

ANNUAL REPORT



of the
Visegrad Patent Institute

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Visegrad Patent Institute
2021

TABLE OF CONTENTS

GREETINGS FROM THE VISEGRAD PATENT INSTITUTE	4
1. INTRODUCTION	6
2. FACTS AND FIGURES IN RESPECT OF THE VPI'S ISA AND IPEA WORK IN 2021	8
2.1 THE VPI IN THE SYSTEM OF EUROPEAN PCT AUTHORITIES	8
2.2 STATISTICS OF THE VPI'S ISA WORK	10
2.2.1 INTERNATIONAL APPLICATIONS (IAS) RECEIVED BY THE VPI	10
2.2.2 NATURE OF APPLICANTS	12
2.2.3 LANGUAGES	13
2.2.4 INTERNATIONAL SEARCH REPORTS	16
2.2.5 40 % REFUND OF INTERNATIONAL SEARCH FEE	17
2.3 STATISTICS OF SUPPLEMENTARY INTERNATIONAL SEARCHES	17
2.4 STATISTICS OF THE VPI'S IPEA WORK	17
2.5 TIMELINESS	18
3. OPERATION OF THE VPI	20
3.1 USER-FRIENDLY INITIATIVES	20
3.2 MARKETING & AWARENESS RAISING	20
3.3 QUALITY	21
3.4 FINANCES	21
3.5 MEETINGS OF THE VPI	21
4. INTERNATIONAL PARTNERS AND ACTIVITIES OF THE VPI	22
4.1 WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)	22
4.2 EUROPEAN PATENT OFFICE (EPO)	22
4.3 INTERNATIONAL VISEGRAD FUND (IVF)	23
4.4 CONFERENCES	23
5. HEADQUARTERS AGREEMENT BETWEEN HUNGARY AND THE VPI	24
6. FACTS AND FIGURES - TRENDS BETWEEN 2016 AND 2021	25
6.1 NUMBER OF INTERNATIONAL APPLICATIONS BY COUNTRY OF ORIGIN	25
6.2 NUMBER OF INTERNATIONAL APPLICATIONS BY RECEIVING OFFICES	26
6.3 RATIO OF WITHDRAWN APPLICATIONS BY COUNTRY OF ORIGIN	27
6.4 USE OF LANGUAGES	28
6.5 WORK OF THE NATIONAL IP OFFICES OF CONTRACTING STATES, AS THE BRANCH OFFICES OF THE VPI	30
7. ORGANIZATIONAL CHART OF THE VISEGRAD PATENT INSTITUTE	31

DEAR READER

It is a great pleasure to present the first Annual Report of the Visegrad Patent Institute. According to our plans, this report will be issued annually to provide our users with regular and transparent information about the operation of the Visegrad Patent Institute that can support a well-informed decision making related to international patenting in the CEE region.

It is also my hopes that the Annual Report and the publication of statistical data and facts on trends and tendencies will contribute to an increased awareness about the Visegrad Patent Institute as the PCT Authority of our region.

This report is also a jubilee publication, which celebrates the 5th anniversary of the Visegrad Patent Institute's starting its operations on 1 July 2016. The VPI celebrated this occasion with an online conference organised by the Secretariat of the Visegrad Patent Institute on 7 July 2021.

During this conference, I have announced a programme to increase the visibility of the Visegrad Patent

Institute and to strengthen the customer-friendliness of our operation, as we believe in consistently seeking ways to provide efficient and customer friendly services, which is increasingly important in these challenging times.

The programme is based on on-going consultations with the national offices of the Contracting States, the Visegrad Patent Institute's so-called Branch Offices. The ongoing commitment and support of our Branch Offices is the foundation that helps us provide outstanding service to our clients, but we do not intend to stop there.

This is a jubilee publication to celebrate the 5th anniversary of the Visegrad Patent Institute starting its operation on 1 July 2016.

In addition to internal initiatives, the Secretariat of the Visegrad Patent Institute also monitors suggestions and feedback from our clients and initiates changes to improve our operation, which, in turn, will enable us to serve our applicants with more

simple and efficient administration.

For this reason, our processes have already been made available to our clients in a fully electronic format. This helped to avoid any disruptions of operation even during the highest peaks of the pandemics in 2021, although the number of incoming international applications did reflect the adverse macroeconomic changes caused by the pandemic.

As a closing thought, I would like to emphasize the significance of cooperation in our region, which is also the core essence of the operations of the Visegrad Patent Institute. I firmly believe that our excellent relation with national and international players in the field of intellectual property protection will serve the modern, knowledge-based economy of the Visegrad and neighbouring countries.

I hope that this Annual Report, as a tradition-building publication, will prove useful in providing visibility of our operations and will also contribute to the achievement of the goals of the players in the innovation ecosystem of our region.

In this spirit, I would like to thank all the institutions and individuals working with the Visegrad Patent Institute for their support and express our hopes for further fruitful cooperation.

Johanna Stadler
Director of the VPI

1. INTRODUCTION

Established by the four Visegrad countries, the Czech Republic, Hungary, the Republic of Poland and the Slovak Republic (V4 Countries), the Visegrad Patent Institute (VPI) started its operation as an intergovernmental organization for cooperation in the field of patents on 1 July 2016.

The primary mission of the VPI as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the Patent Cooperation Treaty (PCT) is to help the “local” innovative businesses, universities, research institutions and individual inventors to obtain patent protection abroad and to enter the international market safely.

In 2021, the VPI, in its capacity as an ISA and IPEA under the PCT, carried out international search and international preliminary examination in accordance with the PCT, its Regulations and Administrative Instructions, and the provisions of the agreement with the International Bureau (IB) of the World Intellectual Property Organization (WIPO).

In addition, the VPI is also in the position to carry out Supplementary

International Searches, however, no such requests arrived in the year under review.

Preparatory discussions to start the provision of international-type searches by the VPI were ongoing in 2021. The position paper drafted by the Director of the VPI was circulated among the delegations of the Technical Experts’ Working Group and the Administrative Board of the VPI.

In the year under review, the number of patent examiners employed by the national IP Offices of the Contracting States was 160 (PL 70, HU 38, CZ 30, SK 22). The VPI Secretariat functioned with 2 employees.

The VPI was more active internationally in 2021. VPI delegations participated on-line in the relevant WIPO meetings and in the forum dedicated for the harmonisation of search activities with the European Patent Office. In 2021, contacts were established with the International Visegrad Fund, the first international organisation of the Visegrad Cooperation.

In view of the pandemic and in order to reduce its ecological footprint, the Secretariat’s work is organised in the

most efficient and economical way possible. In 2021, the Secretariat further reduced its paper and printing needs while completing its electronic management. The IT infrastructure used was also partially renewed. Due to the economical functioning of the Secretariat and to these measures, the central financial result of the VPI was positive in 2021.

2. FACTS AND FIGURES IN RESPECT OF THE VPI'S ISA AND IPEA WORK IN 2021

International patent application activity is the basis of the work of PCT authorities. This activity is influenced by a number of factors, such as the operation of the authority, its services and fees, the economic power available in the country/region concerned and, in particular, the innovation-oriented structure of the respective economies. Naturally, there are further factors depending on the country concerned. The incoming work of the VPI also depends to a great extent on the applicants' choice between the European Patent Office (EPO) and the VPI.

Country	Selected ISA ¹	
	EPO	XV
CZ	245	32
HU	100	14
PL	321	55
SK	30	9

Source: World Intellectual Property Office (WIPO) IP Statistics Data Centre

¹ According to WIPO's statistics, 3 CZ applicants chose the USPTO. 6 PL applicants also chose different ISAs (2 IL; 1 JP; 2 KR; 1 RU).

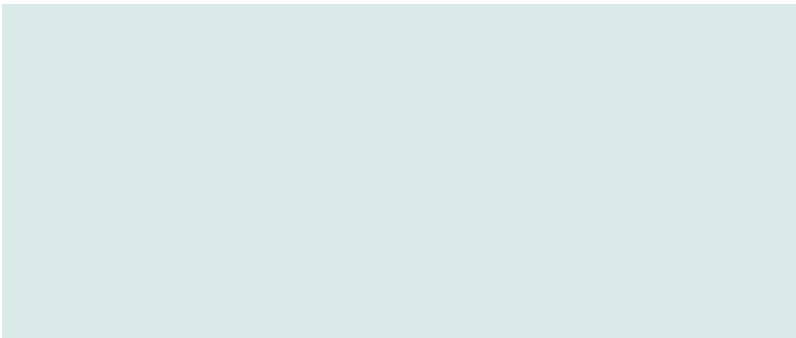
2.1 THE VPI IN THE SYSTEM OF EUROPEAN PCT AUTHORITIES

The VPI is among the smaller PCT Authorities in Europe. The VPI's Contracting States are all members of the European Patent Convention, so the choice between the EPO and the VPI is open to their applicants. The VPI follows a cooperative networking model, and its size naturally cannot be compared to the EPO.

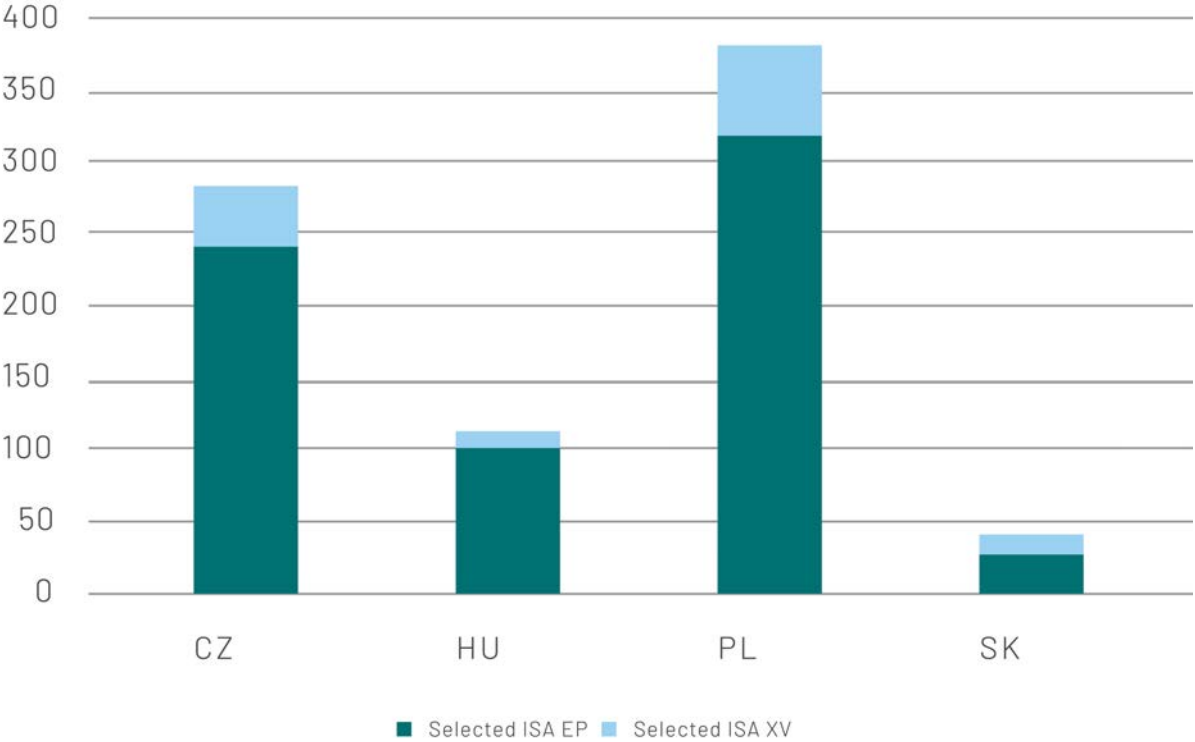
In this context, generally a minority of applicants choose the VPI and a much larger proportion choose the EPO as PCT authority. Among other things, this is mainly related to how applicants plan to proceed with their applications. When filing a European patent application after the international phase, the EPO still seems to be the better choice for applicants, despite the higher costs and longer time involved.

The breakdown by Contracting States of applicants' choice between VPI and EPO in 2021 was as follows.

The confidence of Slovak applicants in the VPI was outstanding: 23% of them chose the VPI in 2021. They were followed by Polish applicants with 15%. Both 12% of Czech and Hungarian applicant chose the VPI in 2021.



Ratio of applications to the EPO and the VPI in 2021



Source: World Intellectual Property Office (WIPO) IP Statistics Data Centre

2.2 STATISTICS OF THE VPI'S ISA WORK

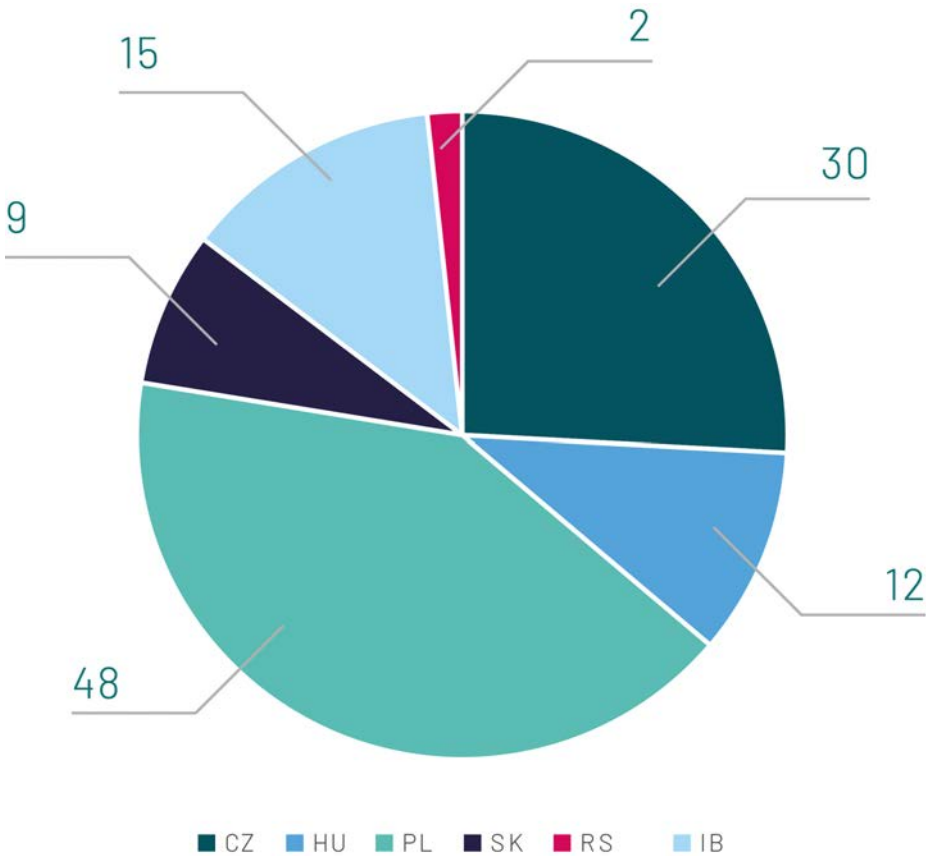
The most important core business of the VPI is the preparation of international search reports. This represents the bulk of its work.

2.2.1 INTERNATIONAL APPLICATIONS (IAS) RECEIVED BY THE VPI

The total number of IAs received by the VPI was 116 in 2021. Trends still largely showed the negative effects of the COVID pandemic.

IAs were received by the following Receiving Offices (ROs):

Ratio of international applications by Receiving Offices

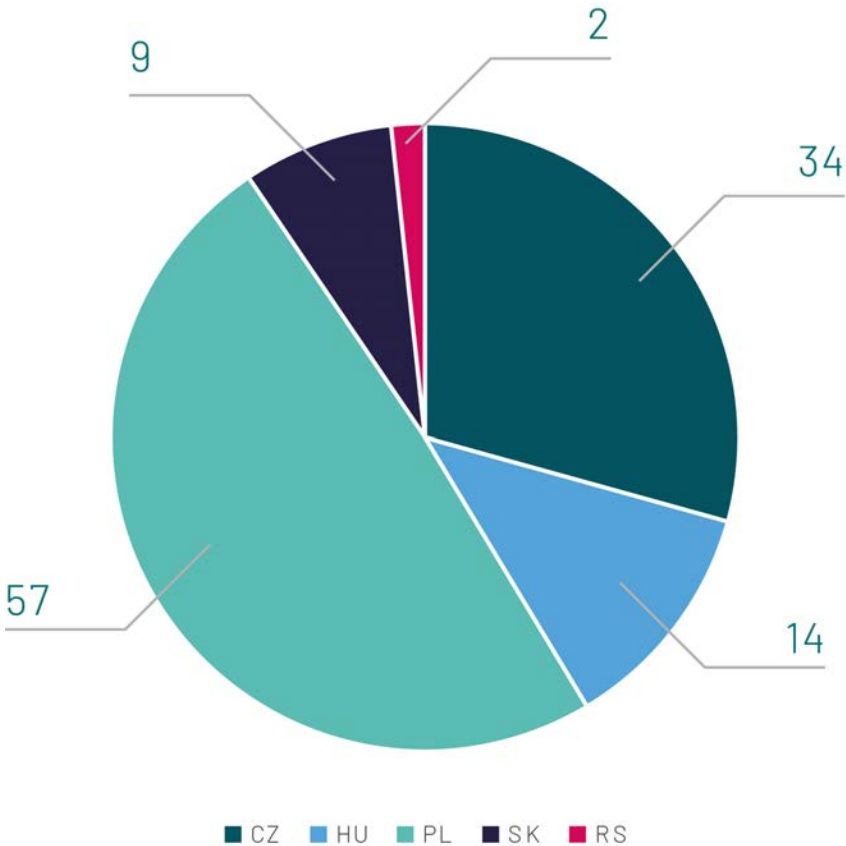


Source: VPI statistics

IAs originate from the following countries:

equally important. 2021 was marked by a strong decrease of Hungarian

Number of international applications by country of origin



Source: VPI statistics

The volume of work coming from Poland, our largest VPI Contracting State, is crucial for the life of the VPI. It is clear that a high level of innovation activity in Poland is a very important determinant of our workload. However, for balancing the operation of the VPI, all applicants are

IAs, which negatively affected the VPI. However, with a nearly normal level of activity of all other applicants – and especially the quick recovery in the number of Czech IAs –, this negative effect was manageable for the VPI.

2.2.2 NATURE OF APPLICANTS

The applicant named first in the application is used as the bases to determine the "nature of applicant", following the method used by the WIPO.

inventors automatically increases the number of applicants in this category. Further consideration needs to be given to the potential in increasing the number of applicants from the universities and research institutes of our region.

Nature of applicants of the VPI by country of origin

	Czech	Hungarian	Polish	Slovak	Serb
Companies	14	2	32	2	
Individual inventors	4	10	13	6	2
Universities and higher education institutions	12		12		
Research institutes	4	2		1	
Total	34	14	57	9	2

Source: VPI statistics

The applicants of the VPI fall into the following 4 categories:

- Companies;
- Individual inventors;
- Universities and other higher education institutions;
- Research Institutes.

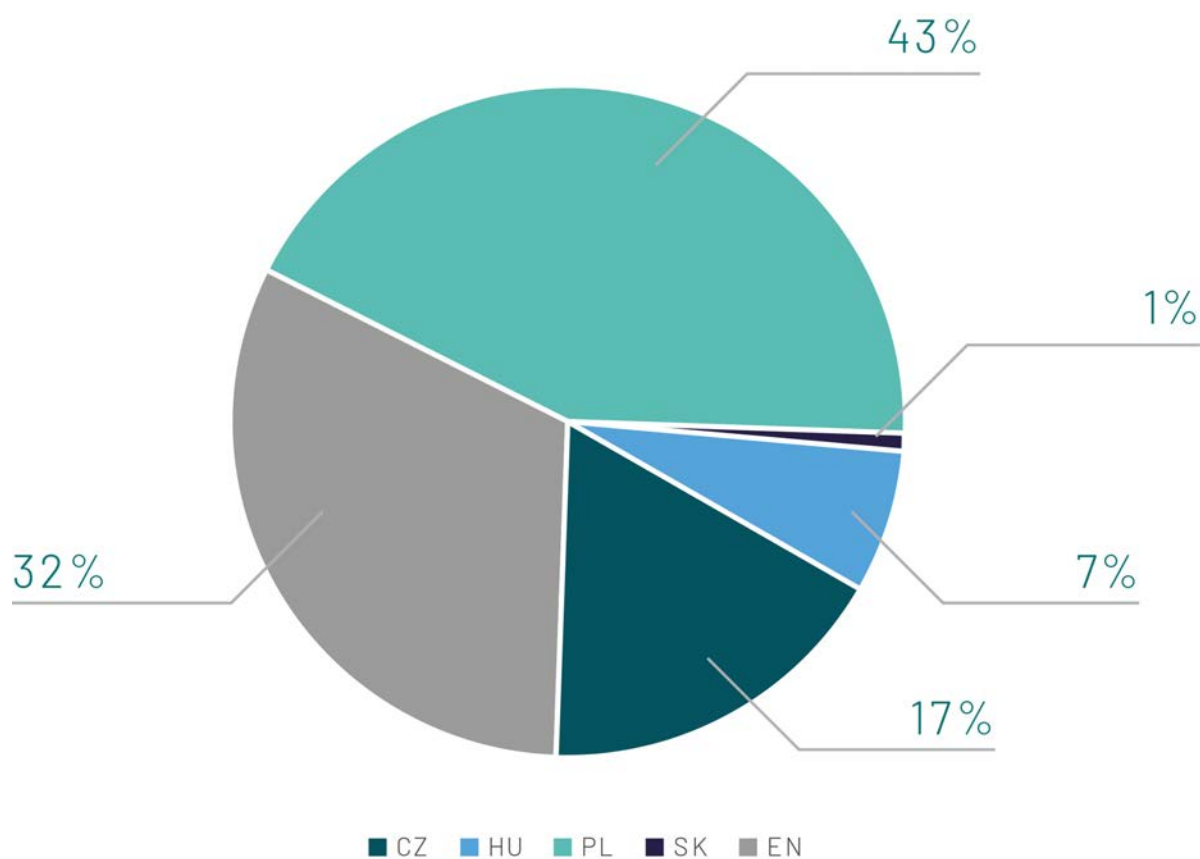
The VPI, with a user-friendly approach, represents a realistic alternative to the EPO in our region, especially for individual inventors and local companies. However, it is also worth taking into account that national fee reduction possibility for individual

2.2.3 LANGUAGES

Important advantage of the VPI is the possibility of a wider use of national languages compared to the EPO.

The following languages were used when filing IAs selecting the VPI in 2021:

Breakdown of international applications by languages



Source: VPI statistics

Percentage of English language IAs in relation to the total number of the IAs arriving from the respective countries:

Percentage of applications in English by country of origin

Country of origin	Ratio
CZ	41 %
HU	43 %
PL	12 %
SK	89 %
RS	100 %

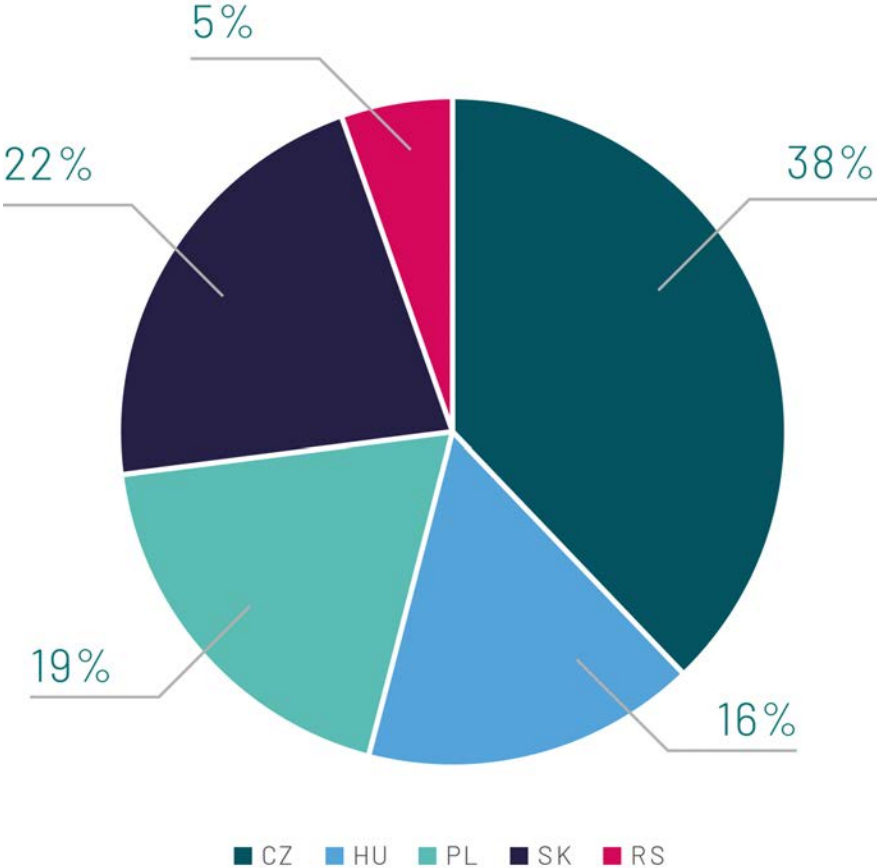
Source: VPI statistics

All IAs originating from Serbia arrived in English. Slovak applicants mostly file in English, and Polish applicants mainly use their mother tongue.

The breakdown of the number of English language applications by country of origin is as follows:

This shows that the majority of English language applications arrived from the Czech Republic, and the rest of the applications are split more or less even among the other member states.

Ratio of English language applications by country of origin



Source: VPI statistics

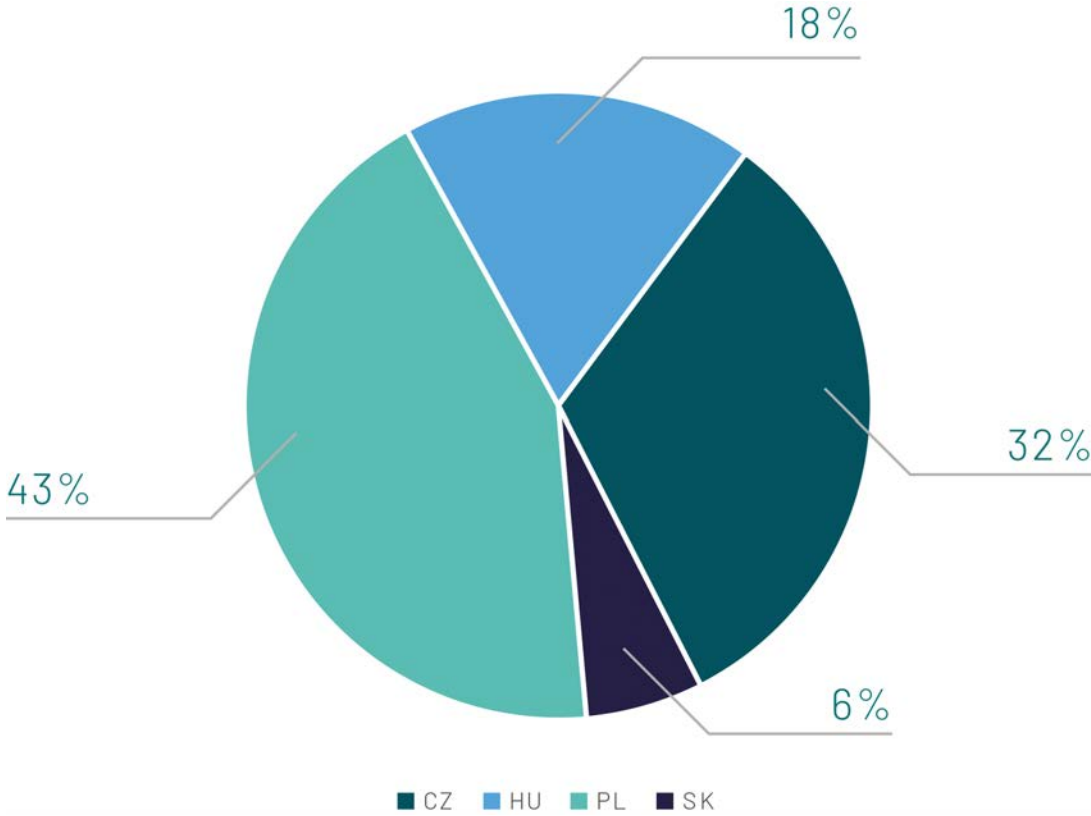
2.2.4 INTERNATIONAL SEARCH REPORTS

The number of international search reports (ISRs) issued by Branch Offices were as follows:

Branch office	Number of ISRs
CZ	32
HU	18
PL	43
SK	6
TOTAL	99

Source: VPI statistics

Breakdown of International Search Reports by Branch Offices



Source: VPI statistics

2.2.5 40 % REFUND OF INTERNATIONAL SEARCH FEE

A 40% fee reduction is granted in cases where the VPI benefits from the results of an earlier search carried out by any of the national offices of the Contracting States.

The number of paid international search fee refunds was 51 in 2021. However, the number of international applications in which the Branch Office issued form PCT/ISA/213 allowing for the international search fee refund was 80. It appears that applicants are not making sufficient use of the benefit of fee refund.

To improve the situation, further user-friendly initiatives were introduced to raise awareness of the applicants to claim their eligible refund.

2.3 STATISTICS OF SUPPLEMENTARY INTERNATIONAL SEARCHES

The number of requests for Supplementary International Searches is limited in the PCT system. In line with this tendency, no requests for Supplementary International Searches arrived to the VPI in the year under review.

2.4 STATISTICS OF THE VPI'S IPEA WORK

Number of Demands for International Preliminary Examination by country of origin

The number of demands for International Preliminary Examination is low at the VPI. In 2021, this number further decreased.

The VPI received 3 demands for International Preliminary Examination from Hungary. This represents a significant decline as compared to the 5 demands in 2020. This service seems to be the most popular among the Hungarian applicants, since the significant majority of the demands has arrived from Hungary since the service was introduced in 2016.

Number of International Preliminary Examination Reports (IPERs) completed by Branch Offices

HU Branch Office completed 4 IPERs in 2021, and the CZ Branch Office completed 1. With that, the total number of IPERs completed in 2021 was 5.

2.5 TIMELINESS

One of the comparative advantages of the VPI is timeliness in its procedures. Quality work with short and predictable lead times are important tools for serving the interests of our users. The VPI examiners carried out an excellent work with meeting the deadlines set by the PCT in 2021.

ISA Timeliness in transmitting Search Reports

Weeks before / after due date	Q1/2021	Q2/2021	Q3/2021	Q4/2021
> 4 weeks	6	2	7	3
3 weeks	3	5	8	1
2 weeks	4	5	8	4
1 week	10	7	7	11
0 week	1	2	1	0
+1 week [late]	0	0	0	1
+2 weeks [late]	0	0	0	0
+3 weeks [late]	0	0	0	0
> +4 weeks [late]	0	0	0	0
Total	24	21	31	20

Source: WIPO ePCT

In international searches, the VPI's voluntarily set one-week shorter user-friendly deadline (see more in point 3.1) was also met in the vast majority of cases in 2021.

Most IPERs were completed within the prescribed time limit. The low number of demands for IPERs causes that even one belated IPER means a significant negative effect in WIPO's statistics. Nevertheless, the VPI still met the benchmark (80%), set by WIPO for the timeliness in transmitting IPERs in 2021.

Timeliness in transmitting International Preliminary Examination Reports (IPERs)

Weeks before / after due date	Q1/2021	Q2/2021	Q3/2021	Q4/2021
> 4 weeks	1	0	2	1
3 weeks	0	0	0	0
2 weeks	0	0	0	0
1 week	0	0	0	0
0 week	0	0	0	0
+1 week [late]	0	0	1	0
+2 weeks [late]	0	0	0	0
+3 weeks [late]	0	0	0	0
> +4 weeks [late]	0	0	0	0
Total	1	0	3	1

Source: WIPO ePCT

3. OPERATION OF THE VPI

3.1 USER-FRIENDLY INITIATIVES

Finding and implementing user-friendly initiatives for the benefit of users is at the heart of the VPI.

Agreement was reached on shortening the lead time of international search by one week in respect of those applications in which the notification on receipt of search copy was dated on or after the 1st July 2021. As it was indicated in the first table under point 2.5, most of the cases are closed within the internally set deadline. The Secretariat assists Branch Offices in their efforts to keep the deadlines by sending a deadline reminder bi-weekly.

Further user-friendly measures related to the 40% refund of international search fee were also introduced. Delegations agreed on a common practice in respect of the decisions on issuing the refund of 40% of international search fee and agreed that Branch Offices will communicate informally with the applicants on the missing request on the Request Form to take into account the earlier search for the purposes of fee refund.

Furthermore, delegations agreed that applicants would be entitled to file the completed Refund Forms both electronically (via e-mail and WIPO's ePCT system) and by mail. And, finally, the information on the Search Fee Refund was restructured on the VPI's website in order to better inform applicants.

Finding and implementing user - friendly initiatives for the benefit of users is at the heart of the VPI.

3.2 MARKETING & AWARENESS RAISING

After several discussions in respect of marketing and awareness raising, the VPI started to develop and execute a marketing plan in 2021.

For this reason, the VPI Linked-in page and VPI Youtube channel were created. Videos from the VPI5 conference (see more in point 4.4) were uploaded to Youtube. These two channels will be used in the future to help the international patenting activities of the users of the services of the VPI with further information materials.

3.3 QUALITY

After the internal audit in May, the external audit of the VPI's Quality Management System was successfully completed on 15 July 2021.

There were no nonconformities detected. The certification of the VPI was renewed.

3.4 FINANCES

According to Article 14(1) and 14(2) of the Agreement on the VPI, the budget of the VPI should be balanced and the expenses of the VPI shall be covered by its own resources.

In accordance with these principles, the VPI closed the 2021 financial year with a considerable positive result.

3.5 MEETINGS OF THE VPI

The Administrative Board (AB), the main governing and norm-setting body of the VPI held two on-line meetings in 2021. The Chairpersonship of the AB was fulfilled by Slovakia. The 14th meeting was chaired by President Mr Matúš Medvec, the 15th AB meeting by Vice-President Mr Marek Samoš.

The AB, in addition to the regularly recurring decisions (adoption of next year's budget, quality goals and work programme), also adopted an internal regulation for the reimbursement of mission expenses. Documents were submitted by the Director to the AB on the previous year's financial report, on marketing plan, and on a study of the functioning of European PCT authorities.

The AB adopted 3 decisions in written procedure in 2021 (AB/D 1/21 on the authorisation for the Director of the VPI to negotiate the terms of the Memorandum of Understanding with the International Visegrad Fund; AB/D 2/21 on the adoption of the Schedule of Fees of the VPI; AB/D 3/21 on the authorisation for the Director to sign the Seat Agreement with the Government of Hungary).

The Working Groups of the VPI held two on-line meetings. The 18th IT/Quality Management and 14th Technical Experts' joint Working Group meeting was hosted by HIPO, and the 19th IT/Quality Management and 15th Technical Experts' joint Working Group meeting by IPO SR. The meetings of the Working Groups of the VPI were chaired by the Director of the VPI.

4. INTERNATIONAL PARTNERS AND ACTIVITIES OF THE VPI

4.1 WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

The WIPO, as the administrator of the Patent Cooperation Treaty and the centre of international IP cooperation, is one of the most important partner organisations of the VPI.

Due to the ongoing COVID pandemics, the Director participated at WIPO meetings remotely. The Director participated in PCT MIA and PCT MIA Quality Subgroup held in March. As side event of the PCT MIA Quality Subgroup meeting the director joined the bilateral peer review of the Swedish IP Office's QMS by the Canadian IP Office. This exercise was extremely instructive. The Director also participated at the PCT Working Group held in June and at the Assemblies of the Member States of WIPO held in October.

Cooperation with WIPO took place in respect of the VPI5 on-line conference, organised by the Secretariat of the VPI. WIPO was the professional sponsor of the conference. Mr Daren Tang, Director General of the WIPO, sent a dedicated video message, and

WIPO also provided moderators and one high-level speaker in the conference program.

4.2 EUROPEAN PATENT OFFICE (EPO)

Similar to previous years, the VPI took part in the EPO's Harmonisation Files project in 2021. The VPI worked on 20 files received from the EPO. The IPC classes of the two batches of files were A61K and C07D.

The VPI also actively took part in the 19th Permanent Committee on Harmonization of Search Activities (PCHSA) meeting. The Director of the VPI presented the VPI's overall findings regarding the harmonization files in 2020. Presentation in the dedicated discussion on one selected file was made by the Czech Branch Office.

The WIPO, as the administrator of the Patent Cooperation Treaty and the centre of international IP cooperation, is one of the most important partner organisations of the VPI.

4.3 INTERNATIONAL VISEGRAD FUND (IVF)

The first direct contact between the VPI and the IVF took place in July 2021. Former Executive Director of the IVF, Ms Edit Szilágyiné Bátorfi visited the VPI in Budapest. Discussions started on the possible fields of cooperation. The Director of the VPI also visited the IVF in Bratislava during the Summer.

In October, the new Executive Director, Mr Petr Mareš visited the VPI in Budapest. Negotiations on the Memorandum of Understanding between the two international organisations started. The VPI's Director was authorised by the AB to conduct these negotiations.

4.4 CONFERENCES

The VPI celebrated the 5th anniversary of its operation on 1 July 2021, and marked this special occasion with an online conference. The VPI5 conference was organised by the VPI Secretariat with the support of the Hungarian Ministry of Innovation and Technology, the National Research, Development and Innovation Office (NKFIH) and in cooperation with the national IP offices of the VPI's Contracting States and WIPO.

The conference was financed from a grant received from NKFIH.

The conference started with a celebratory part with messages from Mr. Daren Tang, Director General of the WIPO and high-level representatives of the Governments of the Visegrad Countries as well as greetings from the presidents and vice-presidents of the IP offices of the Contracting States and the Director of the VPI.

A celebratory conference marked the 5th anniversary of the operation of the VPI on 1 July 2021.

In the second half of the conference, participants could follow presentations of national experts on the user-friendly initiatives of the VPI as well as various case studies and best practices of filing of international patent applications by players from the Visegrad Countries.

The recordings of the conference were made available on the Youtube channel of the VPI to serve as reference for applicants in the future.

5. HEADQUARTERS AGREEMENT BETWEEN HUNGARY AND THE VPI

The Agreement on the Visegrad Patent Institute designates Budapest as the headquarters of the VPI and provides that the VPI shall conclude a headquarters agreement with Hungary.

For the daily functioning of an international organisation, such as the VPI, it is essential to regulate all relations with the host country in a Headquarters Agreement.

To initiate this process, the Director of the VPI contacted the responsible Ministries of Hungary, the Ministry for Foreign Affairs and Trade and the Ministry for Innovation and Technology in 2020. The responsible Ministries started the necessary steps in 2020; the process was still ongoing in 2021.

This work resulted in 2021 in Government Decision 1948/2021 (XII. 21.) on the authorisation to finalise the text of the Headquarters Agreement between the Government of Hungary and the Visegrad Patent Institute. This decision opened the possibility for the signature subject to

ratification and the ratification of the Headquarters Agreement in 2022.

Government Decision 1948/2021 (XII. 21.) gave authorisation to finalise the text of the Headquarters Agreement between the Government of Hungary and the VPI.

6. FACTS AND FIGURES - TRENDS BETWEEN 2016 AND 2021

The aim of this report is also to provide a platform for sharing statistical data and facts and share trends and tendencies since the start of the operation of the VPI with our users and the interested public.

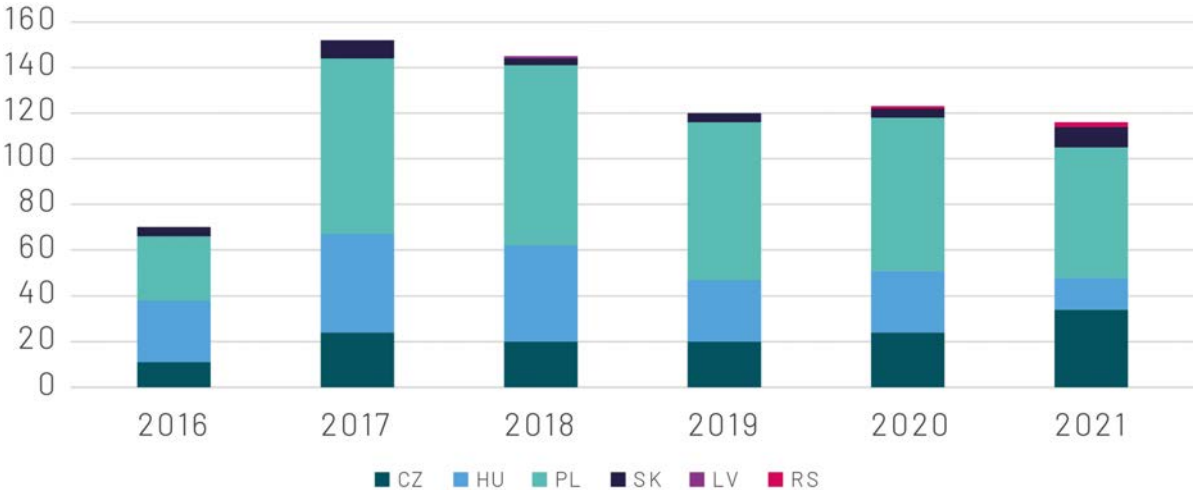
6.1 NUMBER OF INTERNATIONAL APPLICATIONS BY COUNTRY OF ORIGIN

After a peak in 2017, there was a decline in the number of international applications in 2018. As the numbers reflect, the pandemics in 2020 had only a slightly negative influence on the decline of the number of

applications as compared to 2019. However, the impact of the pandemics on the numbers cannot be underestimated. In fact, it was the pandemics that hindered our efforts to increase the number of applications through awareness raising campaigns and marketing tools. Nevertheless, the VPI will continue to increase its communication efforts towards its users and potential users within the innovation community.

It is important to note that, based on the two Memoranda² of Understanding concluded with Neighbouring Countries' IP Offices, there was 1 Lithuanian application in 2018, and 1 and 2 Serbian applications in 2020 and in 2021, respectively.

Number of international applications by country of origin



Source: VPI statistics

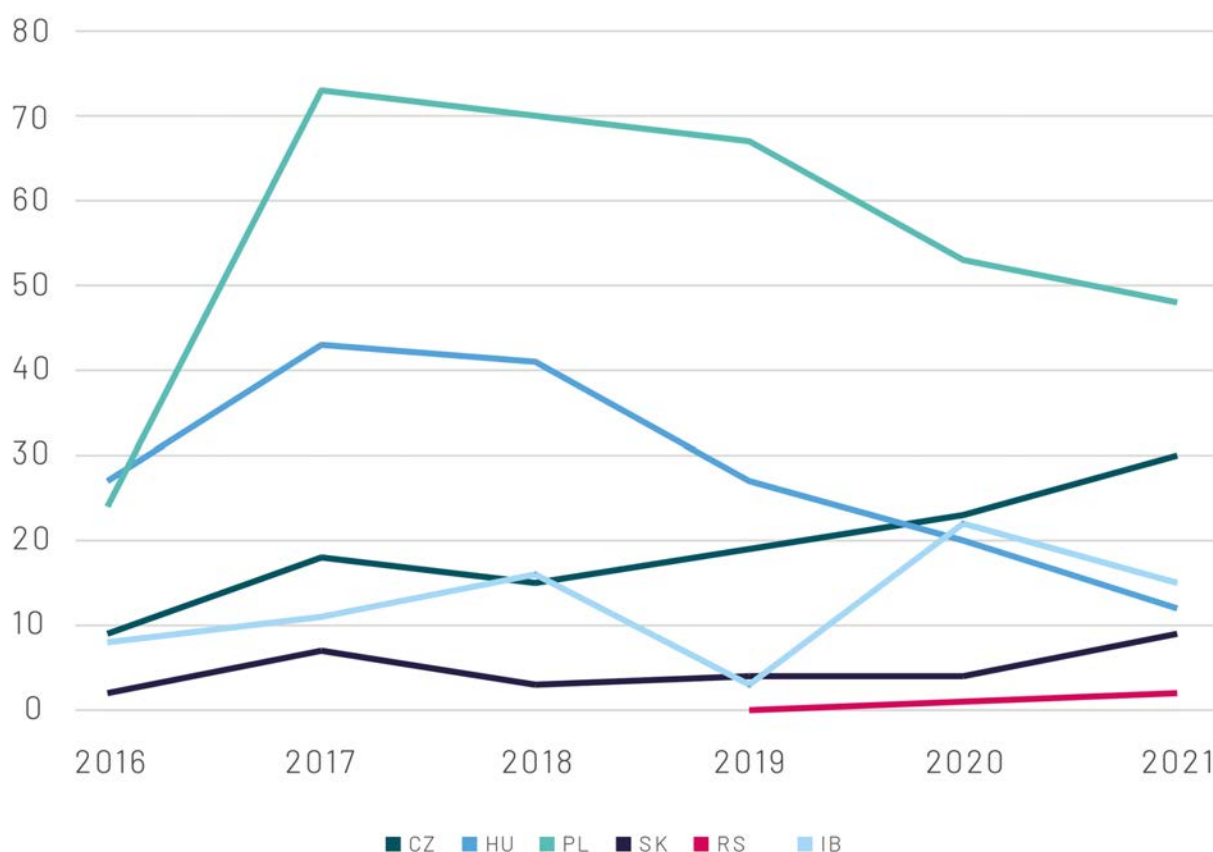
² The Memorandum of Understanding with the State Patent Bureau of the Republic of Lithuania was concluded on 3 May 2017 and entered into force on 1 June 2017. The Memorandum of Understanding with the Intellectual Property Office of the Republic of Serbia was concluded on 10 July 2020 and entered into force on 1 September 2020.

6.2 NUMBER OF INTERNATIONAL APPLICATIONS BY RECEIVING OFFICES

The chart on the number of applications by Receiving Offices better represents the tendencies of the incoming applications.

It is important to note that Serbian Users can choose for their international applications under the PCT the VPI as ISA and IPEA only from 1 September 2020.

Number of international applications by RO



Source: VPI statistics

6.3 RATIO OF WITHDRAWN APPLICATIONS BY COUNTRY OF ORIGIN

For the financial stability of the VPI, it is important for us to monitor the ratio of withdrawn applications, which is usually low, however, with some exceptions, such as in year 2020, which phenomenon was probably due to the pandemic.

Ratio of withdrawn applications by country of origin

	2016	2017	2018	2019	2020	2021	Average
CZ	9%	8%	0%	0%	8%	3%	6%
HU	0%	12%	2%	11%	30%	7%	9%
PL	21%	5%	25%	19%	28%	21%	20%
SK	0%	0%	33%	0%	25%	0%	6%
Average	10%	7%	15%	13%	24%	12%	14%

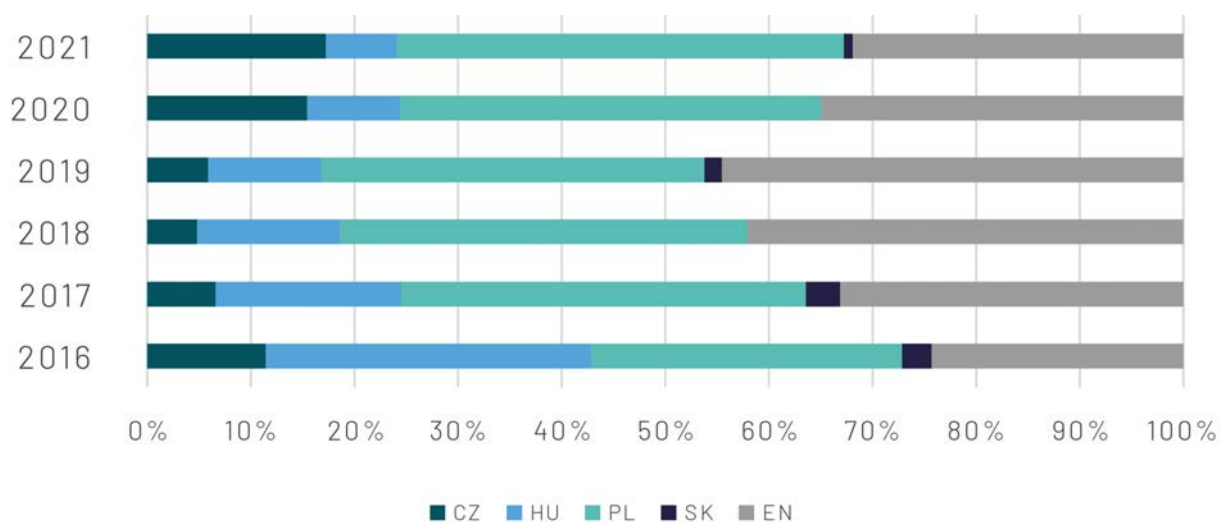
Source: VPI statistics

6.4 USE OF LANGUAGES

The use of the national language is an important element amongst the advantages offered by the VPI. It seems that our users indeed take

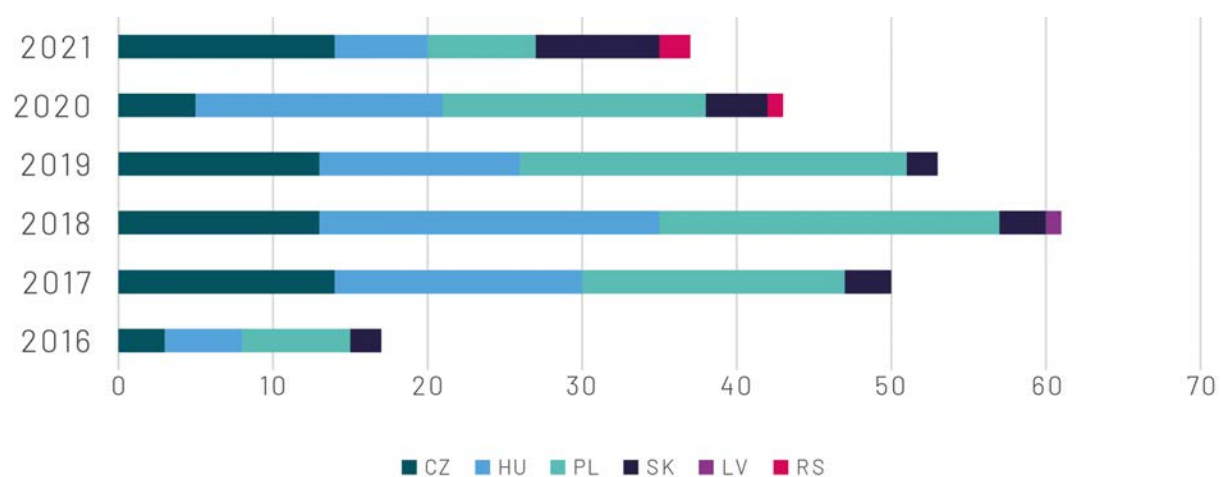
advantage of this option in their applications. However, there are significant differences between the ratio of applicants who choose English as the language of filing by country of origin of the applicant.

Ratio of languages



Source: VPI statistics

Number of English language applications by country of origin



Source: VPI statistics

So far, all our Serbian applicants filed their applications in English. Amongst the Contracting States, the Slovak applicants use English to the larger extent. Hungarian applicants stick the most to their national language. The low number of Lithuanian applications do not allow to draw any conclusions.

Ratio of English language applications by country of origin

	2016	2017	2018	2019	2020	2021	Average
CZ	27%	58%	65%	65%	21%	41%	42%
HU	19%	37%	52%	48%	63%	43%	44%
PL	25%	22%	28%	36%	25%	12%	25%
SK	50%	38%	100%	50%	100%	89%	71%
LI	0%	0%	100%	0%	0%	0%	100%
RS	0%	0%	0%	0%	0%	100%	100%

Source: VPI statistics

6.5 WORK OF THE NATIONAL IP OFFICES OF CONTRACTING STATES, AS THE BRANCH OFFICES OF THE VPI

The work done by Branch Offices (BOs), the production of international

search reports, and international preliminary examination reports, naturally closely follows the number of requests and demands received.

Number of international search reports issued by BOs



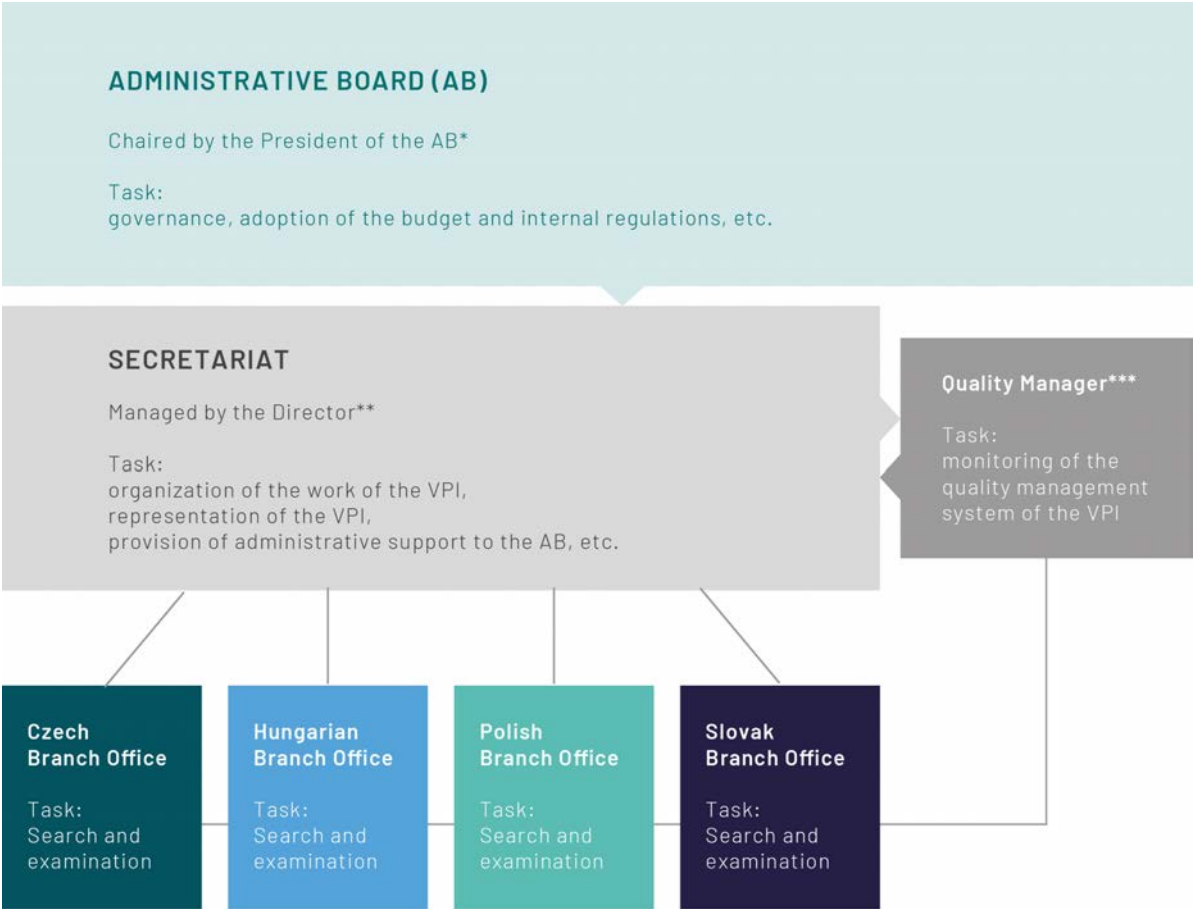
Source: VPI statistics

Number of IPERs completed by BOs

	2021	2020	2019	2018	2017	2016	Total
CZ	1			1	1		3
HU	4	4	4	5	2		20
PL		1	1				2
SK							0
Sum	5	5	5	6	3	0	25

Source: VPI statistics

7. ORGANIZATIONAL CHART OF THE VISEGRAD PATENT INSTITUTE



*The President of the AB is elected from the Members of the AB on a rotational basis.
 **The Director of the VPI is appointed by the AB.
 ***The Quality Manager is appointed by the AB.

IMPRESSUM

Published by the
Visegrad Patent Institute
in 2022

Publisher: Ms Johanna Stadler
Editor: Ms Noémi Baho-Borzók
Graphics by Roni Zongor ART / DESIGN

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With the support of the National Research, Development and Innovation Office



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