



Mr Jesper Kongstad  
Director General, CEO  
Danish Patent and Trademark Office  
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Dear Mr Kongstad,

We have been informed that a meeting among Patent Offices engaged in several Patent Prosecution Highway (PPH) bilateral agreements is taking place on 20 February 2009 in Copenhagen. On this occasion, we would like to share with you some views of European business on the PPH programme particularly in relation to the Patent Cooperation Treaty (PCT).

The global patent system is confronted with ever-growing backlogs of unexamined patent applications. This situation affects us all and we need to address it jointly with Patent Offices. We are committed with U.S. and Japanese users in the framework of our Industry trilateral to contribute with our proposals to efforts to streamline and harmonise formalities and procedures in order to improve quality and timeliness, reduce costs and enhance legal certainty.

The issue of work-sharing is currently on the agenda to address the challenge of reducing backlogs. We agree that enhanced cooperation among Patent Offices is key in order to avoid unnecessary duplication of work. We believe that the PCT is the most appropriate platform for work-sharing: it integrates timeliness and quality, it is global and has a track record of success. Further improvements to the functioning of PCT should be envisaged to facilitate its use.

The PPH programme was developed to share workloads among Patent Offices that deal with common patent applications by avoiding unnecessary duplication of work. So far the applications processed within the PPH have been limited and further improvements in the PPH programme should be discussed. We are convinced that the PPH programme can provide valuable conclusions in order to improve the PCT framework. However, the PPH should be structured in a way to be compatible with the PCT and not dilute its value as the main international framework for enhanced cooperation.



These messages were also voiced by European, Japanese and U.S. users at the Trilateral User Day hosted by BUSINESSEUROPE on 13 November 2008 at the EPO in the Hague.

We hope that we can continue engaging with you in a constructive debate on addressing the challenges the global patent system is facing and we look forward to your ideas.

Yours sincerely,

Philippe de Buck