

FOI Release
Information released under the Freedom of Information Act

Title: Criminalizing theft of IP

Date of release: 28 February 2019

Information request:

- 1) How many countries have already criminalized theft of IP and how that has reflected on the number of patents submitted for grant? For example, how have patent application numbers reflected the change in IP protection.
- 2) Could I have a list of the number of patent applications in the UK, say forty years ago and every decade since and how many have gone to grant. We are trying to link the number of patent applications to the protectability of patents. For example, lone inventors, SMEs and even large companies are unable to enforce their patents in Civil Courts of Law, because of the costs so patents are useless as a means of protecting IP.

Information released:

- 1) I regret that the IPO does not hold relevant information regarding other countries and the criminalization of IP theft. I suggest you could enquire at WIPO and/or the US Chamber of Commerce. I think they are more likely to hold relevant information from a global perspective.
- 2) I have attached an Excel spread sheet listing the numbers of patent applications and grants for each year from 1978 to 2017 inclusive. The figures for 2018 won't be available until they are published in the summer.

Patent data for last year is exempt from disclosure for the time being under section 22 of the Freedom of Information Act, which applies to information intended for future publication, in this instance within the IPO's annual release of facts and figures. Although the exemption is subject to a public interest test, on balance we are of the view that our statistics should be released once they have been compiled, verified and suitably prepared for publication and there appears to be no overriding public interest arguments in favour of early release.

Please note that for the earlier years listed, patents were being processed under either the 1949 or the 1977 Patent Acts. For those years I have provided combined figures for applications and I was unable to identify a figure for grants in our Annual Report for 1981. The grant figures for any one year do not relate directly to the number of applications received in the same year, due to the length of time it takes to complete the patenting process (typically 4 to 6 years). The grant figure is therefore the total completed in the year, of applications received several years previously. The annual figures for grants are also influenced to some extent by fluctuations in examining staff numbers over time. Please also bear in mind that the alternative routes to patent protection, via the EPO and Patent Cooperation Treaty (PCT), will have played some part in the decline of applications made directly at the UK Office over the years since 1978.