



FICPI OPEN FORUM ST PETERSBURG 6 OCTOBER 2016

“DRAFTING HIGH QUALITY CLAIMS”



Different Perspectives on Quality Patents

Patent Offices

Courts handling Patent Litigation

Users

(Innovators, Investors, Third Parties)



Patent Office Perspective

**Trend to “improve quality” by “raising the bar” when assessing patentability
(EPO, similar in UPSTO and JPO)**

Clarity

Adequate Disclosure

Lower grant rates

Other considerations:

Backlogs, finances, “brain drain”



WIPO Efforts PCT Framework

PCT Reform

PCT Working Group

**Meeting of International Authorities
(MIA)**

**Focus on cost and efficiency of search
and examination, cooperation between
major offices**

**Common Criteria on Quality suggested,
no agreement reached**



WIPO Efforts SCP

Standing Committee on Patent Law

“Quality of Patents” has been an agenda item for many years

no agreement on definition

Each major office has its own way of assessing quality



National Court Perspective

Key issues:

- **Validity, novelty and inventive step**
- **Acts of infringement**



User Perspective

Legal considerations
(anticipate court rulings)

Commercial considerations
(improve your business)

Balance of interests (most patent
holders are also third parties)



Perspective of this session

Viewpoints of Users:

- Patent attorneys
- IP owners
- Investors



Perspective of this session

Moderator: Jan Modin, Sweden

Speakers from

- **Canada, Alain M. Leclerc**
- **Europe (UK), Keith Beresford**
- **Israel, Ena Pugatsch**

Let me introduce Alain Leclerc!