Interface improvement between SDOs and Patent Offices

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Introduction

- The issue of ICT Standards is becoming a priority area for EPO's external relations policy. In September 2006 we initiated a new phase of our encounter with the ICT-standards world.

- The reason is that in the field of ICT Standards strengths and weaknesses of the patent system are magnified.

Tensions are appearing

- Rising tensions through competing business models but also because of geopolitical reasons

- Increased scrutiny "from outside": competition authorities, politics, courts, now also IP institutions (see new debate at Standing Committee on Patents of WIPO)

- Principal problem: IPR policies of most SDOs are confronted with new challenges

- As expression of the challenges in the governance of the global knowledge economy

Threats and reactions

- Is future of SDOs threatened ?

- Danger for patent offices to be blamed for failures (effect similar to the AIDS crisis in South Africa in Y2000?)

- Are incremental changes of current frameworks sufficient to face the challenges?

Wait and see or become pro-active ?

If proactive, then:

1. What can be done internally to increase the reliability of patents granted in the "standard-related" examination fields?

2. What can be done externally to increase transparency in the use of patents in critical fields, as ICT standardisation processes ?

Possible internal measures

- Increased awareness (reaching at highest level)

- Technology watch in this particular field (resource planning)

- Supply additional resources in the following areas

  – Documentation (standards related documents:
    acquisition and processing)

  – Examination:

    ◦ additional training
    ◦ early warning systems for "suspicious cases"
    ◦ systematic links with technical committees of SDOs
      etc.

- Special services for SDOs (landscaping, patent searches) ?

Standards related documents

- access to **all non-confidential technical contributions** (temporary, drafts,...)

- Technical field (publishing **working group**) on each document

- **effective publication date** of submitted contributions

- clear dissemination policy

Possible external measures

- **Bridging the two worlds:** Resolution at GSC 12, encouraging SDOs "to cooperate with the relevant Patent and Trademark Offices to provide access to technical information for use by such Agencies that should help them improve the quality of patents being granted".

- **Contribute towards transparency:**
both in technical (up-to-date, informative DBs) and structural (clear landscapes and boundaries) regard.

A special form of Outreach:
EPO's Scenarios for the Future

- Collective Intelligence exercise, including 100 external personalities (+ 100 Interviews)

- Four scenarios built around four key collective actors in their battle to control the production and dissemination of codified knowledge: Big business, Societal movements, Geopolitics, Techno-science

- Looking at the broad picture, not EPO-related, not our visions or goals

- Used by Governments, NGOs, Academics, Institutions etc. in order to test policies and for framing uncertain futures **(wind-tunnelling)**.