

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**



# International Update

Mary Critharis

Chief Policy Officer and Director for International Affairs

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UNITED STATES  
PATENT AND TRADEMARK OFFICE



# Overview

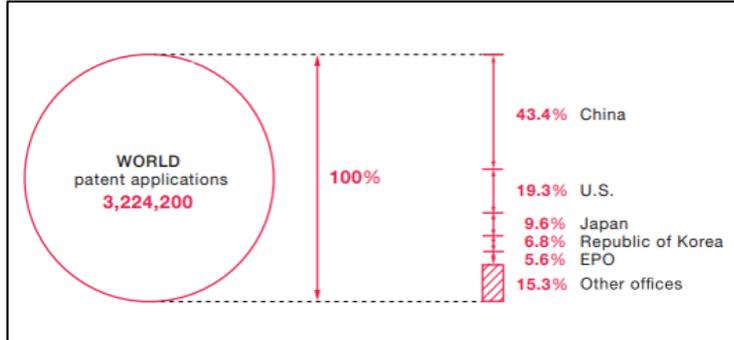
- Global trends on SEPs/FRAND rates
- IP filing trends
- Work-sharing update

# Global trends on SEP/FRAND rates

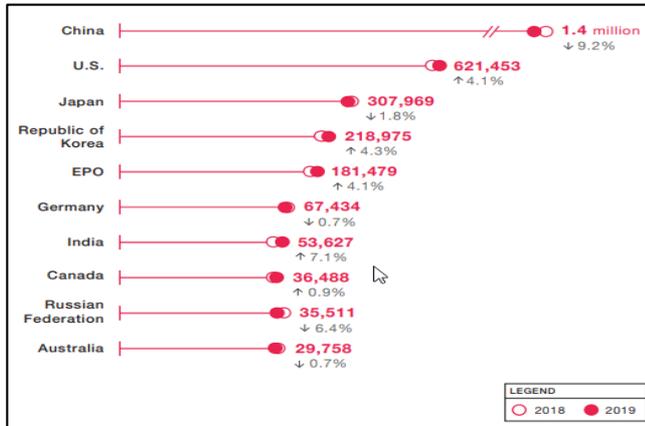
- Global standard essential patent (SEP) portfolio FRAND rates
  - UK Supreme Court ruled (Unwired Planet) that a unilateral request from patent owner was sufficient to set a global SEP FRAND rate despite the protest of a party to the dispute.
- Anti-suit injunctions
  - Chinese courts issue anti-suit injunctions (Interdigital & Ericsson cases) which preclude the SEP owners from pursuing claims against device manufacturers for their SEP portfolios anywhere in the world.

# Patent filing trends

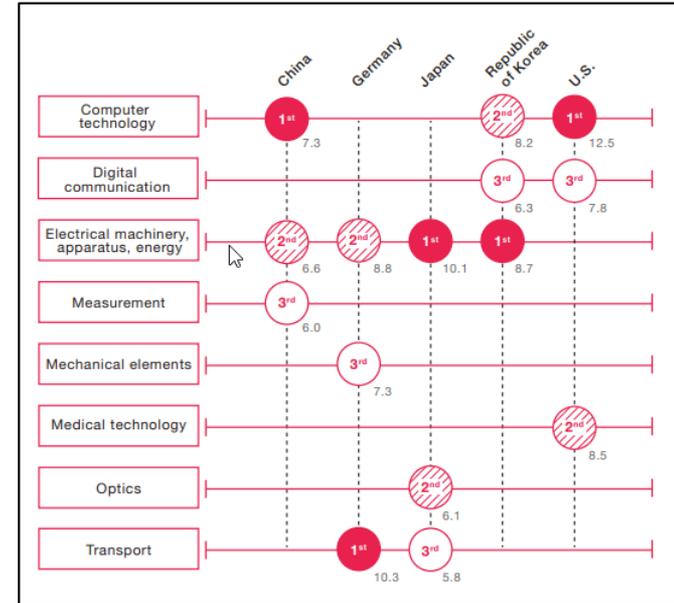
Percentage shares of total patent applications by the top five offices, 2019



Patent applications for the top 10 offices, 2019



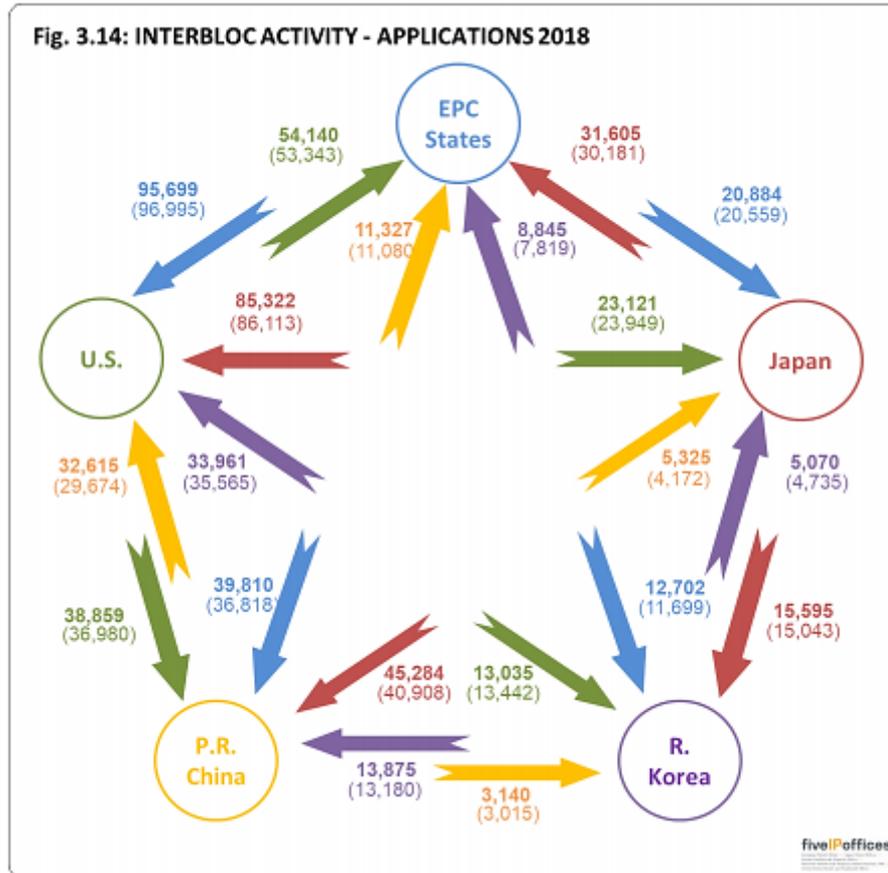
The top three technology fields for each of the top five origins, 2016-2018



Source: WIPO IP Facts and Figures 2020

[https://www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_943\\_2020.pdf](https://www.wipo.int/edocs/pubdocs/en/wipo_pub_943_2020.pdf)

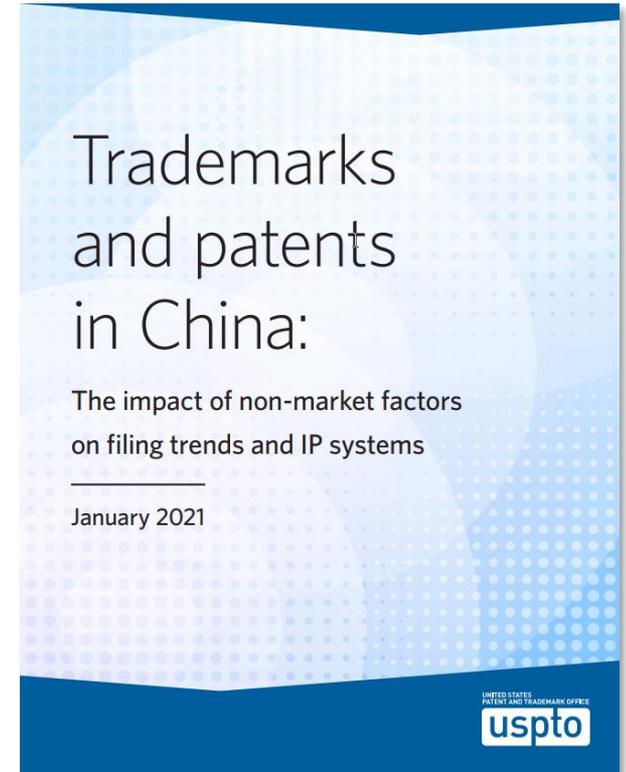
# Patent filings trends



# Patent filings in China

- Impact of non-market factors
  - Government subsidies
    - May incentivize parties to seek patent protection not to protect an innovation, but to receive a subsidy.
      - Amount of the subsidy often exceeds cost of obtaining the patent.
    - Motivates strategic behavior (e.g., splitting an application, timing of filings to receive subsidy).
  - Government mandates
    - Targets for state owner enterprises, universities, public research institutions, and government officials.

Source: Trademarks and patents in China: The impact of non-market factors on filing trends and IP systems  
<https://www.uspto.gov/sites/default/files/documents/USPTO-TrademarkPatentsInChina.pdf>



# USPTO work-sharing programs

Program Name	Description	Characteristics
	<p>Launched in 2006, PPH accelerates the examination process for corresponding applications filed in participating IP offices. When an applicant receives a favorable decision for at least one claim from one patent office, the applicant may request fast track examination of “substantially corresponding” claim(s) in a counterpart pending patent application in a second patent office.</p>	<ul style="list-style-type: none"> <li>• Participation: Applicant request to participating office</li> <li>• Conditions: Indication of allowable subject matter in a counterpart application by any participating office</li> <li>• Subsequent Review: Full examination at examiner’s discretion</li> <li>• Counterpart Application: Yes</li> <li>• Cost: Generally no additional fees (offices may charge a fee)</li> </ul>
	<p>PPG is a patent work-sharing model launched by the USPTO and Mexico's IP office (IMPI). Under the program, IMPI will grant a Mexican patent application based on an issued U.S. counterpart patent. IMPI intends to review patent applications to ensure compliance with eligible subject matter under Mexican IP law. IMPI will directly notify qualifying patent applicants about the possibility of taking advantage of PPG.</p>	<ul style="list-style-type: none"> <li>• Participation: Invitation by participating office to applicants</li> <li>• Conditions: Issuance of a US counterpart patent</li> <li>• Subsequent Review: Formalities and subject matter eligibility review</li> <li>• Counterpart Application: Yes</li> <li>• Cost: No additional fees</li> </ul>
<p><b>Patent Validation</b></p>	<p>USPTO entered into a patent validation program with Cambodia’s Ministry of Industry, Science, Technology &amp; Innovation (MISTI). Under the program, within certain guidelines, U.S. patent holders are able to request issuance of a corresponding patent in Cambodia without undergoing a substantive examination of their application by MISTI.</p>	<ul style="list-style-type: none"> <li>• Participation: Applicant request to participating office</li> <li>• Requirement: Issuance of a US counterpart patent</li> <li>• Subsequent Review: Formalities and subject matter eligibility review</li> <li>• Counterpart Application: Yes</li> <li>• Cost: To be determined (minimal or no fees)</li> </ul>



# Thank you!

## Mary Critharis

Chief Policy Officer and Director for International  
Affairs Office of Policy and International Affairs

Mary.Critharis@uspto.gov

(571) 272-9300

[www.uspto.gov](http://www.uspto.gov)