

Industry criticises European Patent Office



Siemens is one of the largest applicants at the European Patent Office.

Source: Matthias Balk/dpa

An initiative of several large companies is concerned about the quality of patent examinations at the European Patent Office. There, speed comes before accuracy, they say. The office sees things differently.

The European Patent Office (EPO) has come in for criticism from industry. An initiative of now 21 companies is concerned about the quality of patent examination. "We have the impression that the EPO is primarily concerned with processing as many patents as possible," says Beat Weibel, head of patents at [Siemens](#), who initiated the Industry Patent Quality Charter (IPQC), in an interview with the Deutsche Presse-Agentur. Examiners, he says, are exposed to ever-increasing production pressure and are therefore no longer in a position to examine thoroughly enough.

"While in our case we see that the amount of work required for a patent application on average is always

bigger, things have to move faster and faster at the EPO," explains Weibel. "That worries us because the quality of the examination suffers as a result. He does not receive exact figures from the EPO on the time budget of the examiners, he says. "But if you look at the number of examiners and the number of examinations

patents, the result is roughly a halving over the past ten years."

Jörg Thomaier, head of patents at Bayer, which is also a member of the IPQC, shares Weibel's concerns.

"The EPO used to be known for taking a long time to test. In recent years, we have the impression that more attention is paid to speed and that examinations are no longer as thorough," he says.

"Things are faster now, but the revocation rate in the patent appeal process has gone up."

Such a revocation is extremely unfavourable for the patent applicants. "Patents are extremely important for a company like Bayer," Thomaier emphasises. "It's not so much the quantity that matters, but that I can enforce them - if necessary - and that they don't fall over at the first gust of wind of a review." The Swiss company [Roche](#), which has also joined the IPQC, says: "As an industry, we depend on reliable patents. That is the basis for investing in our research."

Siemens is one of the largest applicants at the European Patent Office. Last year, the Munich-based company was number six among applicants at the EPO, and number two among European companies - behind Ericsson. The [Swedes](#) are also members of the IPQC.

"We would like the auditors to have more time to do their job, because the Patents are becoming more and more complex," says Gabriele Mohsler, Vice President Patent Development there. "In individual cases, we have also seen that the searches were not sufficiently thorough."

Overall, however, her assessment is not quite as critical: "Basically, I think the quality at the EPO is good. But we don't want it to drop and in some areas it could be higher," says Mohsler.

Thomaier from Bayer also says: "In a global comparison, the quality of the EPO is not bad. But it is a long way from what it once was: the clear gold standard. And that's where we as an industry want to get back to." A key solution in his eyes: more staff.

"More applications also require more examiners," he emphasises. "At the moment, we have the impression that the capacity is not sufficient.

The EPO, on the other hand, emphasises on request that the quality of patent searches "always has top priority". Many countries regard its work "as a global benchmark for patent quality". This is also reflected in surveys by "leading intellectual property journals", in which the EPO "consistently ranks first among patent professionals". Some of the figures used by the IPQC, however, are inaccurate.

In addition, the Patent Office points out that it has its own working group on quality in its Standing Consultative Committee with 74 members from 40 countries. Last October, it also published a new Quality Charter, "in which our commitment to high quality and excellence at every stage of the patent granting process is set out".