The causal effects of including standards-related documentation into patent prior art: evidence from an EPO policy change

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Abstract:
This paper investigates a policy change undertaken by the European Patent Office (EPO), aimed at improving the quality of their patent granting process. This change involves the inclusion of information revealed by participants to standards-setting processes into the prior art that patent examiners consider when determining patent novelty and inventive step. Our empirical analysis finds a significant reduction in the granting rate, yet no reduction in patent scope. We furthermore find that patent quality has declined, suggesting that the policy actually succeeded in rejecting undeserved, yet high-quality patents. Overall, the policy improved the quality of the patent granting process.