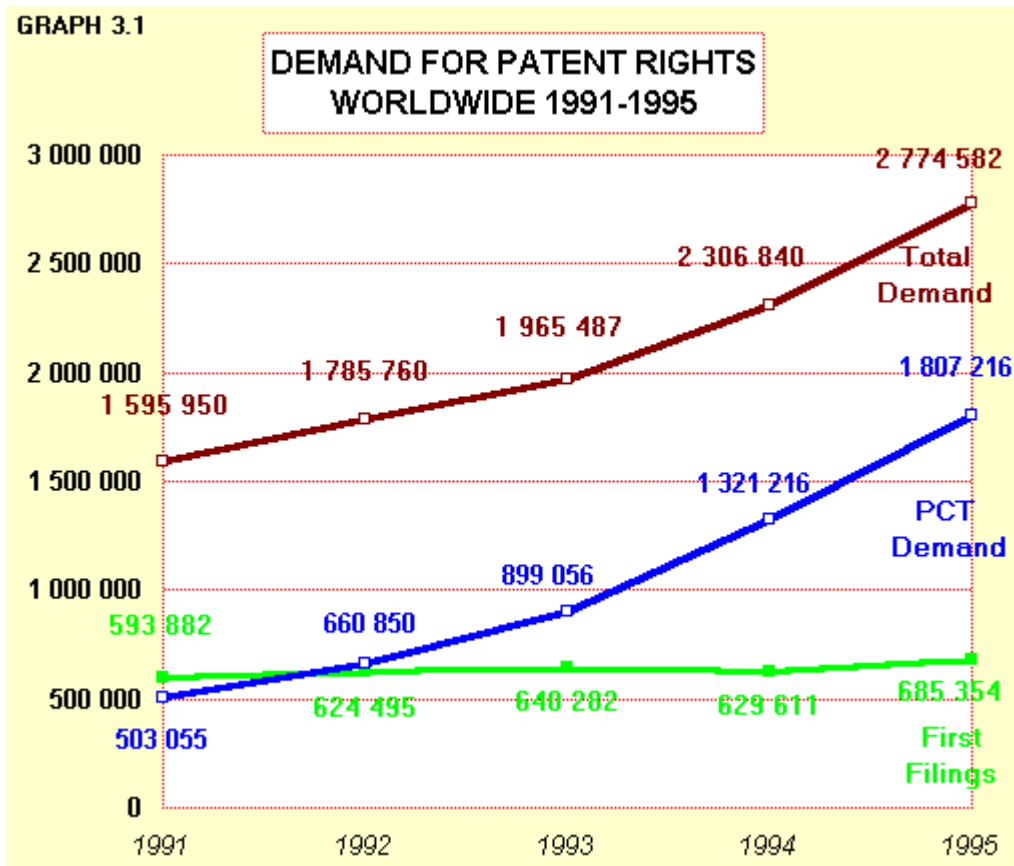
Patent rights do not necessarily have the same effect in each country all over the world. One reason is that patent law is not exactly the same all over the world despite the very existence of regional and international procedures.

With different patent laws and procedures, applications can have a different scope, e.g. with respect to the average number of claims included in one application. This does partially explain the relatively high number of patents and patent applications in Japan compared to Europe and the USA.

Significant differences in interpretation among countries regarding the scope afforded to patent rights affect the ability to compare patents from different countries, even when the countries patent laws are similar. For instance, courts of law in the USA tend to interpret patent claims in a narrow context, often adhering to the "letter of the law". Other countries, however, such as Germany, have legal systems which tend to interpret patent claims more broadly than in the USA.

### 3.1 DEMAND FOR PATENT RIGHTS WORLD-WIDE

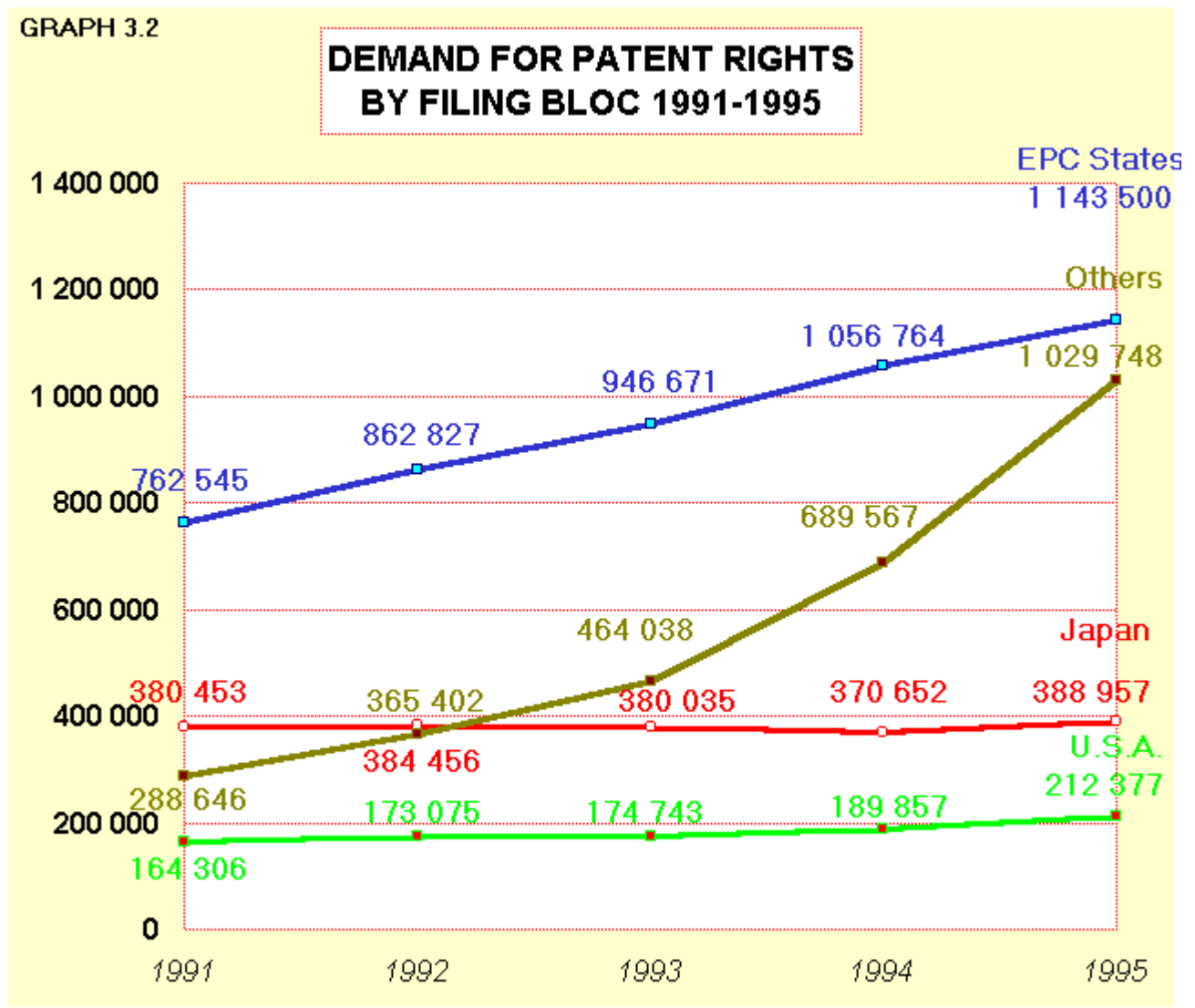
Notwithstanding such differences, statistics on patent applications filed give the number of patent rights sought by applicants all over the world. The development is shown in the graph below:



The demand for patent rights rose from 1 595 950 to 2 774 582 from 1991 to 1995, which is an increase of 74% corresponding to an average increase of about 19% each year. The number of first filings in 1994 was 629 611. For these first filings, one year later (1995) 2 089 228 subsequent filings were registered (i.e. 2 774 582 total minus 685 354 first filings). Thus on average one invention for which a first patent right was sought, leads to 3.32 subsequent filings of an application for patent rights in another area. Three years earlier, the rate was at the level of 1.96. This increase in the proportion of subsequent filing shows the ongoing internationalization of patent rights.

### 3.2 DEMAND IN THE MAJOR FILING BLOCS

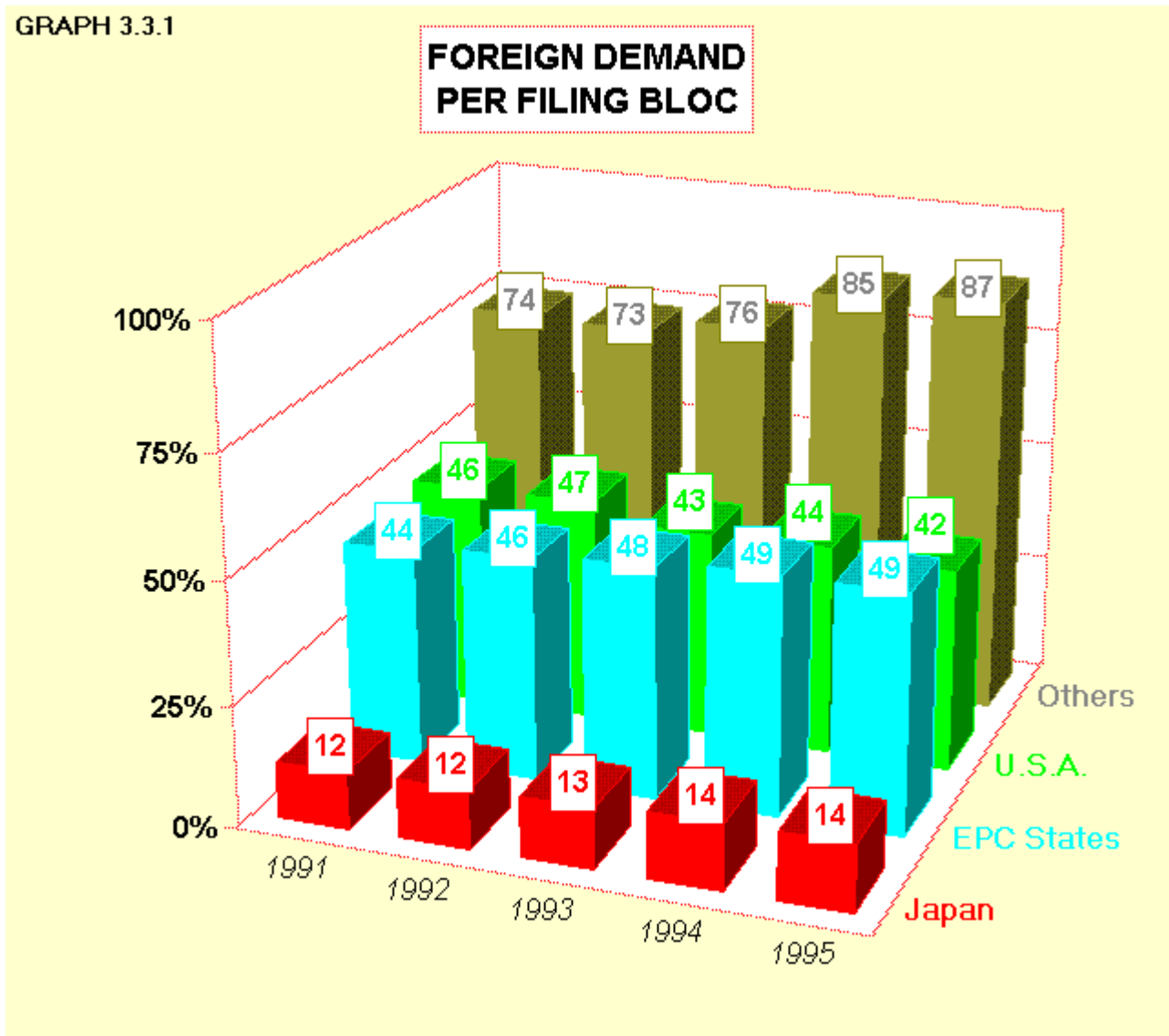
The development of demand in the major filings blocs is shown below:



Demand in the EPC States being the sum of the demand for national patent rights in all Contracting States is highest, followed by "Others", Japan and the USA. The demand increased in all blocs over the period 1991-1995. The relative change was the highest in the EPC states (50 % increase 1991-1995), followed by the USA (29%). In Japan, the decrease in 1993 and 1994 held back the growth rate over the period to 2%. The development in block "Others" (257 % increase) is due to several factors. Countries setting up new protection right systems, new memberships to the PCT, statistics available for more countries are the main reasons to explain the large increase for some former USSR Republics and some African and Asian countries. In some other countries the demand simply increased based on unchanged systems.

### 3.3 FOREIGN AND DOMESTIC DEMAND

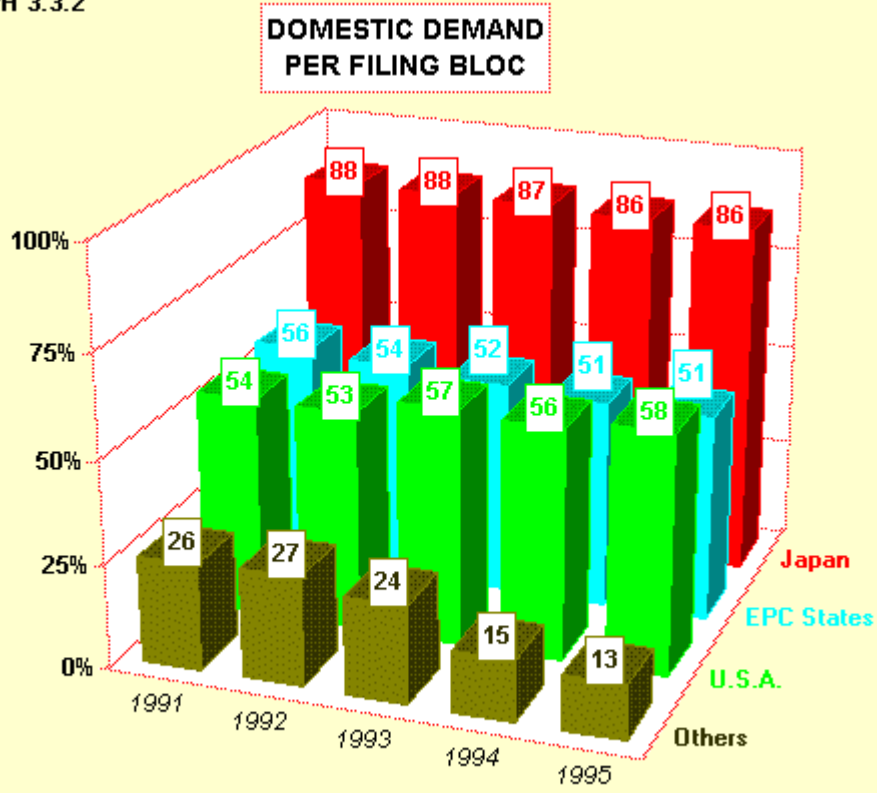
The relative importance of demand from foreign countries is shown in the graph below, followed by its counterpart: the demand for domestic filings.



The proportion of demand in the EPC-States having its origin from outside the EPC countries keeps increasing; in 1995 about 49% is foreign demand for patent rights. Foreign demand in the USA in 1995 is 42%. In Japan the domestic demand is about 86% in 1995.

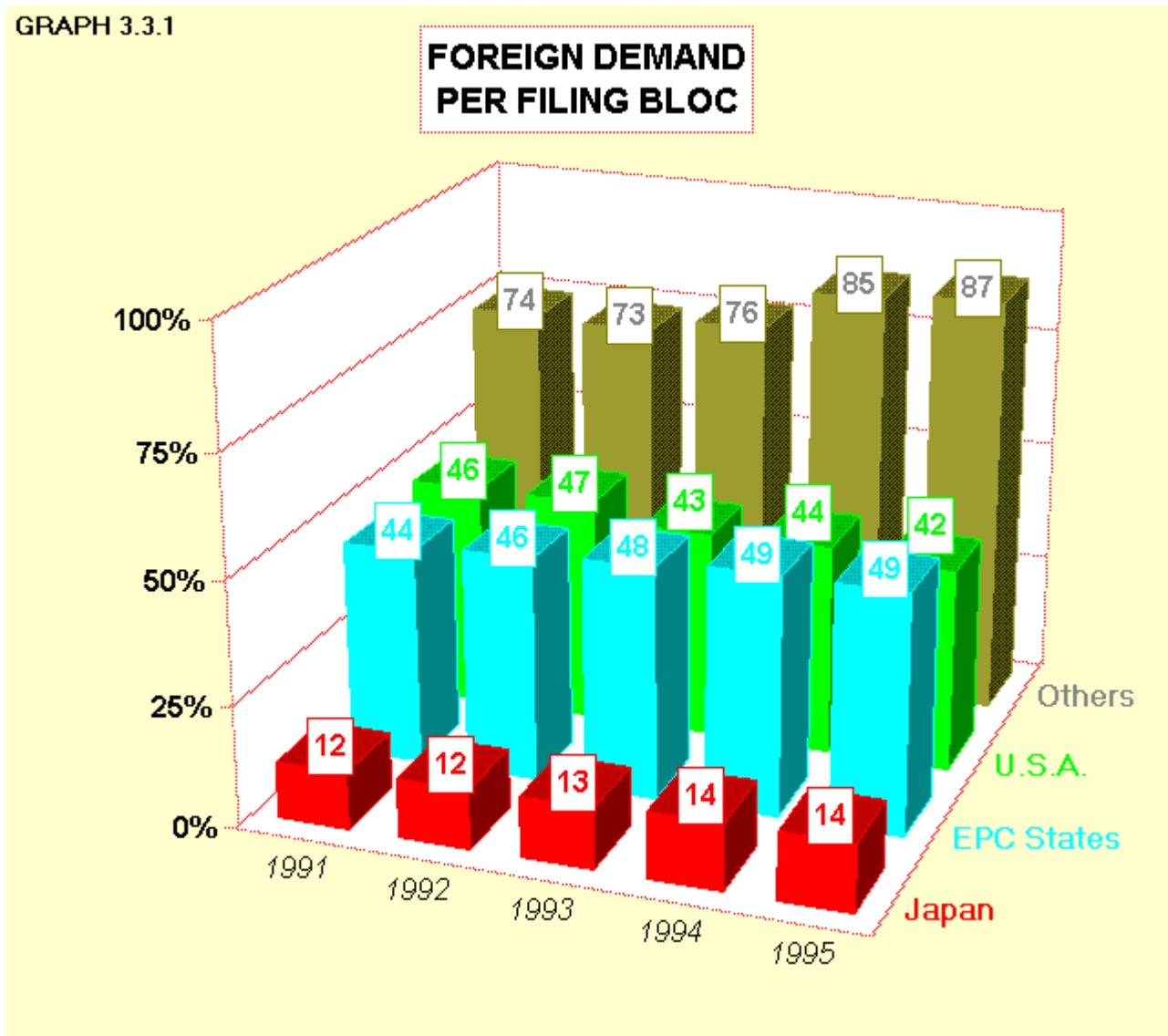
In the bloc "Others", the proportion of foreign demand increased substantively in 1994 (85%), and in 1995 (87%) compared to the previous years (below 75%) because of the substantial increase in foreign demand.

GRAPH 3.3.2



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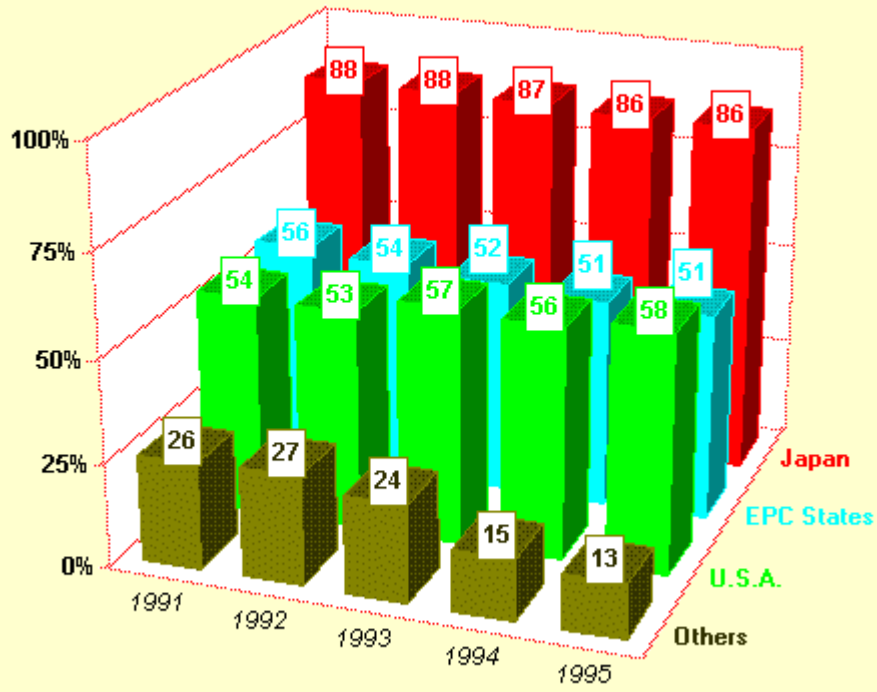


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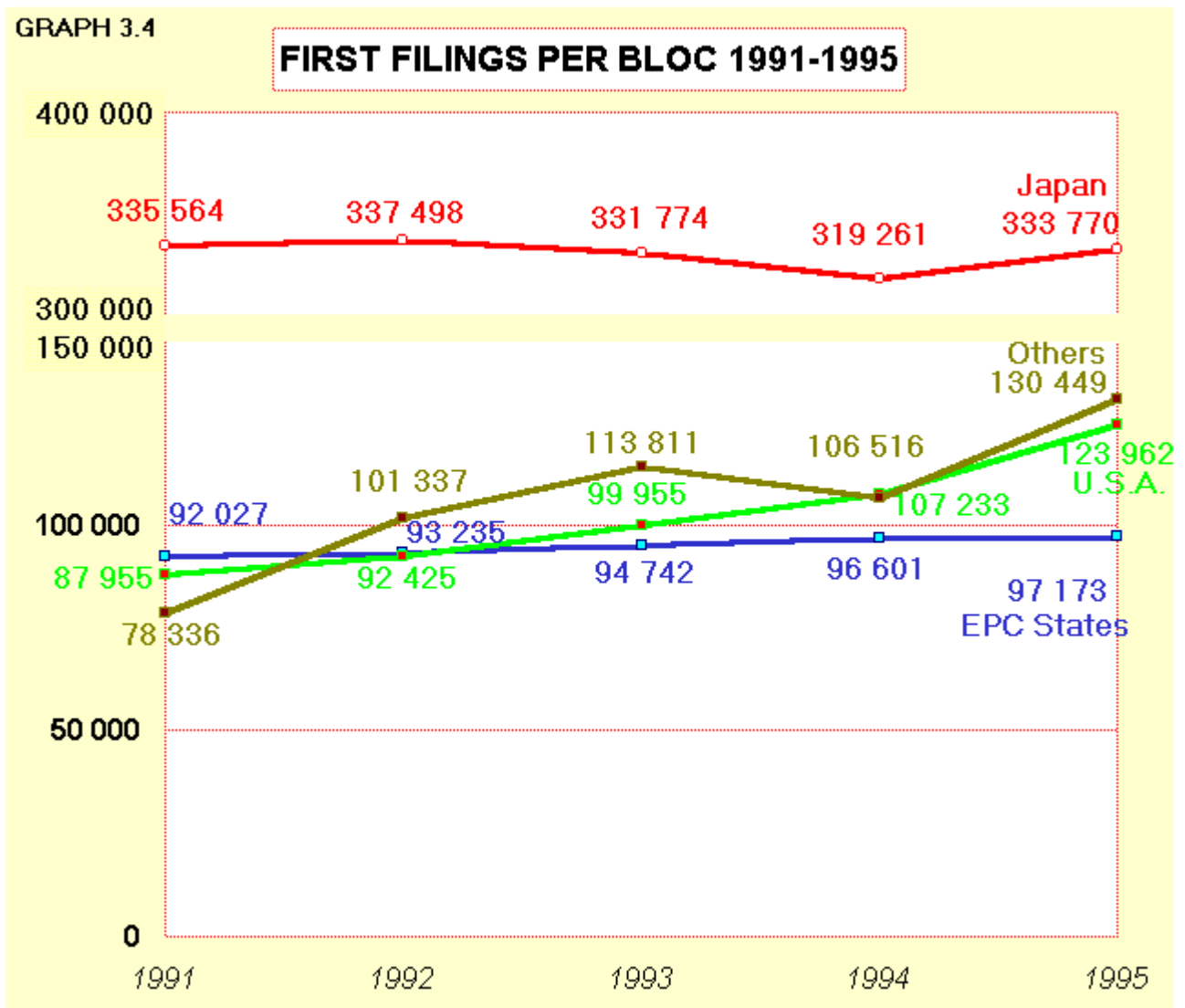
GRAPH 3.3.2

**DOMESTIC DEMAND  
PER FILING BLOC**



### 3.4 FIRST FILINGS

The development in first filings in major filing blocs is shown below:

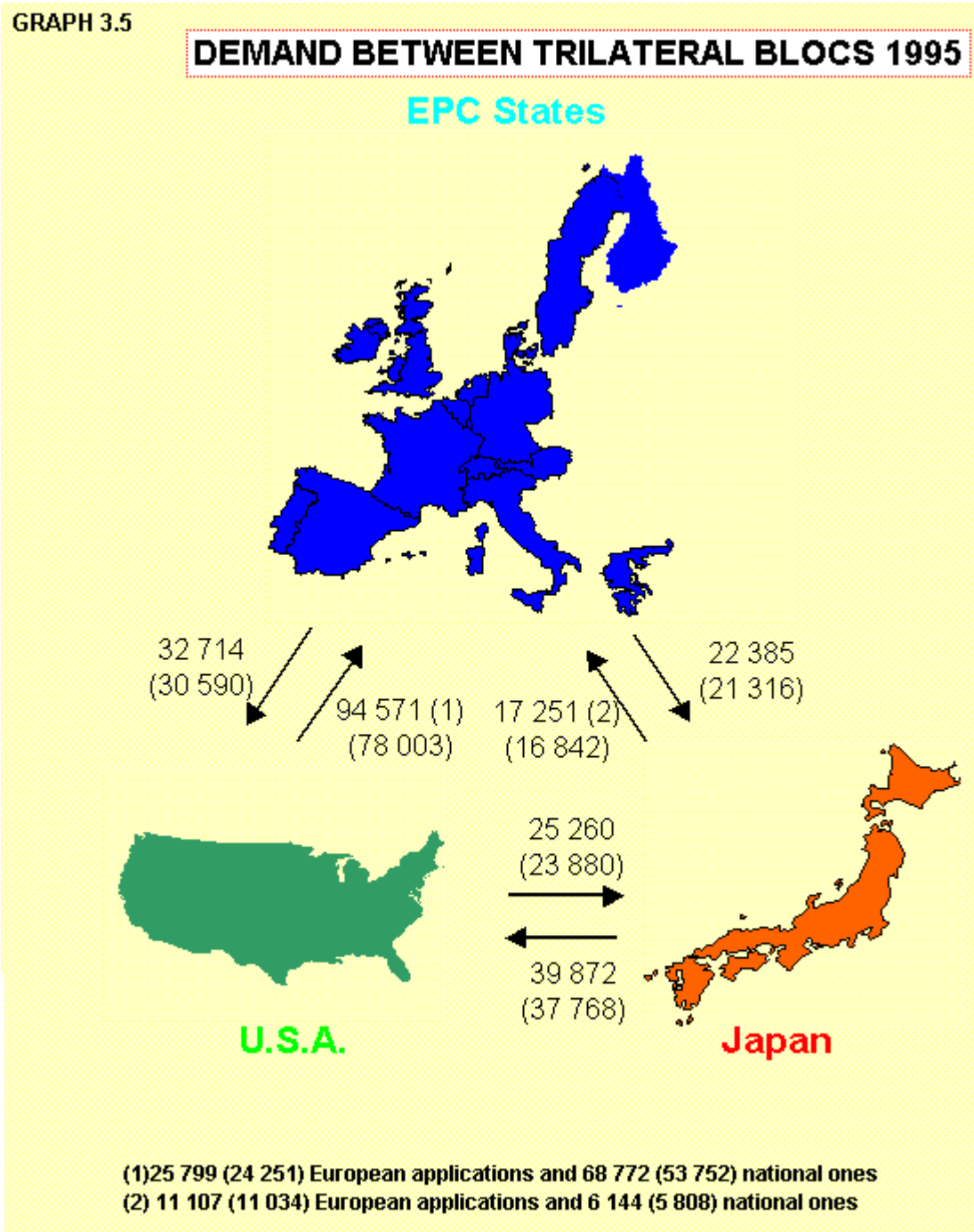


The highest number of first filings is observed in Japan. In 1995, as over 1991, first filings in Japan decreased by 0.5%. In 1995, however, the number of first filings increased. In the bloc "Others", after a large increase, the first filings decreased in 1994 (6 % less than in 1993). First filings in the bloc "Others", however, substantially increased again in 1995 (22 % more than 1994). In the USA, first filings has continued to increase (16 % more than in 1994). In the EPC-States first filings in 1995 increased by 0.6 %.



### 3.5 DEMAND BETWEEN TRILATERAL BLOCS

The following picture shows the demand (including PCT-filings) within the Trilateral filing blocs. The demand in the EPC States has been calculated as the sum of European applications and national ones, which is not completely the same as the demand in Japan and the USA. The demand at national Offices of EPC States includes some plural applications caused by the fact that applicants can file an application for one and the same invention with more than one national Office. The 1994 figures are in brackets in the graph.

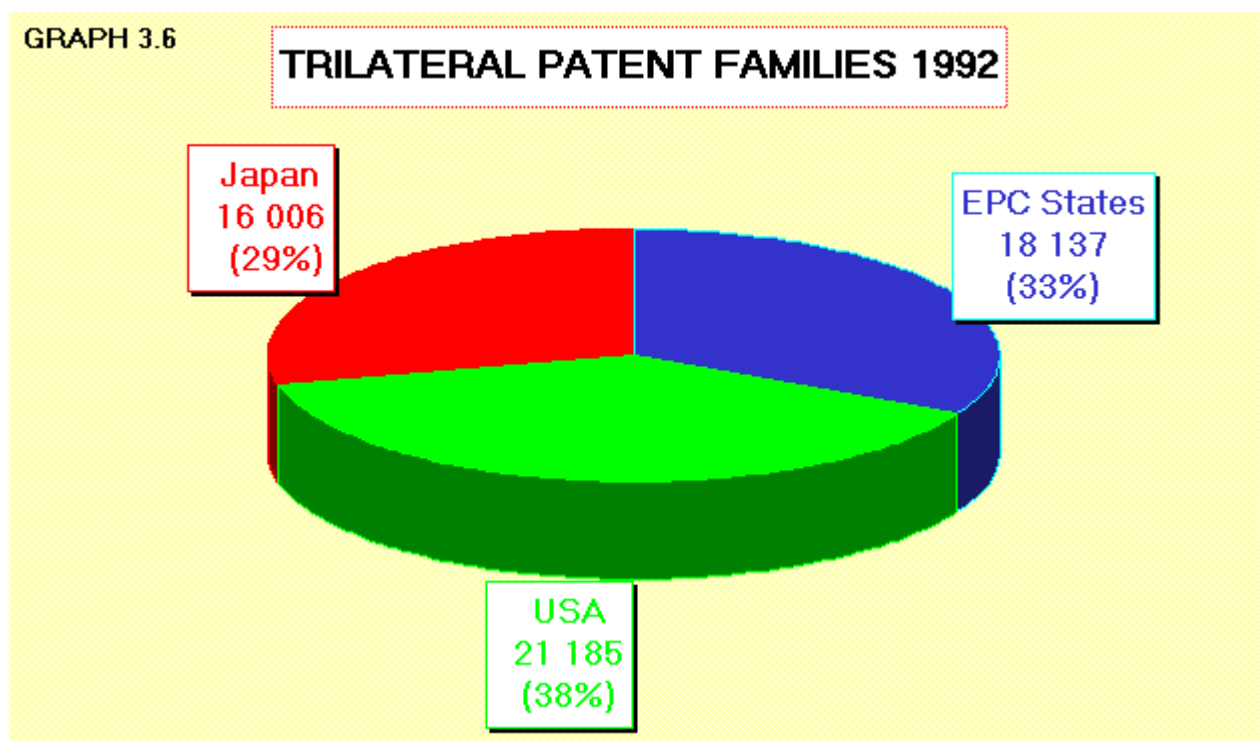


Contrary to the demand figures presented in 3.1 through 3.3 European applications are not counted per designation but as single application.

The gaps in filings increased between Japan and EPC, and between Japan and USA. EPC applicants file more in Japan than Japanese applicants do in the EPC countries. Japanese applicants file more application in the USA than US applicants do in Japan. While US filings in Japan increased by 5.8 %, Japanese filings in the USA increased 5.6 %. The gap between EPC and the USA is the largest. The number of US applications in the EPC bloc, in particular via the national procedures, increased much more (21%) than the number of EPC applications in the USA (7%).

### 3.6 TRILATERAL PATENT FAMILIES

The next graph shows the patent applications in each Trilateral filing bloc in the year 1992 of which the priority is claimed for subsequent filings in both the other blocs. The statistics are based on published applications. Due to the delay in publication (from the moment of filing) in particular according to the patent system in the USA where applications are published after examination the 1992 figure is presented here. The total number of trilateral patent families is 55 328, thereof 29 % originating from JPO, 33 % from the EPC and 38 % from the USPTO.



Of the total first filings in the three filing blocs (523 158) 10.6% are filed in all the three filing blocs which is comparable to the previous year figure (10.8%). The proportion was not so stable in the three blocs. As shown in the table below for 22.9% of the US first filings the priority is claimed for subsequent filings in both other blocs, it was 23.6% in 1991; for EPC this is 19.5% (was 19.2%) and for Japan 4.7% (was 5.2%).

**TABLE 3.6: TRILATERAL PATENT FAMILIES AS PROPORTION OF FIRST FILINGS**

	Trilateral Patent Family Claiming Priority of	First Filings	Proportion Trilateral Patent Families of First Filings
EPC States	18 137	93 235	19.5%
Japan	16 006	337 498	4.7%
U.S.A.	21 185	92 425	22.9%
Total	55 328	523 158	10.6%