

**FOI Release**  
**Information released under the Freedom of Information Act**

**Title:** Third party observations relating to patents

**Date of release:** 14 April 2015

**Information request:**

Are you able to advise how many third party observations have been filed against GB applications in the last 10 years (per year)?

We are conducting some research on this area and would like to find out what data is available. Ideally we would like to be able to track and analyse the volume of TPOs over the last 10 years. Data on technical fields, and the proportion of TPOs that result in oppositions would be really useful also.

**Information released:**

We do not have complete data sets for records dating back beyond FY 2011/12 since prior to this, s.21 observations were stored in paper format and were thus not easily searchable; and migration of the paper files to our electronic system is incomplete. Consequently, we are only able to provide information relating to financial years 2011/12, 2012/13, 2013/14 and 2014/15. You should also note that prior to an internally issued guidance note in October 2012, some s.21 observations may have been incorrectly incorporated into our electronic files as agent letters rather than s.21 observations and may thus be missing from the data set. Lastly, please also note that the numbers below relate to the actual the number of s.21-type communications on file rather than to individual observations and some may thus relate to the same observations (e.g. because the observations have been filed via two or more different media, or because multiple communications have been sent in relation to the same observations). With these caveats in mind, the number of recorded s.21 observations filed per financial year were:-

2011/12: 345  
2012/13: 275  
2013/14: 276  
2014/15: 365

In view of the above caveats, it may be more useful to consider the proportion of patent applications which have received at least one s.21 observation. These figures are:-

Percentage of applications published in financial year, which subsequently received at least one s.21 observation:

2008/09: 0.35%  
2009/10: 0.42%  
2010/11: 0.42%  
2011/12: 0.52%

2012/13: 0.52%

Taking the above figures beyond March 2013 would be unreliable since most applications are published 18 months from priority and there is a three month window for filing observations. Earlier dates would also have incomplete data since they would not include applications which were terminated before being scanned into our electronic case file system. Although no formal research has been performed, the increase in observations from 2011 is likely to be as a result of applications being more widely available to view on line (e.g. on IPSUM).

You have also asked for information relating to technical fields and oppositions. It is possible to formulate a number of further queries relating to technical fields and oppositions, but these will take a couple of days longer to complete so which we should be able to let you have the results by the end of the week.

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Additional information provided 23 April 2015:

We now have that additional data for you on third party observations.

244 patent applications received s.21 observations between financial years 2011/12 and 2014/15 inclusive (i.e. from 1-4-2011 to 31-3-2015). Of these, 2 had ex-parte type communications on file, 5 had inter-partes type communications on file and 42 are now listed as terminated. Of the terminated cases, one had ex-parte communications on it and one had inter-partes communications.

The attached spreadsheet shows the technical fields in which third party observations were filed between financial years 2011/12 to 2014/15.

**Number of GB Applications with s.21 Observations filed in FY's 2011/12 to 2014/5 inclusive, by WIPO Technology Field:**

<b>WIPO Field</b>	<b>Number of GB Apps with s.21 obs</b>
Machine tools	17
Electrical machinery, apparatus, energy	16
Organic fine chemistry	16
Transport	16
Civil engineering	13
Other consumer goods	12
Mechanical elements	12
Handling	11
Chemical engineering	11

Furniture, games	10
Other special machines	10
Pharmaceuticals	9
Textile and paper machines	9
Macromolecular chemistry, polymers	9
Materials, metallurgy	9
Engines, pumps, turbines	9
Basic communication processes	7
Measurement	7
Surface technology, coating	5
Telecommunications	4
Semiconductors	4
Optics	4
Basic materials chemistry	4
Audio-visual technology	4
Environmental technology	4
Food chemistry	3
Control	3
Medical technology	3
Computer technology	2
Thermal processes and apparatus	1
Total:	244