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!