

Liberaler Mittelstand concerned about a flood of patents – and poor quality

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Bavaria (23.03.2018) Regional Parliament candidate and Chair of the business association Liberaler Mittelstand in Bavaria, is concerned about the enormous rise in numbers of patents. Year after year the European Patent Office (EPO) in Munich has been setting new records in the issues of patents, regularly with two-figure rates of increase over the year before. Application numbers are not increasing in anything like the same proportions.

This trend is not evident at the German Patent and Trademark Office, which is also in Munich.

The small and medium enterprises sector in Germany, and in Europe altogether, could find itself in financial difficulties as a result of a less restrictive patent issue practice on the part of the EPO, if this were to result in improperly issued patents being pursued to the detriment of SME's on a large scale. A particular issue is the fact that the revoking of a patent takes longer than the decision about a possible infringement, and that regularly means that the proprietor of an improperly issued patent will nevertheless still be able to take advantage of it.

This means that it is essential for the survival of small and medium enterprises that the quality of patent issues should be as high as can possibly be achieved. The difficulty is the lack of definition of quality. Liberaler Mittelstand considers it essential that a broad public debate should be held with regard to the definition of the quality of patents. Such a definition must on no account be left exclusively to the Patent Office, which, after all, is supposed to be providing this quality.