

Open Letter From a Coalition of Patent Examiner Representatives*

April 13, 2007

To: Mr. Jon Dudas, Director, United States Patent and Trademark Office
Prof. Alain Pompidou, President, European Patent Office
Dr. Jürgen Schade, President, Deutsches Patent- und Markenamt
Mr. David Tobin, Commissioner of Patents, Registrar of Trademarks and Chief Executive Officer, Canadian Intellectual Property Office
Dr. Friedrich Rödler, President, Österreichisches Patentamt

Re: The Future of the Patent System

Dear Sirs,

History shows that a strong patent system is essential to the health and economic well-being of nations. Patents stimulate innovation and economic growth by motivating inventors to invent and to share their inventions with the world.

The importance of intellectual property is demonstrated by the increase of new patent applications during the last twenty years. Recently, however, many in the intellectual property community have come to realize that an increase in patent applications does not necessarily represent an increase in technological progress. They now recognize that poor-quality patents can become a hindrance to, rather than a stimulus of, innovation and economic growth. They understand that a strong patent system requires high patent standards and quality examination.

Patent offices worldwide continue to focus on their backlogs of applications and ways to increase examiner productivity. Unfortunately, in many patent offices, the pressures on examiners to produce and methods of allocating work have reduced the capacity of examiners to provide the quality of examination the peoples of the world deserve. Quality examination requires skilled, well-trained and motivated examiners, powerful and efficient search and examination tools and, most importantly, the time necessary for examiners to apply those skills, training and tools to the examination of patent applications. The pressure on productivity has greatly reduced the sense of job satisfaction of examiners, who feel unable to take the time to do the job justice. This has damaged the motivation of the examiners with concomitant impact on the operational effectiveness and the quality of output of Patent Offices.

Consequently, we, the undersigned representatives of patent examiners, join together in declaring that the combined pressures of higher productivity demands, increasingly complex patent applications and an ever-expanding body of relevant patent and non-patent literature have reached such a level that, unless serious measures are taken, meaningful protection of intellectual property throughout the world may, itself, become history.

We, therefore, strongly urge you, the leaders of major patent offices around the world, to:

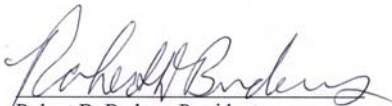
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Original: English/Englisch/Anglais

- Increase the quality of examination by providing patent examiners with more time to search and examine patent applications.
- Acknowledge the importance of protecting the intellectual property of inventors while simultaneously protecting the public domain by removing from any reporting, rating or incentive systems any bias with respect to granting or not granting patents.
- Guarantee the independence of the examination process so that it is governed solely by the legal framework.
- Ensure that examiners have the opportunity to maintain their legal and technological competence by providing adequate and continuing legal and technological training.
- Maintain staff skills with search, examination and administrative tools by providing regular update training.
- Recognize the considerable investment patent offices have in their staff by developing and maintaining collaborative rather than adversarial relations with employees and their representatives.
- Strengthen the world's patent systems by encouraging your respective governments to provide standards of patentability that reward innovation while discouraging undeserving patent applications so as to provide a strong presumption of validity for issued patents.

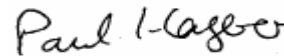
Respectfully,



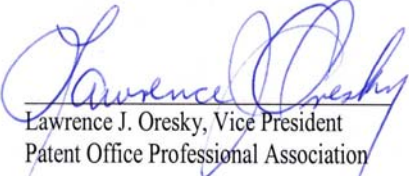
Robert D. Budens, President
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Edward Daintith, Chairman
SUEPO Executive Committee



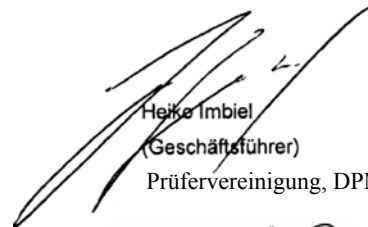
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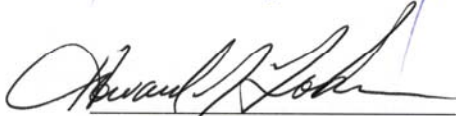
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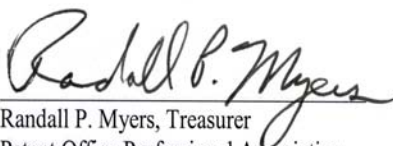
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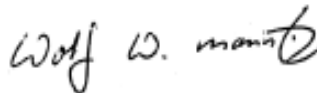
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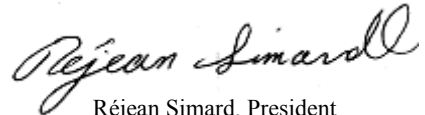
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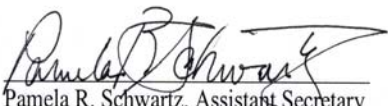
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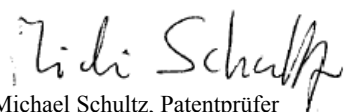
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