

# Disharmony in a harmonised system

what drives different outcomes at the world's patent offices

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# Compare the APO, EPO, JPO & USPTO

disharmony in outcomes and pendency rate

- ▶ extent
- ▶ characteristics

# What do we really know?

## Problems:

- ▶ comparing **different** applications
- ▶ anecdotal evidence is not solid evidence

## Solutions:

- ▶ matched applications
- ▶ representative sample

# What do we really know?

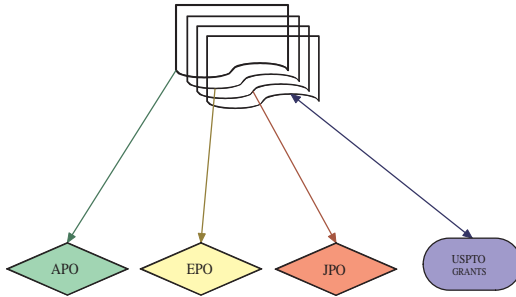
## Problems:

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## Solutions:

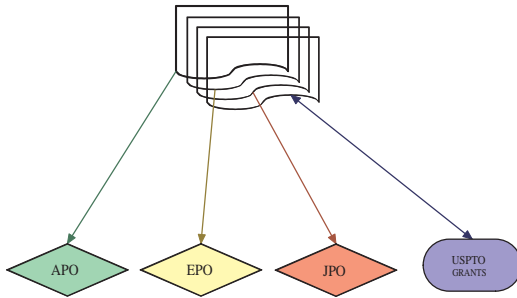
- ▶ matched applications
- ▶ representative sample

## Matched patent applications



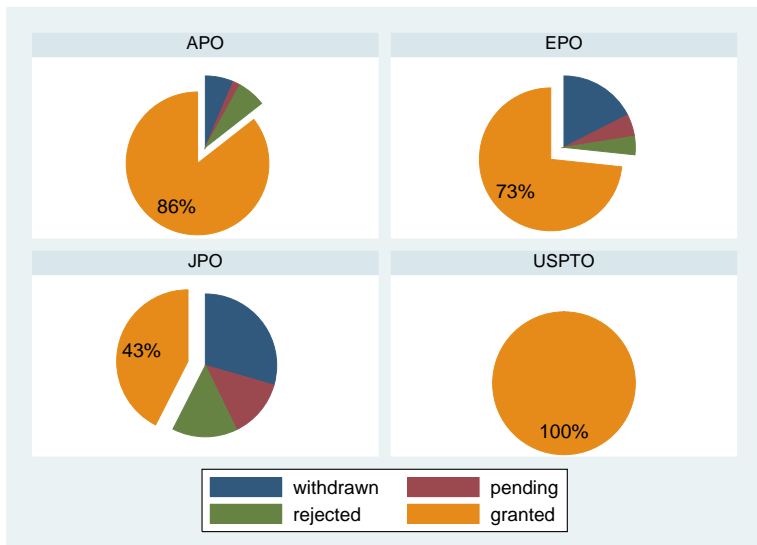
9,618 of such set of applications from 1990-1995

## Matched patent applications

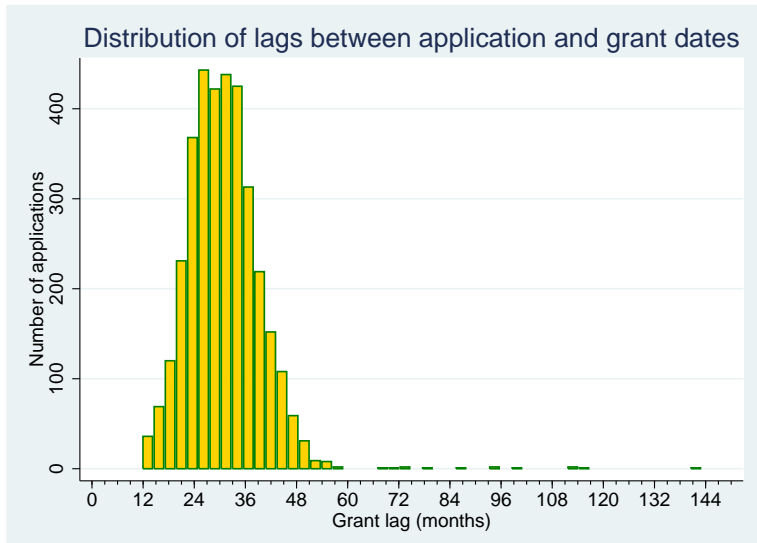


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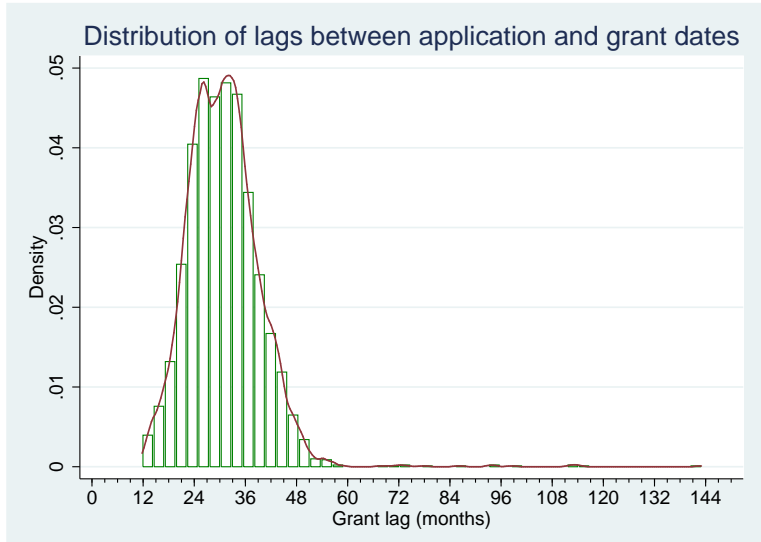
## Disharmony in examination outcomes



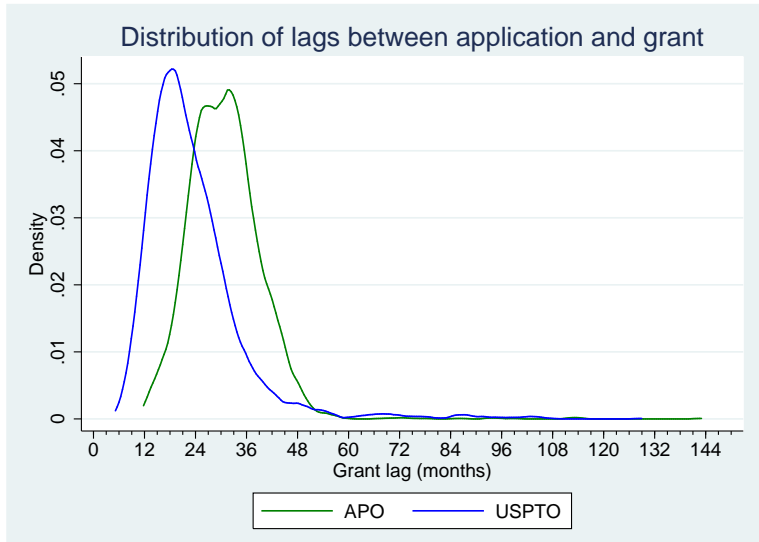
## Speed of getting a grant at the APO



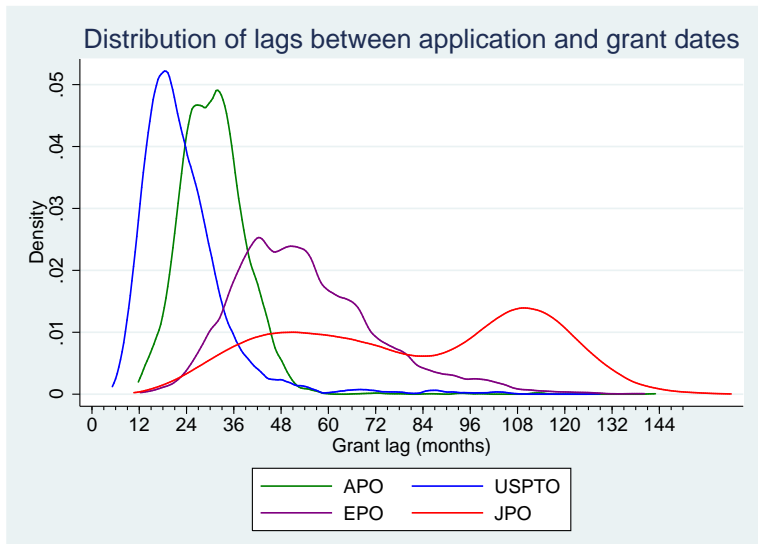
## How fast is the APO? - an outline of the histogram



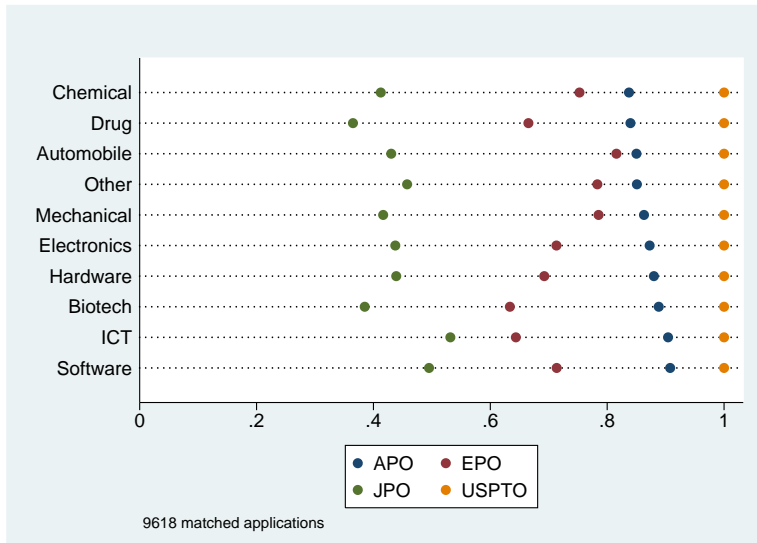
## APO is similar to USPTO, but 12 months slower



## A lot more disharmony with the EPO and JPO

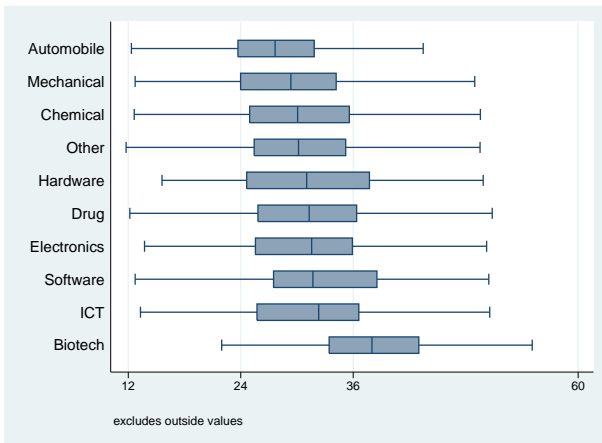


## Grant rates vary by technology area

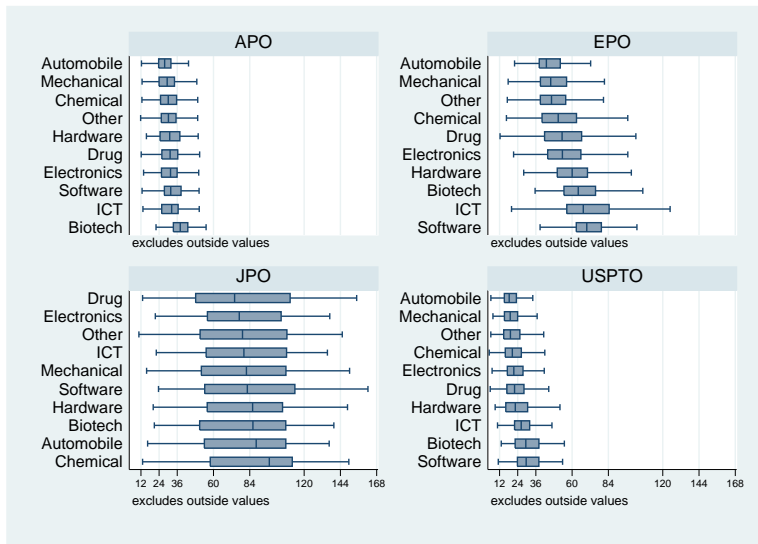


## Pendency rate varies by tech area

APO's pendency rate (months)



# Pendency rate disharmony by tech area



## Home advantage (variation by priority country)

Local priority applicants with

- ▶ shortest grant lag
  - ▶ EPO
  - ▶ USPTO
- ▶ highest likelihood of grant
  - ▶ EPO
  - ▶ JPO
- ▶ least likely to be withdrawn
  - ▶ JPO

APO

- ▶ too few AU prior applications to tell

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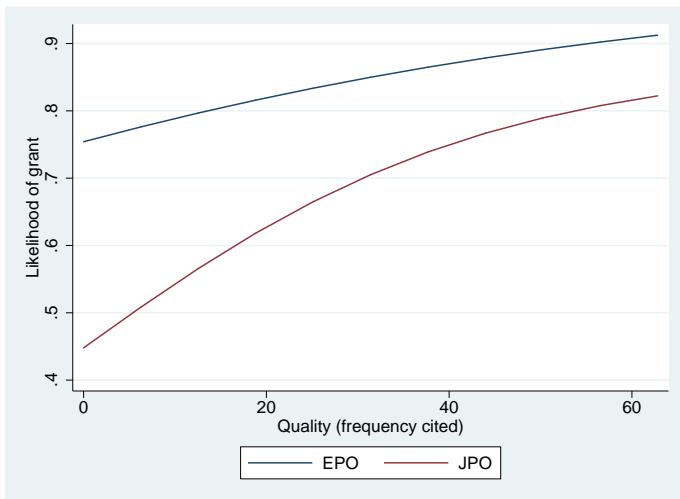
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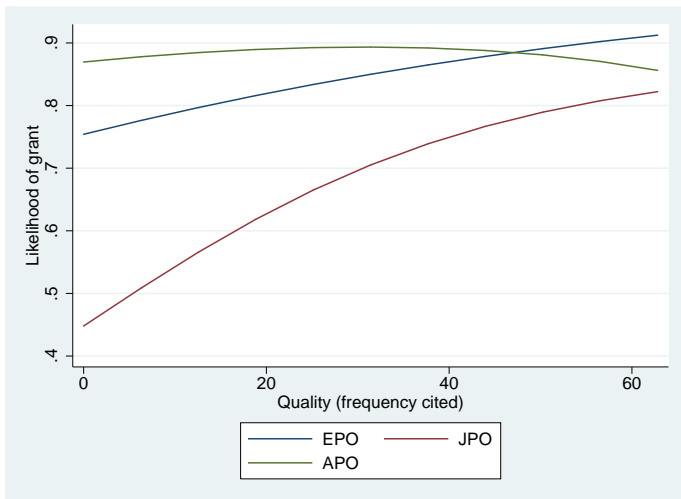
APO

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## Better inventions are more likely to be granted ...



...but not so clear at the APO



## Main findings:

- ▶ disharmony in outcomes & grant lag
- ▶ priority country effects
- ▶ invention quality is important

Thank you very much.

Further readings:

- ▶ Webster *et al* (2007). "Characteristics of international patent application outcomes", *Economics Letters* (forthcoming)
- ▶ Jensen *et al* (2006). "Disharmony in international patent office decisions", *Federal Circuit Bar Journal* 15(4), 679-704