Contribution by the European Patent Office (EPO) to the Development of National IP Strategies and National Action Plans

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Overview

• Part A: Introduction
• Part B: Strategy design
• Part C: Co-operation policy with MS; a new approach to co-operation through National Action Plans (NAPs)
• Part D: Examples: NAPs and projects
• Conclusions
PART A: INTRODUCTION

The European Patent Organisation

The executive body
The Office is responsible to examine European patent applications.

The legislative body
Important functions:
• to adopt the budget
• to approve the President’s actions in implementing the budget
• to amend the Implementing Regulations and Rules relating to Fees
• to amend certain parts of the European Patent Convention in specific circumstances

The Administrative Council consists of delegates from the member states.
34 member states

Austria • Belgium • Bulgaria • Croatia •
Cyprus • Czech Republic • Denmark •
Estonia • Finland • France • Germany •
Greece • Hungary • Iceland • Ireland •
Italy • Latvia • Liechtenstein • Lithuania •
Luxembourg • Malta • Monaco •
Netherlands • Norway • Poland •
Portugal • Romania • Slovakia •
Slovenia • Spain • Sweden •
Switzerland • Turkey •
United Kingdom

European patent applications and patents can also be extended at the applicant's request to the following states:
Albania • Bosnia-Herzegovina • Former Yugoslav Republic of Macedonia • Serbia

Our mission

As the patent office for Europe, we support innovation, competitiveness and economic growth across Europe through a commitment to high quality and efficient services delivered under the European Patent Convention.
The European Patent Convention

• The European Patent Convention (EPC)
  – provides the legal framework for the granting of European patents via a centralised procedure
  – establishes the European Patent Organisation

• 1973 – Diplomatic Conference in Munich ➤ signature of the EPC by 16 countries

• 1977 – Entry into force of the EPC in 7 countries - marked here below as follows

Autonomy

• Second largest intergovernmental institution in Europe

• Not an EU institution

• Self-financing, i.e. revenue from fees covers operating and capital expenditure
Structure

President
Alison Brimelow

Presidential area

Directorates-General

Operations
Thomas Hammer

Operational Support
Peter Vermeij

Appeals
Peter Messerli

Administration
Brian McGinley ad interim

Legal/International Affairs
Manuel Desantes

Directorate-General 5
Legal and International Affairs

Main activities

• European and international relations
• Patent law
• Patent administration
• Legal services
• International legal affairs/Patent co-operation Treaty (PCT)
• European Patent Academy
Our role in the European patent system

- We provide patent protection in up to 38 European countries based on a single application in one of the three official languages (German, English, French)

  European patent applications can be filed:
  - direct with the EPO
  - via the national patent offices of the contracting states
  - based on an international (PCT) application

- We are also responsible for
  - limitation and revocation proceedings by patentees
  - opposition proceedings by third parties
  - appeal proceedings before the Boards of Appeal
Our role in the international (PCT) system

- We process international patent applications
  - we act as a receiving office for international applications (PCT)
  - we carry out international preliminary search and examination procedures

Other services

- Free online services
  - filing
  - fee payment
  - file inspection
  - tracking of legal status of applications

- Free patent information services
  - online access to all European patent documents (updated weekly)
  - simple online searches in our database of over 60 million patent applications
  - helpdesk staffed by experts on the Japanese, Chinese and Korean patent systems

- Training
  - conferences
  - workshops and seminars
  - e-learning
PART B: STRATEGY DESIGN

Elements of a good IP Strategy

• Offers a clear direction of actions for transformational change and is well-integrated into the wider economic and innovation policies;

• Has clear objectives;

• Engages all relevant stakeholders;

• Focuses on benefits;

• Has a sponsor (e.g. Japan - The Strategy Headquarters led by the Prime Minister)
Elements of a good IP Strategy cont.

- Takes into account future economic and political priorities/environment;
- Lists set of actions/measures to achieve set objectives;
- Offers a method for reviewing progress and impact;
- Answers the questions:
  - Know why?
  - Know that ...
  - Know what?
- Offers a long-term view and perspective.

How to develop a good IP Strategy

- Set objectives
- Conduct situation analysis
- Develop options
- Identify a set of actions/measures
- Monitor progress and impact
PART C: CO-OPERATION POLICY WITH MEMBER STATES

Background

• Co-operation policy is a key element of the strategy debate outcome

• Co-operation strives to make optimum use of the resources and competences available within the EPN

• Co-operation in partnership aims to promote the extension of best practices as well as sharing of costs for common tools

• The EPO's financial contribution helps in the start-up phase of co-operation projects -> self-sustainable

• Regular monitoring and reporting on results in order to ensure efficiency and transparency
New co-operation policy: Purpose and content

- co-operation aims at improving the contribution of the patent system to the innovation capacity of MS by strengthening IP expertise
- National IP Expertise is seen as the sum of MS know-how in IP matters, with NPOs at the centre
- Stakeholders can be public institutions as well as the private sector
- National action plans for co-operation will ensure targeted support of the national IP expertise
A patent-related innovation support capacity

An improved contribution of the patent system to the innovation capacity of Europe through more efficient:

- Conflict resolution
- Enforcement
- Commercialisation
- Publication
- Procedural steps
- Classification
- Professional Representatives
- User support
- Patent Information
- Awareness

National Action Plans

- Basis for co-operation activities
- Each NAP aims to fit in and connect to the National Strategic Reference Framework (NSFR) => high level priorities of MS and EU
- Objectives-oriented, comprehensive planning approach
- Basis for monitoring, evaluation and reporting towards objectives
- Assure transparency through an efficient and targeted use of co-operation funds
National Action Plans: Structure

- Alignment to national and European policy instruments
- Analysis
- Projects (with detailed descriptions, expected deliverables, resources, schedule and monitoring indicators)
- Evaluation and lessons learnt

Advantages of National Action Plans

- Strategic instruments aligned to national and European policy
- Assure financial transparency
- Enable comprehensive longer term planning
- Ensure that co-operation funds are used in an efficient and targeted manner
- Basis for monitoring, evaluation and reporting towards objectives
## PART D: EXAMPLES

### Examples of co-operation programmes/projects

**Exchange of best practices (CA/110/07)**

<table>
<thead>
<tr>
<th>Project</th>
<th>Goal</th>
</tr>
</thead>
<tbody>
<tr>
<td>TT from universities to industry</td>
<td>Use IP expertise of NPOs to foster knowledge transfer</td>
</tr>
<tr>
<td>IP pre-diagnosis</td>
<td>Tailored awareness and consultancy services for SMEs</td>
</tr>
<tr>
<td>National IP Forum</td>
<td>Foster co-operation of various IP institutions</td>
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<tr>
<td>Material exchange, e.g. for teaching in schools (e.g. Think Kit)</td>
<td>Improve IP awareness</td>
</tr>
<tr>
<td>Collaboration tools, e.g. EPN Website (<a href="http://www.epn-co-operation.org">www.epn-co-operation.org</a>)</td>
<td>Improve co-operation and experience exchange among members of the EPN</td>
</tr>
</tbody>
</table>
Examples of co-operation projects
Common tools (CA/86/04 Rev1, CA/142/06, CA/110/07)

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<tr>
<td>Machine Translation Programme</td>
<td>Improving patent information and search services for technically qualified users</td>
</tr>
<tr>
<td>EPTOS/ OSSE</td>
<td>Harmonised platform for patent administration tools in NPOs</td>
</tr>
<tr>
<td>E-Learning including European IP event calendar</td>
<td>Common platform for e-learning services within the EPN</td>
</tr>
</tbody>
</table>

Pilot projects

Role of Patent Offices in Knowledge transfer and Patent promotion in universities

- Model: INPI Portugal
- Scope: strengthening the role of national offices in the process of raising IPR awareness and supporting knowledge transfer from university to industry
- 8 member states involved

Link to EU policy: The European Commission's recommendation on the management of intellectual property in knowledge transfer activities
Pilot projects

IP Pre-Diagnosis

• Model: INPI France
• Scope: introduce and enhance the understanding of Industrial Property in SMEs by using the IP expertise of national offices
• 14 member states involved

The project aims to:

• Increase SMEs' awareness and use of the IP system by offering a tailored service provided by experts from the National Patent Offices
• EPO & NPOs to make available their IP expertise through a 3 year pilot project.
• IP diagnosis means:
  – Analysis of the different facets of the company during an expert's visit to the company
  – Delivering the pre-diagnosis in an oral presentation to the company
  – Post-delivery monitoring of the company's practices in terms of IP

Joint evaluation and monitoring framework

• Workshop organised in Budapest on 19-20 February 2008;
• Cost-benefit, outcomes, results and impact of activities shall be regularly monitored and evaluated;
• Indicators for evaluation of co-operation activities agreed within NAPs;
• Monitoring and evaluation concept for EPO co-operation projects aligned with the concept used by the EU;
• Monitoring and evaluation guide distributed;
Perspectives: EU Integration process and IP

• Regional projects:
  - **PHARE (RIPP)** 1993 - 2001
    South Eastern European countries
    14 000 000 €
  - **CARDS** 2003 - 2006
    Western Balkan countries
    2 000 000 €
  - **IPA** 2008 - 2010
    EU candidate countries: Western Balkan countries + Turkey
    2 000 000 €
    Target date for start: December 2008

• National projects, twining programmes

IPA regional project on Intellectual and Industrial Property Rights

Areas of focus (project fiche)

• Acquis communautaire
• IT developments
• National IP strategies
• Regional co-operation
• Support for integration process into regional IP organisations

4 project components:

• Legal harmonisation
• Capacity building
• Enforcement
• **Reinforcing the sustainability of the IP institutions**
Project Component - Reinforcing the sustainability of the IP institutions

- This component will offer a framework for
  - targeting governmental and political officials for
    - raising awareness of IP among politicians and government decision makers
    - supporting IP institutions to propose to their governments national IP strategy
  
- Approval and/or adaptation of national IPR strategy plans contributes to the sustainability of IP Institutions

Beneficiaries of the IPA regional project

- Countries:
  - Albania
  - Bosnia-Herzegovina
  - Croatia
  - the former Yugoslav Republic of Macedonia
  - Montenegro
  - Serbia
  - Kosovo UNSCR 1244
  - Turkey

- Institutions:
  - National coordinating institution: the IP institutions
  - Other IP institutional stakeholders
A look to the future - widening and deepening co-operation in Europe

**ACTORS**
- EPO
- NPOs
- EU
- INT. INSTITUTIONS

**POLICIES**
- HARMONIZATION
- CLOSER co-operation
- WELL EQUIPPED STRUCTURES

**ACTIONS**
- NATIONAL, REGIONAL & EUROPEAN EFFORTS
- TO MEET THE DEMANDS OF THE MARKET & THE USERS

Conclusions

The ultimate goal

A European patent system that encourages and supports an efficient market in ideas as well as adds higher value to both economy and society such that Europe will succeed globally.
Thank you!

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