

INTERNATIONALE GEWERKSCHAFT IM EUROPÄISCHEN PATENTAMT

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Interview with Dominique Guellec

1) What, in your opinion, are the values/principles that have made the EPO a success?

D. Guellec: First, the EPO is a European institution, and although it is not part of the EU bodies, it reflects this historical trend of ever closer ties between European countries. With its multinational staff, fluent in three and often more European languages, the EPO exemplifies European integration. Second, from its birth, EPO has demonstrated its commitment to quality: it has considered patents not as an automatic right granted to any self-claimed inventor, but as a counterpart granted by society to those who do real inventions, potentially serving the cause of technical change and economic growth.

2) Are these principles still valid today or is the system in need of a change? If change is needed, what should it look like?

D. Guellec: Certainly these principles are still valid, but their implementation is not as clear-cut as it used to be. As for the “quality” principle: invention is no more mainly large technical leaps done by the research labs of a few big players, but it is everywhere, it comes from a multiplicity of heterogeneous parties (including universities, start-ups, customers, networks, alliances of players), it takes multiple forms (some being less technical than others but equally important, some being very close to science but having direct industrial applications). The work of a patent office –aimed at giving incentives to invent and to commercialise inventions- is complicated by these changes: what should be patentable or not, who should be eligible to patents? The EPO scenarios made it clear that a more open, changing and flexible approach is needed:

“quality” and “legal certainty” should not be equated with “rigidity” and “legal conservatism”. Innovation has to reach the legal fields as well.

3) What, in your opinion, should the relations between the EU and the EPO look like?

D. Guellec: EPO is the major body implementing patent policy in Europe. If one wants to make an effective patent policy, and to coordinate patent policy with research policy, innovation policy, industrial policy, competition policy etc. it is inevitable that the EC and EPO should establish closer, even organic relations. On the other hand the EPO has also a legal mission –patents should not be granted on a discretionary basis- which makes it necessary that it keeps some distance with political bodies.

4) What do you think of the proposal to create a European Patent Network (EPN)?

D. Guellec: It is a good principle to close ties also between the EPO and national offices, all the more if it can serve the purpose of reducing the workload while improving quality. That should not come of course at the cost of dismantling the harmonized patent area that EPO has been able to build in Europe.

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