



SPEECH

7 November 2008

TRILATERAL USERS DAY (The Hague, 13 November 2008)

ADDRESS BY THIERRY SUEUR, CHAIRMAN OF BUSINESSEUROPE'S PATENTS WORKING GROUP

President Brimelow,
Director Dudas,
Commissioner Suzuki,
Director General of WIPO Francis Gurry,

Ladies and gentlemen,

- On behalf of the Industry Trilateral I would like to welcome you all to today's Trilateral User Day with the theme of working together towards a sustainable patent system.
- But allow me to say first a few words about our Industry trilateral. . The Industry Trilateral is a unique platform that was set up in 2003 and brings together users of the patent system from Europe, U.S. and Japan.
- IPO and AIPLA represent the U.S. side:
- **IPO (Intellectual Property Owners' Association)** represents owners of patents, trademarks, copyrights and trade secrets, in all industries and all fields of technology. IPO includes more than 250 companies and 10,000 individuals involved in IPO through their companies or as inventors, authors, executives, university, law firms or individual attorney members.
- **AIPLA (American Intellectual Property Law Association)** is a bar association whose more than 17,000 members represent corporate and private clients in all fields of IP law. AIPLA represents a wide and diverse spectrum of individuals, companies and institutions involved directly or indirectly in the practice of patent, trademark, copyright, and unfair competition law, as well as other fields of law affecting intellectual property.
- **JIPA (Japanese Intellectual Property Law Association)** from the Japanese side is a non-profit, non-governmental organization, which has approximately 1173 members. It represents industries and users of the intellectual property

system, and provides related institutions all around the world with well-timed, suitable opinions on improvement of their IP systems and their utilization.

- ❑ **BUSINESSEUROPE** from the European side represents more than 20 million small, medium and large companies. BUSINESSEUROPE's members are 40 central industrial and employers' federations from 34 countries, working together to achieve growth and competitiveness in Europe.
- ❑ We all share the view that a robust and sustainable patent system is of key importance for innovation and competitiveness.
- ❑ Patents stimulate investments needed to develop and market new innovations, while at the same time disseminating technology and other knowledge to the benefit of all, including society at large.
- ❑ This became apparent earlier this year in Ljubljana, where the European Patent Office recognised the significant contribution made by Europe's innovators to improved quality of life and technical progress in Europe with the European Inventor of the Year awards for important inventions that included a groundbreaking antiviral treatment for AIDS, a pain-free eye-scanner and a robot designed to overhaul surgical procedures.
- ❑ At the same time, the global patent system faces challenges of ever-growing numbers of patent applications and backlogs that clearly hinder innovation. Patent applications to the European Patent Office have increased steadily in recent years; the number of total filings rising from 181,000 in 2004 to roughly 208,000 in 2006.
- ❑ At the same time, the U.S. and the Japanese patent systems face their own growing backlogs and challenges regarding how to improve their functioning for the benefit of their users. The total number of applications per year to the U.S. Patent Office has grown from roughly 250,000 in 2000 to over 400,000 in 2006. The annual number of patent applications filed in Japan has remained steady at more than 400,000 since 1998.
- ❑ To give you some additional figures, the Japanese backlog increased substantially from 522,000 in 2003 to 755,000 applications in 2005, whereas the U.S. backlog has piled up to 590,000 applications as of 2005. The backlog at the European Patent Office was 284,414 applications in 2005.
- ❑ These figures make it even more apparent that it's time for all of us to act together by joining forces.
- ❑ We as Industry trilateral have already supported in the past your efforts in improving work-sharing among patent offices, as well as developing common tools and strategies.

- You have recently launched together with the Chinese and Korean Patent Offices what you call the IP5 process, a shared vision on working together to address common challenges.
- These challenges include eliminating unnecessary duplication of work, enhancing patent examination efficiency and quality and guaranteeing the stability of international patent rights.
- You have set out a common blueprint in the form of ten specific projects, in order to improve work-sharing among the five Patent Offices involved in this process by enhancing the quality and building mutual trust in each other's work.
- We look forward to seeing how you will develop these projects and the Industry Trilateral will certainly be keen to provide its input in this process since we share the same goals.
- I am sure that during the day we will hear more about how you intend to move forward your cooperation.
- Of course, we have an existing work-sharing instrument already in place that helps addressing many of these challenges, which is the Patent Cooperation Treaty that has served companies in Europe well. There will be panel discussions that will certainly focus on how we can improve and streamline the functioning of the PCT further.
- In addition, one of the key parameters in the debate on how to shape the patent system of the future is patent quality. We as applicants and users of the system are ready to work towards helping Patent Offices to cope with their backlogs and to improve the quality of granted patents and the timeliness of the granting process. We are also keen to try and deflect ill-advised attempts to put in place unilaterally limitations and hurdles that would make the protection of innovation more difficult and more costly.
- On behalf of the Industry trilateral, I would like to welcome you to today's trilateral user day and thank the EPO for hosting this event and all the efforts in putting this event together.
- We look forward to constructive discussions during the day and I hope that we can all together at the end of this Trilateral User Day draw positive conclusions for the future of the global patent system.

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