

# Managing Intellectual Property™

INCORPORATING IP ASIA

WWW.MANAGINGIP.COM

OCTOBER 2011

## PATENT POKER

WHY GOOGLE HAD  
TO BUY IN TO THE  
SMARTPHONE WAR

THE BIGGEST  
PCT FIRMS IN  
THE WORLD

HOW US PATENT  
REFORM WILL  
AFFECT YOU

GTLD POLL:  
IN-HOUSE REVEAL  
COST FEARS

TIPS ON  
PROTECTING  
FASHION DESIGNS

# How to manage growth

**Jim Pooley**, deputy director general for innovation and technology at WIPO, picks apart the PCT numbers with *Simon Crompton*

## What do you think is behind recent growth of the PCT?

The obvious initial answer is that in the past two or three years the majority of our growth has come from China, Korea and Japan. Without that growth, we would not have come back as quickly or as much from the effects of the global downturn. That said, we've also experienced a small upturn in demand from the US and Europe where we are more or less in a steady state. There has been a recovery in the filing numbers to a certain extent.

## Looking at the graph opposite that we've run every year, last year seemed to see a slight dip, followed by a return to a growth curve that is reaching a plateau.

Yes, I think that's fair. If you look at the past few years what you see is that since 2008 there has been a trend downward in the US and to a certain extent in Europe, which has recovered a little. But in east Asia it has grown hugely. Korea is big, and Japan is particularly impressive given the disruption this year. It's hard to know whether that growth is going to continue at these rates, or whether the west will continue to recover, but we're not predicting another fall off.

## Are there any changes apart from the economy that are driving filing numbers?

One stabilising aspect is that, from a company point of view, the PCT is very good in uncertain times. It keeps down initial costs for IP protection, and it is a smart tool because it delays making additional decisions on filing, which have their own costs. So generally in difficult times, there is a greater uptake of the PCT.

## And on a country level, or driven by WIPO initiatives?

Well we've cooperated significantly with SIPO in China on a number of seminars, and SIPO itself has been doing more basic introductions itself around the country that we have cooperated with. In my discussions with officials at SIPO, they say they directly attribute much of the growth in PCT use to this educational effort and outreach. They are very enthusiastic about continuing as a result.

We believe, in the same way that most organisations do that promote services, that when your customers have a better idea of what you do, how to use it and the best way to benefit from it, that you will see an increase in use.

## So what has WIPO being doing to try and increase this?

A lot of our thinking has been around how we continue to reach out to companies and get the biggest bang for our buck in the education work that we do. So in the near term, work in China, Korea and Japan helps people understand how the PCT can help sustain and support their growth. When use is growing so quickly in an area, you need to pay special attention to those jurisdictions to make sure they have everything they need.

We also look at people that might be under using the system, of course, but this is more concerned with companies than countries. High-tech, electronics firms are usually already big users, particularly those with short product cycles, as well as those that are involved in standards and those that have global products – such as Procter & Gamble for example. Their business models are perfectly in line with our own.

Growth areas include universities and licensing companies. They like the PCT because of the extended decision-making time and because of the low upfront cost required to have something you can use to demonstrate your value.



## Survey methodology

The tables listing the top PCT filers published in this article rank firms according to the number of PCT applications that they filed that were due for national stage entry during 2011.

The tables are based on details of PCT applications published on WIPO's website. To compile the tables, PCT applications with a priority date between July 1 2008 and June 30 2009 were extracted. These correspond to applications due to enter the national phase from January 1 to December 31 this year.

Once extracted, these applications were sorted according to the law firm or patent agency that filed the PCT application, based on the "agent name" and "agent address" categories in the PCT form. A manual checking process ensured that all cases filed by each firm were included, even where it used different names or addresses during the period in question.

The firms are listed in order of the number of applications filed in their jurisdiction. Firms with offices in more than one country may be included in the table in each jurisdiction.

The worldwide table ranks the firms with the most PCT applications globally. This compiles the filings of a firm's various offices around the world, increasing the ranking for firms such as Marks & Clerk and Zacco

Managing IP acknowledges the help of inovia in compiling and verifying the data on which the tables are based. Comparable statistics relating to the number of PCT applications inovia will introduce into the national stage this year are included in the relevant tables. Although not a law firm, it is by far the biggest service provider for national stage filings. Managing IP also invited other service providers to submit details of the number of PCT applications they will introduce to the national phase, but none did so.

The tables are provided for readers' information only. Managing IP does not recommend or endorse any particular firms for PCT or other work.

The arrows in each table indicate the firms' relative positions compared to 2010.

## Top PCT applicants

Applicant	Country	Applications
Panasonic	Japan	2,154
Zte	China	1,863
Qualcomm	US	1,677
Huawei	China	1,528
Koninklijke Philips	Netherlands	1,435
Robert Bosch	Germany	1,301
LG	Korea	1,298
Sharp	Japan	1,286
Ericsson	Sweden	1,149
NEC	Japan	1,106
Toyota	Japan	1,095
Siemens	Germany	833
BASF	Germany	818
Mitsubishi	Japan	726
Nokia	Finland	632
3M	US	586
Samsung	Korea	578
Hewlett-Packard	US	564
Fujitsu	Japan	476
Microsoft	US	469

WIPO Statistics Database, January 2011.  
Counts are based on publication date and first-named applicant.

### So you pay particular attention to that kind of company?

Yes, we focus on companies that we think would be a good fit for the PCT but perhaps aren't using it that much yet. Some companies, for example, are going through periods of uncertainty where they're not sure where they should be applying for patents. The PCT helps them put off that decision, but they may not have realised. So we can talk with them and make sure they are making the right strategic decisions.

### What demands does this growth put on WIPO and the PCT system?

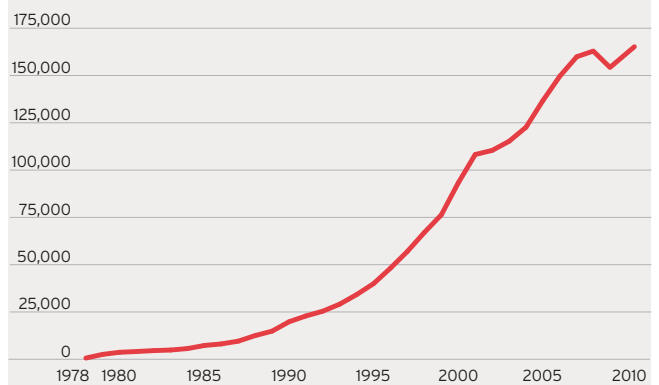
One is created by the dramatic growth in east Asia. That puts pressure on our language capabilities, both in-house and with external suppliers. A major function of our operations is translation. It's tough to grow as fast as the market is growing. It's a financial challenge as well, as Asian languages are more expensive generally to work with, which pushes up the average cost of translation.

The answer is to work smarter, and to create better technology such as the tool we put online last year to help with machine translation of search queries.

### What changes at WIPO are you excited about?

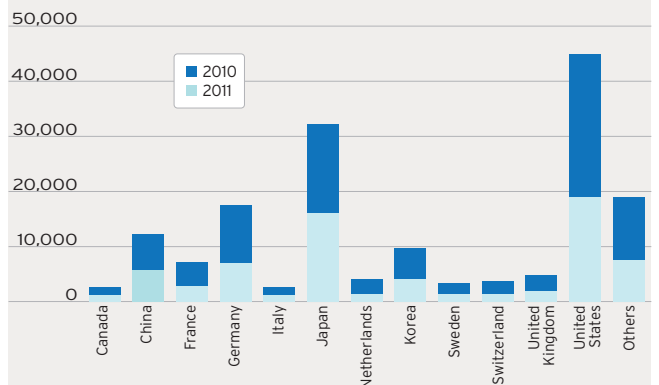
One of the most exciting is ePCT – our journey towards a web-based system for everything we do. Our initial offering, the secure private-file inspection service that we've had in beta form this year, will be rolling out soon. It will help applicants in so many ways. They will be able to access all the

## Trend in PCT filings



WIPO Statistics Database, August 2011. Counts are based on the international filing date.

## PCT filings by country of origin



WIPO Statistics Database, August 2011. The 2011 data are provisional and incomplete. Counts are based on the international filing date and country of residence of the first named applicant.

information in their dossier in real time, send and receive documents electronically, and then see them appear immediately in their file.

The next stages will follow, and bring similar benefits, such as online payments. The rapid rise in the value of the Swiss Franc has caused problems there recently – we need to make the currency fluctuations immediately obvious so people know what they will be paying.

### This sounds much more complex than areas you will have worked on before

It is, which is why it is in the future! But we're working closely with the member states and the customers to make sure we get it right. We are moving deliberately but slowly forward.

### You've been at WIPO working on the PCT for almost two years now. How is it to look back on it?

It's interesting to see how much the PCT considers itself to be a constantly improving and evolving service, rather than static – albeit highly successful – programme. I have done everything I could since I got here to encourage that, but even before I got here there was this underlying belief in the group that the service should evolve and improve all the time, instead of just oiling the machine to make it hum a little better. It's one of the things that makes me excited about the possibilities of the PCT.

## EPO

RANKING	PCT APPS	FIRM NAME
1	780	Marks & Clerk
2	398	Zacco
3	379	Vereenigde
4	345	Lavoix
5	302	Cabinet Plasseraud
6	277	Cabinet Regimbeau
7	264	Epping Hermann Fischer
8	239	Brevalex
9	236	Cabinet Beau de Lomenie
10	207	Isenbruck Bösl Hörschler LLP
11	207	Jacobacci & Partners
12	204	Nederlandsch Octrooibureau
13	199	Awapatent
14	198	Barzanò & Zanardo
15	196	Meissner Bolte
16	185	Boehmert & Boehmert
17	184	Dehns
18	180	Harrison Goddard Foote
19	178	Studio Torta
20	174	Valea

## WORLDWIDE

RANKING	PCT APPS	FIRM NAME	COUNTRY
1	834	Shiga International Patent Office	Japan
2	793	Marks & Clerk	UK, France, Singapore and others
3	744	inovia*	US
4	673	Kilpatrick Townsend & Stockton	US
5	654	Fish & Richardson	US
6	634	KBK & Associates	South Korea
7	565	AFD China Intellectual Property	China
8	539	Sakai International Patent Office	Japan
9	502	Eikoh Patent Firm	Japan
10	487	Maeda Patent Office	Japan
11	481	Kangxin Partners	China
12	479	Unitalin Attorneys at Law	China
13	452	Miyoshi International Patent Office	Japan
14	429	Soei Patent and Law Firm	Japan
15	407	Harakenzo World Patent & Trademark	Japan
16	401	Knobbe Martens Olson & Bear	US
17	381	Foley & Lardner	US
18	398	Zacco	Scandinavia, Germany, Netherlands
19	379	Vereenigde	Netherlands
20	370	Fukami Patent Office	Japan

\*inovia is not a law firm; the company offers a technology platform to streamline foreign patent filing

## AUSTRALIA



RANKING	PCT APPS	FIRM NAME
1 ▶	203	Griffith Hack
2 ▶	195	Davies Collison Cave
3 ▶	110	FB Rice & Co
4 ▶	88	Phillips Ormonde Fitzpatrick
5 ▶	76	Spruson & Ferguson
6 ▲	68	Wrays
7 ▲	67	Shelston IP
8 ▼	66	Fisher Adams Kelly
9 ▶	65	Watermark
9 ▲	65	Freehills
10 ▼	64	Cullen & Co

## BRAZIL



RANKING	PCT APPS	FIRM NAME
1	50	Dannemann Siemsen
2	26	Daniel Advogados
3	23	Atem & Remer
4	15	Momsen Leonardos & Cia
5	14	Baril, Brandão & Brofman
6	13	Pinheiro, Nunes, Arnaud e Scatamburlo
7	11	Vilage Patents and Trademarks
8	9	Machado Paulo CV
9	8	Gaiarsa Ferreira & Meyer
9	8	Abreu Merkl e Advogados Associados

## CANADA



RANKING	PCT APPS	FIRM NAME
1 ▶	167	Gowling Lafleur Henderson
2 ▲	148	Norton Rose (Ogilvy Renault)
3 ▼	137	Smart & Biggar/Fetherstonhaugh
4 ▲	125	Ridout & Maybee
5 ▶	115	Borden Ladner Gervais
6 ▼	114	Bereskin & Parr
7 ▲	58	Robic
8 ▶	53	Oyen Wiggs Green & Mutala
9 ▶	52	Sim & McBurney
10▶	47	BCF

## CHINA



RANKING	PCT APPS	FIRM NAME
1 ▲	565	AFD China Intellectual Property Law Office
2 ▲	481	Kangxin Partners
3 ▼	479	Unitalen Attorneys at Law
4 ▲	307	China Patent Intellectual Property Office
5 ▲	275	Beijing Sanyou Intellectual Property Agency
6 ▼	267	Beijing Tingli Patent Agency
7 ▼	261	Leader Patent & Trademark Firm
8 ▼	151	Beijing ZBSD Patent & Trademark Agent
9 ▼	133	Beijing Cataly IP Attorney at Law
10▲	131	China Patent Agent (HK)

## FRANCE



RANKING	PCT APPS	FIRM NAME
1 ▶	345	Cabinet Lavoix
2 ▶	302	Cabinet Plasseraud
3 ▲	277	Cabinet Regimbeau
4 ▲	239	Brevalex
5 ▼	236	Cabinet Beau de Loménie
6 ▼	194	Marks & Clerk France
7 ▶	154	Cabinet Germain & Maureau
8 ▲	149	NONY
9 ▶	137	Cabinet Ores
10▼	132	Novagraaf

## GERMANY



RANKING	PCT APPS	FIRM NAME
1 ▲	264	Epping Hermann Fischer
2 ▲	207	Isenbruck Bösl Hörschler Wichmann
3 ▲	196	Meissner Bolte
4 ▶	185	Boehmert & Boehmert
5 ▲	164	Grünecker Kinkeldey Stockmair & Schwänhausser
6 ▲	162	Maiwald Patentanwalts
7 ▲	159	Hoffmann Eitle
8 ▲	136	Pfenning Meinig & Partner
9 ▲	131	Reitstötter, Kinzebach & Partner
10▲	126	Cohausz & Florack

## INDIA



RANKING	PCT APPS	FIRM NAME
1	65	K & S Partners
2	51	Peer Technical Services Private Limited
3	44	S Majumdar & Co
4	40	Lall Lahiri & Salhotra
5	37	Lex Orbis
6	34	RK Dewan & Company
7	30	Gopakumar Nair Associates
8	29	Lakshmi Kumaran & Sridharan
9	27	LS Davar & Co
10	25	Krishna & Saurastri Associates

## ISRAEL



RANKING	PCT APPS	FIRM NAME
1 ▶	181	Ehrlich & Fenster
2 ▶	168	Reinhold Cohn & Partners
3 ▲	76	Dr Eyal Bressler
4 ▼	71	Pearl Cohen Zedek Latzer
5 ▲	68	Dr Mark Friedman
6 ▼	57	Webb & Associates
7 ▼	47	Sanford T Colb & Co
8 ▼	41	Luzzato & Luzzato
9 ▲	32	D Kligler IP Services
10 ▲	29	Wolff Bregman & Goller

## ITALY



RANKING	PCT APPS	FIRM NAME
1 ▲	207	Jacobacci & Partners
2 ▲	198	Barzanò & Zanardo
3 ▼	178	Studio Torta
4 ▼	159	Bugnion
5 ▲	146	Modiano & Associati
6 ▼	134	Notarbartolo & Gervasi
7 ▲	78	Società Italiana Brevetti
8 ▼	69	GLP
9 ▲	54	Buzzi Notaro & Antonielli d'Oulx
10 ▼	46	Bianchetti Bracco Minoja

## JAPAN



RANKING	PCT APPS	FIRM NAME
1 ▶	834	Shiga International Patent Office
2 ▶	539	Sakai International Patent Office
3 ▶	502	Eikoh Patent Firm
4 ▲	487	Maeda Patent Office
5 ▼	542	Miyoshi & Miyoshi
6 ▲	429	Soei Patent & Law Firm
7 ▶	407	Harakenzo World Patent & Trademark
8 ▲	370	Fukami Patent Office
9 ▼	351	Aoyama & Partners
10 ▲	293	NII Patent Firm
11 ▲	269	Wakabayashi Patent Agency
12 ▲	261	Washida & Associates
13 ▼	238	Seiwa Patent & Law
14 ▲	228	Hiraki & Associates
15 ▼	214	Suzuye & Suzuye

## KOREA



RANKING	PCT APPS	FIRM NAME
1 ▶	634	KBK & Associates
2 ▲	237	Essen Patent & Law Firm
3 ▲	197	Yoon & Lee International Patent & Law Firm
4 ▼	177	YP Lee Mock & Partners
5 ▲	167	Park Kim & Partner
6 ▲	161	KJ Lee International Patent & Trademark Office
7 ▼	159	Muhann Patent & Law Firm
8 ▼	156	Sunyoung International Patent & Law Firm
9 ▲	139	Kwon Oh-Sig
10 ▼	136	You Me Patent & Law Firm

## NETHERLANDS



RANKING	PCT APPS	FIRM NAME
1 ▶	379	Vereenigde
2 ▶	204	Nederlandsch Octrooibureau
3 ▶	134	Arnold + Siedsma
4 ▶	90	Exter Polak & Charlouis
5 ▶	68	De Vries & Metman
6 ▶	61	Algemeen Octrooi- En Merkenbureau
7 ▶	53	Patentwerk
8 ▲	28	Hoyng Monegier
9 ▲	23	Los & Stigter
10 ▲	21	Vriesendorp & Gaade

## SWEDEN



RANKING	PCT APPS	FIRM NAME
1 ▶	214	Albihns Zacco
2 ▶	199	Awapatent
3 ▶	174	Valea
4 ▶	127	Brann
5 ▶	118	Bergenstråhle & Lindvall
6 ▲	106	Ström & Gulliksson
7 ▶	73	Aros Patent
8 ▲	63	Groth & Co
9 ▲	63	Kransell & Wennborg
10 ▼	60	Bjerkéns Patentbyrå

## SWITZERLAND



RANKING	PCT APPS	FIRM NAME
1 ▶	56	Isler & Pedrazzini
2 ▲	48	Hepp Wenger Ryffel
3 ▲	46	E Blum & Co
4 ▼	45	Troesch Scheidegger Werner
5 ▼	39	Frei Patent Attorneys
6 ▲	34	André Roland
7 ▲	31	Rentsch & Partner
8 ▼	30	Bohest
9 ▲	24	OK pat
10 ▲	24	Braunpat Braun Eder AG
10 ▼	23	Patents & Technology Surveys

## UNITED KINGDOM

RANKING	PCT APPS	FIRM NAME
1 ▶	499	Marks & Clerk
2 ▲	184	Dehns
3 ▶	180	Harrison Goddard Foote
4 ▶	148	Murgitroyd & Company
5 ▼	140	Page White & Farrer
6 ▲	128	Kilburn & Strode
7 ▼	127	Mewburn Ellis
8 ▶	125	Barker Brettell
9 ▶	122	Gill Jennings & Every
10▲	120	Withers & Rogers
11 ▲	115	Urquhart-Dykes & Lord
12▲	113	JA Kemp & Co
13▼	112	Venner Shipley
14▼	111	AA Thornton & Co
15▼	108	Potter Clarkson

## UNITED STATES

RANKING	PCT APPS	FIRM NAME
1 ▲	744	inovia*
2 ▲	673	Kilpatrick Townsend & Stockton
3 ▼	653	Fish & Richardson
4 ▶	401	Knobbe Martens Olson & Bear
5 ▼	381	Foley & Lardner
6 ▲	346	Blakely Sokoloff Taylor & Zafman
7 ▲	249	Wolf Greenfield & Sacks
8 ▼	247	Schwegman Lundberg & Woessner
9 ▼	238	Harness Dickey & Pierce
10▶	232	Brinks Hofer Gilson & Lione
11 ▲	231	Wilson Sonsini Goodrich & Rosati
12▲	215	Lowe Hauptman Ham & Berner
13▲	214	Patterson & Sheridan
14▲	209	McDermott Will & Emery
15▲	206	Baker Botts
16▲	204	Perkins Coie
17▼	203	Morrison & Foerster
18▼	202	Nixon Peabody
19▲	198	Marshall Gerstein & Borun LLP
20▼	190	Greenberg Traurig

*\*inovia is not a law firm; the company offers a technology platform to streamline foreign patent filing*