

WISEGRAD PATENT INSTITUTE

The PCT Authority next door

The Decision-Support Role of VPI: Novelty Search as a Strategic Compass for the Patent Granting Procedure

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THE FUNDAMENTAL OBJECTIVE OF THE RESEARCH

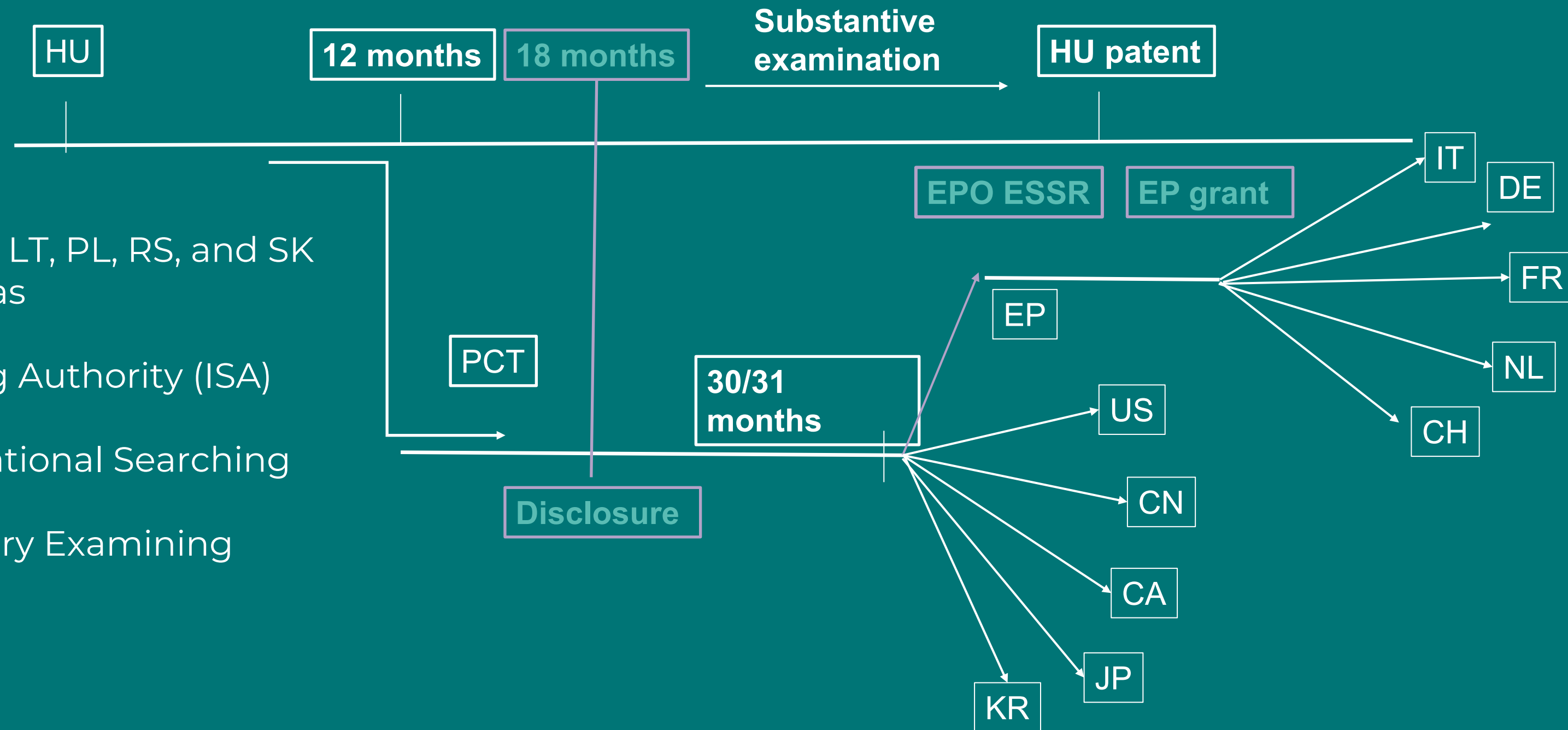
- To evaluate the quality and effectiveness of VPI's international search activities.
- To provide effective support for applicants in **making well-informed decisions** while the application is still pending in the international phase.
- To assess how effectively the VPI International Search Report (ISR) functions as a **strategic guidepost** in patent-related decision-making.
- To define an **efficiency indicator** capable of demonstrating and quantifying this impact.



THE COMPETENCE OF THE VPI

The VPI acts for CZ, HU, LT, PL, RS, and SK
Receiving Offices (ROs) as

- International Searching Authority (ISA) and/or
- Supplementary International Searching Authority (SISA),
- International Preliminary Examining Authority (IPEA).



DATA SOURCES

Data from VPI Secretariat

- PCT publication number
- Name of the applicant
- Filing date
- Branch Office
- Date of sending the ISR

VPI data mining in Espacenet and EPO Register

- VPI ISR
- Applications to EPO, USPTO etc.
- EPO Supplementary ESR (SESR)
- EPO Intention to grant
- EPO Decision to grant
- EPO Application DW, W, R

**VPI
database**

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graph LR; A["Data from VPI Secretariat<br/>- PCT publication number<br/>- Name of the applicant<br/>- Filing date<br/>- Branch Office<br/>- Date of sending the ISR"] --> C((VPI database)); B["VPI data mining in Espacenet and EPO Register<br/>- VPI ISR<br/>- Applications to EPO, USPTO etc.<br/>- EPO Supplementary ESR (SESR)<br/>- EPO Intention to grant<br/>- EPO Decision to grant<br/>- EPO Application DW, W, R"] --> C;
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THE DEVELOPMENT OF THE VPI DATABASE

1st step

- The original dataset containing all VPI cases
- 2016-2022: 854 cases

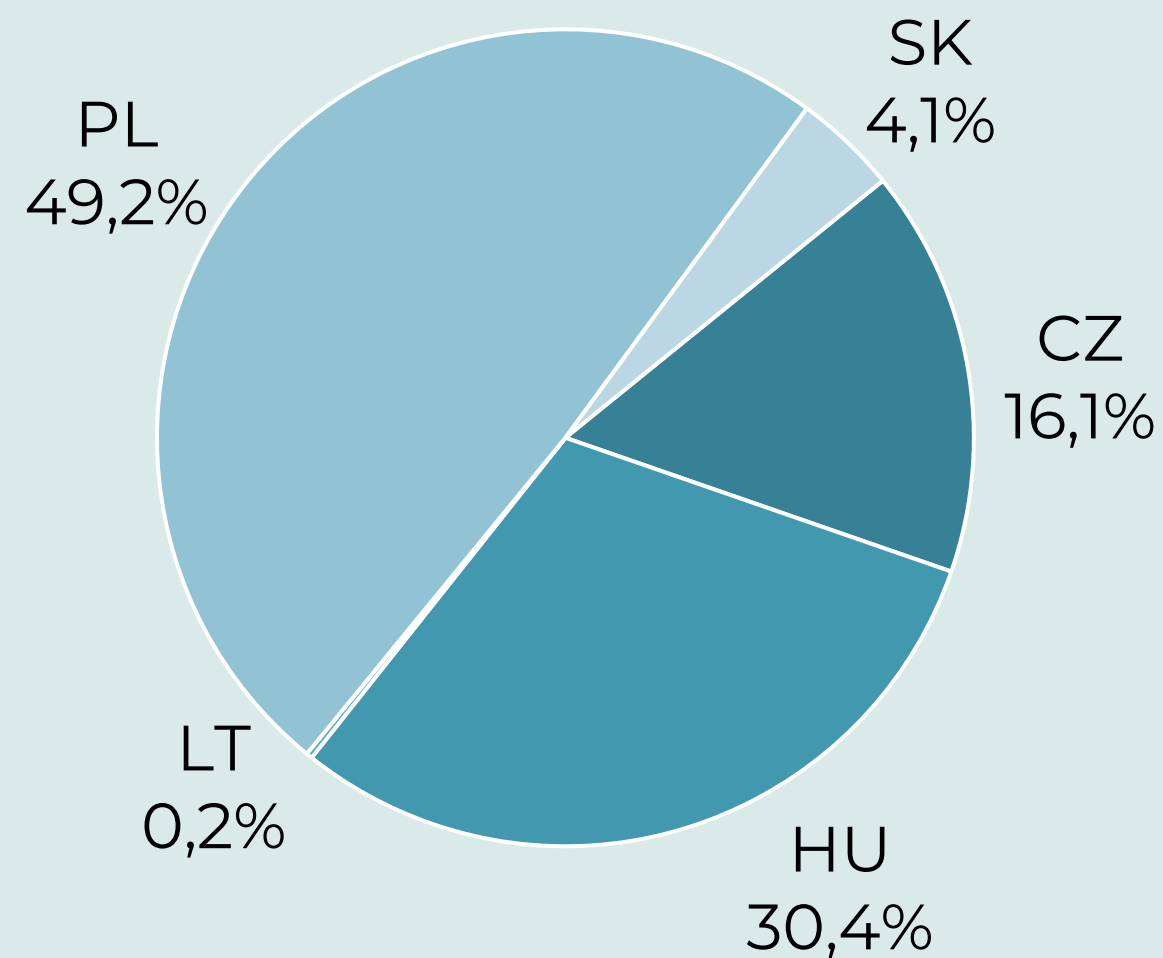
2nd step

- The dataset containing closed cases at the selected national offices
- 2016-2019: 415 cases

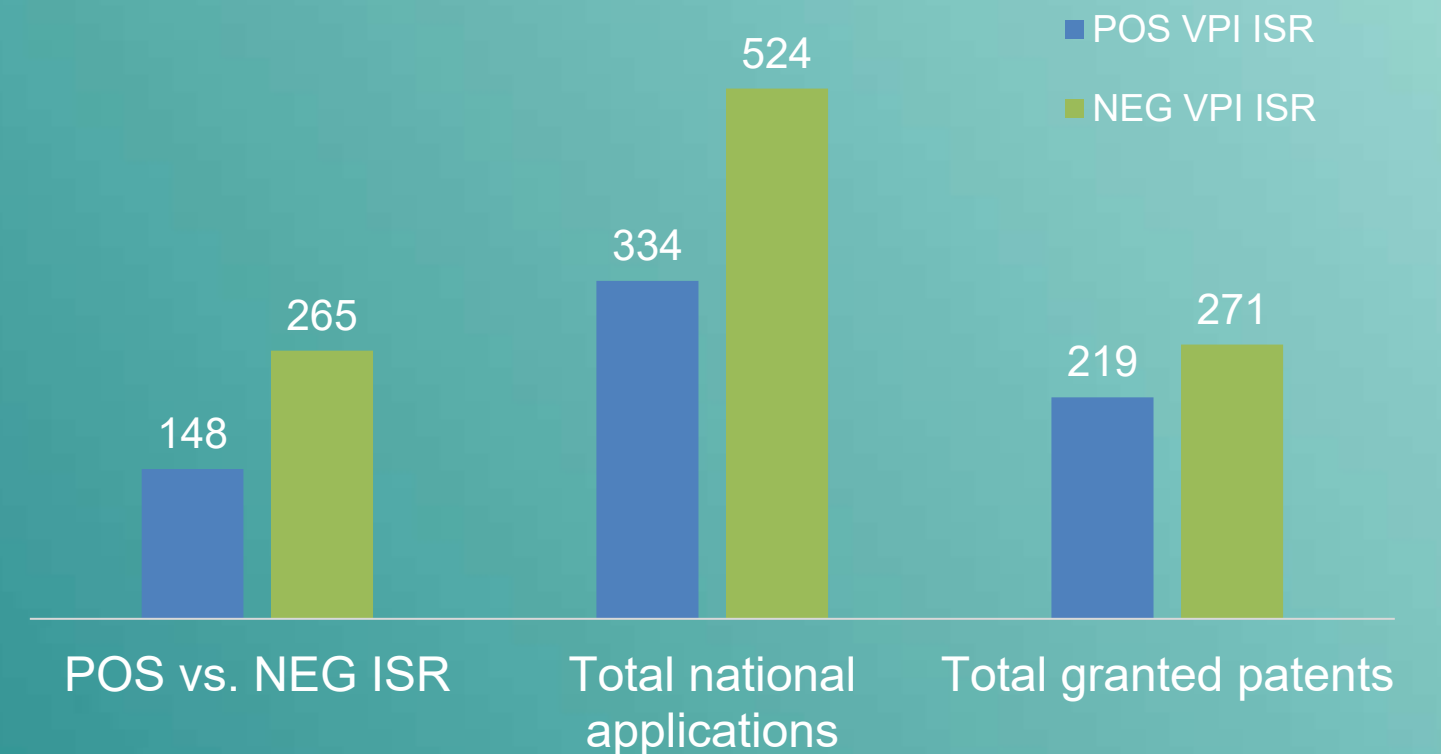
3rd step

- The dataset containing regional applications filed with the EPO
- 2016-2019: 173 cases

THE DISTRIBUTION OF VPI CASES BY COUNTRY OF THE APPLICANT

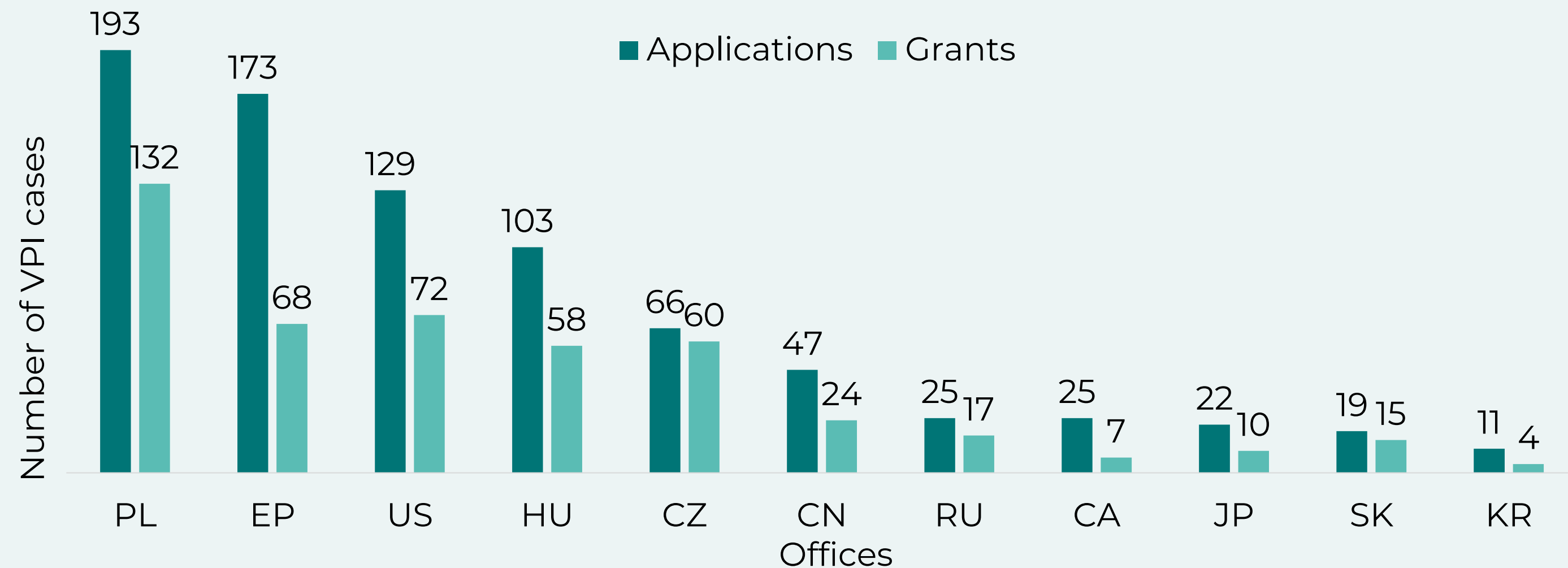


National phase entries for positive vs. negative VPI ISRs*



***Total national applications** indicates the number of entries into a national or regional phase with NEG vs. POS international search report
 ***Total granted patents** indicates the total number of granted patents in a national phase where the international search report was NEG vs. POS

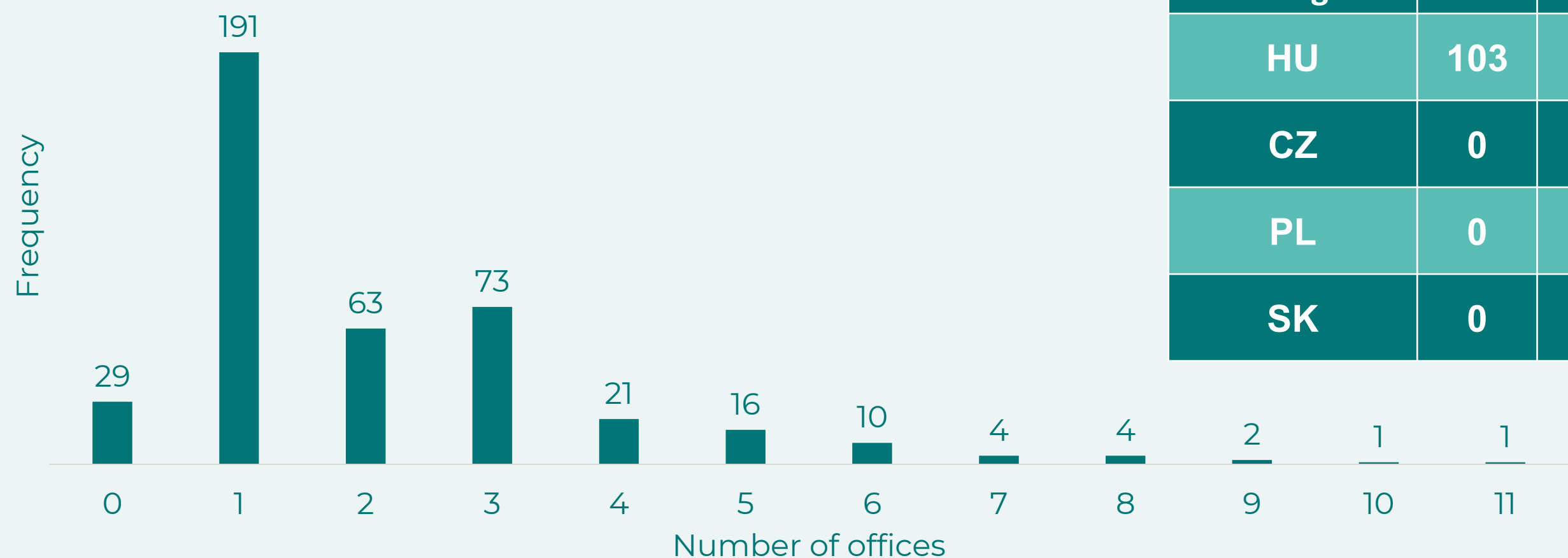
NUMBER OF ENTRIES IN NATIONAL PHASES AND NATIONAL GRANTS RELATED TO VPI CASES AT SELECTED OFFICES



Total number of VPI cases: 415

FREQUENCY OF FILINGS IN THE NATIONAL PHASES

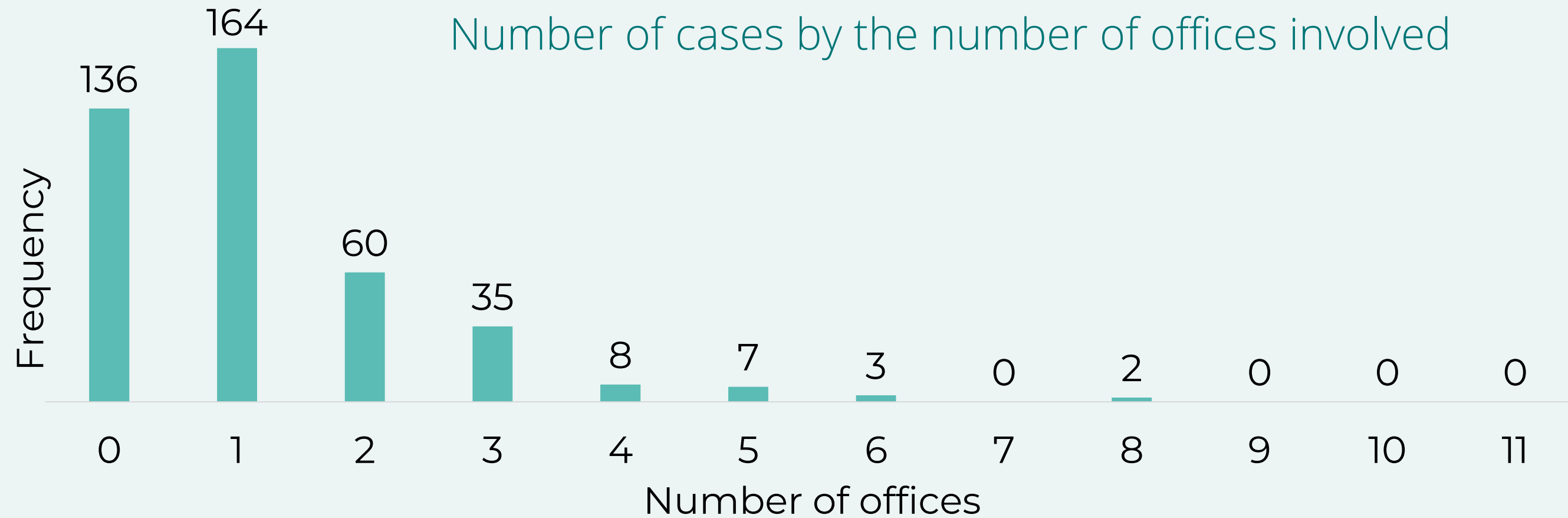
Number of cases by the number of offices involved



Total number of VPI cases: 415

Office/Country of origin	HU	CZ	PL	SK	EP	US	CN
HU	103	0	2	0	48	34	11
CZ	0	63	5	3	31	20	9
PL	0	1	186	0	90	68	22
SK	0	2	0	16	3	6	5

FREQUENCY OF GRANTS IN THE NATIONAL PHASES



Total number of VPI cases: 415

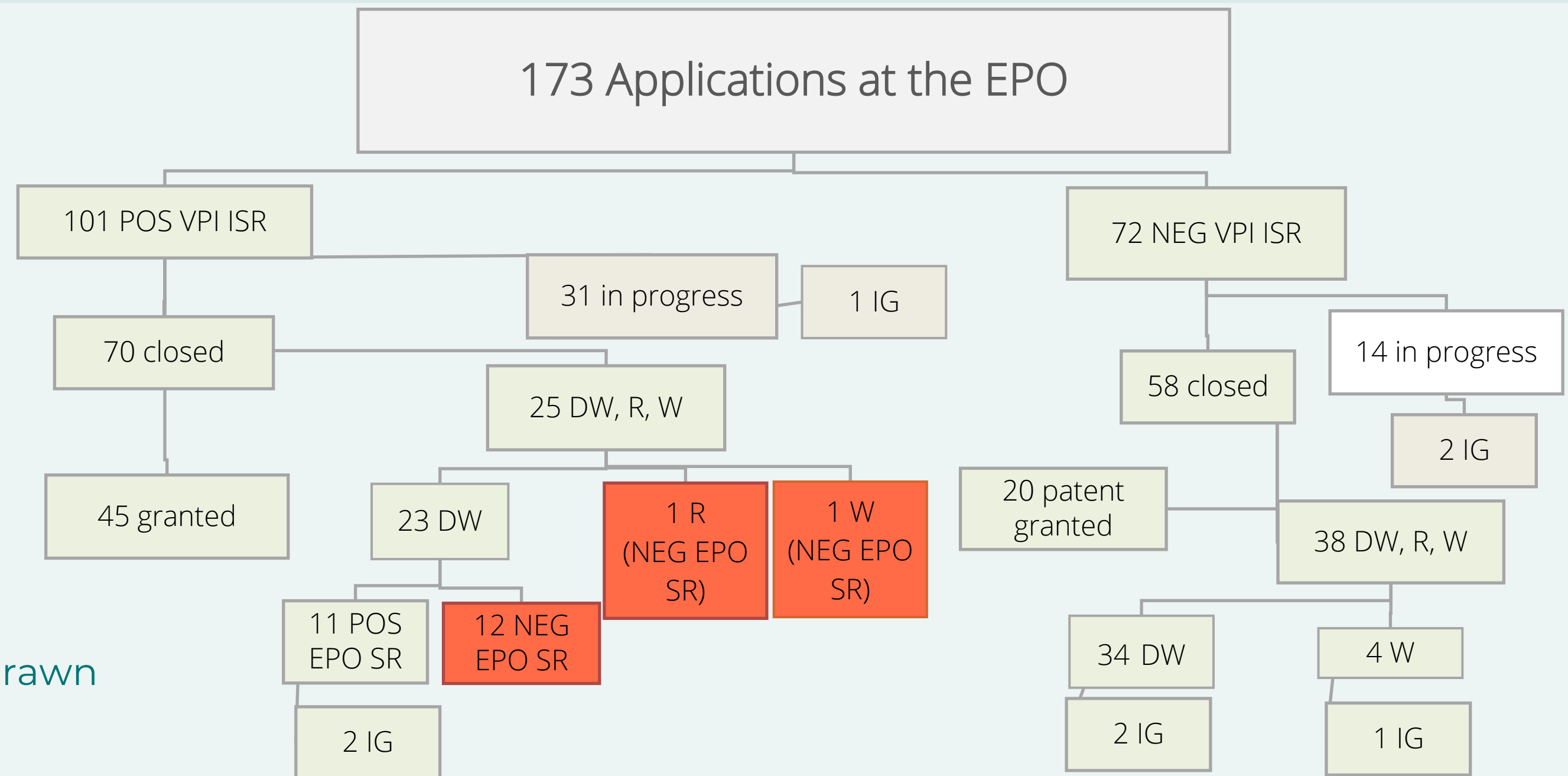
THE ASSESSMENT OF VPI ISR EFFECTIVENESS

Cases	The result of VPI ISR	The outcome of EPO proceedings	The effectiveness of VPI ISR
NO1	Positive	Patent grant	Good as both offices arrived at the same result
NO2	Positive	Closed, not granted	Additional investigation is required
NO3	Negative	Patent grant	Finally good as it provides the applicant with the opportunity to amend the claims so that a patent can be granted
NO4	Negative	Closed, not granted	Good as both offices arrived at the same result

THE ASSESSMENT OF VPI ISR EFFECTIVENESS

CLOSED PROCEEDINGS

POS: positive,
NEG: negative,
IG: intention to grant
W: withdrawn,
R: refused,
DW: deemed to be withdrawn



VPI ISR'S EFFICIENCY RATE (ER) – CLOSED PROCEEDINGS

$$ER = \frac{APPL - P - (R_{PN} + W_{PN} + DW_{PN})}{APPL - P}$$

$$ER = \frac{(173 - (31 + 14)) - (1 + 1 + 12)}{173 - (31 + 14)} = 0,89$$

VPI ISR's efficiency rate:

89%

where

- $APPL$ = $\sum$ applications at the EPO;
- P = $\sum$ pending cases;
- R_{PN} = $\sum$ refusals after POS VPI ISR & NEG EPO SESR);
- W_{PN} = $\sum$ withdrawals after POS VPI ISR & NEG EPO SESR;
- DW_{PN} = $\sum$ applications deemed to be withdrawn after POS VPI ISR & NEG EPO SESR.

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