

HOW CAN PATENT PRACTITIONERS USE STATISTICS IN ADVISING THEIR CLIENTS?

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- What small and medium sized enterprises often do wrong when deciding their foreign patent filings
- Where large corporations appear to go wrong when deciding on foreign patent filings
- The role of the patent practitioner in advising his client
- Comments on the fundamental questions to be considered by the client
- General considerations on statistics for patent practitioners advising their clients
- Conclusions as to the statistics that a patent practitioner could use in advising his clients on foreign patent filings

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What small and medium sized enterprises often do wrong when deciding on their foreign patent filings

1. How much does it cost in each country?
- and
2. How many countries can be included for the money available?

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Where large corporations appear to go wrong when deciding on foreign patent filings

1. Standard list of countries
2. Automatic filing in certain countries
3. Limit the number of additional countries in accordance with budget
4. Additional countries selected by predetermined importance

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The role of the patent practitioner in advising his client

Draw client's attention to important questions:

1. Cost of filing and prosecuting applications to grant in each country.
2. What prosecution problems may be met.
3. What the competitors are doing and where they are filing?
4. Information on markets in different countries.
5. Chances to penetrate foreign markets.
6. Level of IP enforcement in different countries

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The role of the patent practitioner in advising his client

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General considerations on statistics for patent practitioners advising clients

Statistics must be:

- simple to understand
- only provide information of interest to the client
- inexpensive

otherwise they will not be used.

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Conclusion

Statistics that I, as a patent practitioner, would like to have available

- A. Average filing and prosecution costs in different countries and in a single currency, spread over a reasonable/approximate time frame.
- B. Average prosecution times for patent applications in different countries with an indication of the average number of office actions, indicating if deferred examination applies and, if so, what are the periods of deferral.
- C. Patent filing or grant statistics in different countries by technical area and indicating the countries of origin.
- D. IP enforcement statistics with information regarding average infringement litigation costs, delays, possibilities of preliminary injunctions, rate of success by national and foreign patentees etc.

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