EIP

Early statistics regarding interest in unitary patent protection

The EPO has recently added 'Requests for unitary effect' to its Statistics & Trends Centre. The Statistics & Trends Centre provides a dashboard that now gives information about requests for unitary effect, including the associated areas of technology, language of proceedings, translation language, and origin of the (first named) proprietor of the patents.

English is a popular language of proceedings at the EPO (around 70% of unitary patents derive from European patents granted in English), and proprietors are commonly choosing to translate into Spanish or German, having the choice to file a translation into any EU official language. For patent applications where the procedural language was not English (around 30% of unitary patents), filing an English translation is the only option available.

In terms of country of origin, the statistics can be normalised to reflect the different numbers of patent applications filed by proprietors from different countries. Comparing the 'Origin of proprietors' statistics from the dashboard with the number of granted patents by country in 2022 (2023 statistics are not available at the time of writing), it seems that the unitary patent is relatively more popular with European applicants. Given the limited time since the launch of the unitary patent system, the data is likely to be a bit noisy at this stage and may not be representative of the ultimate distribution. However, as things stand, UK, German, French, Italian and Dutch applicants are requesting unitary patents at roughly twice the rate of US, Japanese, Korean and Chinese applicants.

One can only speculate on the reasons for this – perhaps European companies and attorneys are responding more quickly to the change in the local legal landscape because

it feels more relevant to them. These statistics may change with time as the largest patent applicants adapt and respond to behaviour of competitors.

The Statistics and Trends centre can be found here.