



# Industry Patent Quality Charter

Patent quality is a concept used by many different stakeholders, but not easily defined. There are a variety of different perspectives:

- Patent offices often think of patent quality in terms of streamlined and timely patent search and examination procedures.
- Companies have their own, often different, understanding of patent quality focusing on fitness for purpose to support targeted IP strategies.
- Users of IP may understand patent quality as the set of positive economic outcomes produced by the patent system.

The granting of patents with a high chance of validity is crucial to consistent, predictable and efficient court decisions in patent lawsuits, and the good functioning of the patent system in general. The outcome of the patenting process, from proper drafting by the applicant to thorough examination by the patent offices, including the European Patent Office, should be patents with reliable validity. If this is lacking, there are serious consequences. For instance, the bifurcated German patent court system creates the so called “injunction gap”, caused by slow decisions on validity by the BPatG on the one hand and the relative speed of infringement decisions by Civil Courts on the other. This gap creates considerable uncertainty for industry and skewed outcomes, as well as criticism among users and observers of the patent system. This uncertainty would be reduced significantly if patents could be more reliably considered prima facie valid from grant.

However, the burden to improve the situation is not only on the authorities’ side e.g., by improving the examination and litigation processes and providing the necessary resources for the courts. The users of the system must also contribute to the efficiency and the transparency of the patent system by focusing their IP generation and portfolio management on patent quality rather than quantity.

We, the undersigned companies therefore voluntarily adhere to the following Industry Patent Quality Charter and declare that:

- Patent quality is a crucial element of the health of the IP system. High numbers of patents are neither cost effective nor a primary goal.
- We focus our patent filings on inventions that add sustained value to improve our company’s and our customer’s products and services.
- A high rank in the patent application filing statistics of the patent offices is not our priority.
- We regularly review our patent portfolios and adapt the number of existing patents to that needed to support our businesses, thus freeing up space for others in the IP system.
- We ensure proper information for the public by striving for clearly written patents with a well-defined scope of protection, avoiding misleading or inconsistent wording.

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Jörg Thomaier  
Head of IP Bayer Group

Bayer AG



Gabriele Mohsler  
VP Patent Development

Ericsson



Richard Lloyd  
Patent Development Director  
Global Legal Affairs  
HP Inc.



Tuomas Saukkonen  
Head of Cellular  
Standards Portfolio  
Nokia Technologies Oy



Gautier Englisch  
Vice-President and  
Associate General Counsel,  
Patents, Europe  
Procter & Gamble



Fabian Gonell  
SVP, Licensing Strategy

Qualcomm Inc.



Andreas Poredda  
Chief Patent Officer  
& Legal Counsel

F. Hoffmann-La Roche AG



Beat Weibel  
Chief IP Counsel

Siemens AG



Filip De Corte  
Head of IP  
Syngenta Crop Protection AG



Jochen Meyer  
Vodafone GmbH