

FOI Release
Information released under the Freedom of Information Act

Title: Information relating to charges over IP assets

Date of release: 25 May 2017

Information request:

1. The total registered patents in force in the United Kingdom *per year* for the past 10 years ending 31 December 2016;
2. The total registered trade marks in force in the United Kingdom *per year* for the past 10 years ending 31 December 2016;
3. The total registered designs in force in the United Kingdom *per year* for the past 10 years ending 31 December 2016;
4. The total security interests registered against patents in force in the United Kingdom *per year* for the past 10 years ending 31 December 2016;
5. The total security interests registered against trade marks in force in the United Kingdom *per year* for the past 10 years ending 31 December 2016;
6. The total security interests registered against registered designs in force in the United Kingdom *per year* for the past 10 years ending 31 December 2016.

Information released:

The IPO can only offer you incomplete data. The first point to note is there is no requirement to notify the IPO of the existence of security interests and mortgages, so our figures will inevitably fall short of the true picture.

With respect to trade marks and registered designs, we have tried to obtain figures per year but this has not proved possible. When we introduced a new system for trade mark case file management the detailed data required (including start and end dates) of the mortgages that were notified to us was not migrated and so we have no way producing an annual breakdown. The situation for designs is even more problematic because until very recently all the records were on paper and notification of mortgages was entered on a multipurpose form along with various other possible unrelated transactions.

All we can give you for trade marks and designs therefore is the total numbers of registrations in force per year.

With respect to patents the best data we can provide in relation to your request is included on the attached spreadsheet, along with the limited trade mark and designs data.

Due to their different requirements, security interests and mortgages for patents are handled differently within the IPO. For mortgages, the chargee (lender) is recorded in our databases in much the same way as the applicant(s) and as such has a start and end date associated its status as chargee. This data is required for us to correctly manage the patent application and as such is recorded in a uniform manner. However, for security interests, there is simply a requirement to advise the office of the interest, for which we store a free text database entry in association with a security interest event indication code and a date. In this regard, we merely serve as an official recipient of the notification and do not use the data for any of our

case management processes. The upshot of this that events associated with security interests are recorded in a non-uniform format and each entry may relate to one or multiple chargees, in many varied free-text formats. Corresponding event entries relating to the termination of security interest events are similarly recorded in non-uniform format.

Unfortunately, there is no reliable way of identifying security interests from the free-text field (nor their associated terminations) since whilst some may contain the text “security”, others may simply refer to a sections of the Act which cover more than just security interests. Consequently we are only able to provide information relating to mortgaged patents.

With the data currently available to us, we are therefore able to offer the following data:

- a) The total number of granted patents in force in the UK per year for the past 10 years - this figure has been broken down into both GB patents and EP validations [i.e. EP(UK) patents] and shows the number of these patents which were granted and still in force in each of the ten years. Within the IPO, the term “in force” covers patents at any stage up until the time that they are no longer in force and as such covers both pre- and post-grant patent applications. However for the purpose of these queries, we have assumed that you are interested only in granted, in force, patents.
- b) The number of in force chargee entries in our mortgage database with an interest in a granted, in force, patent for each of the ten years. Chargees have been counted for each granted patent that they have a registered interest in; and each patent may have multiple chargees. The figure includes GB and EP(UK) patents.
- c) The number of in force, granted patents with in force mortgages on them over the past 10 years – this only counts up to one mortgage per patent per year. As for b), the figure includes GB and EP(UK) patents.

Please note that whilst the IPO is unable to provide reliable data in relation to security interests, Companies House are also required to be advised of such interests and it may be that you are able to obtain the required data from them.