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The Unitary EU Patent System **Fragmentation and the European Patent System** Economic Analyses of the European Patent System *The Economics of the European Patent System* **Judicial Coherence in the European Patent System** The European Patent System **The Present State of the Patent System in the European Union The Case of the Introduction of the European Community Patent System** The New European Patent **European Patent Law European Patent Convention** Patent Protection in Europe **Judicial Coherence in the European Patent System A Practical Guide to European Patent Law Patent Politics European Patent Litigation in the Shadow of the Unified Patent Court** *The Economics of the European Patent System A Practitioner's Guide to the Unified Patent Court and Unitary Patent* **Exclusions from Patentability** *A Patent System for the 21st Century* **Constructing European Intellectual Property** *The EU Patent Package Handbook* **Innovation and Economic Growth in China - Evidence from Patent Statistics The Economics of the Patent System Patent Cooperation Treaty Yearly Review – 2020 The Future of the Patent System** Trolling behavior in the European and American patent system. The impact of regulatory and private

containment measures on practicing and non-practicing entities **The Requirement for an Invention in Patent Law** Growth, R&D Spillovers and the Role of Patent Systems *The Handbook of European Intellectual Property Management Intellectual Property Rights The Evaluation of Language Regimes* **Patent cooperation treaty yearly review :** *Concise European Patent Law* **Patents** *Patents in Germany and Europe* **Biotechnological Inventions and Patentability of Life Comparative Patent Remedies** *European Patent Law* European Patent Law

A practical and authoritative guide to using the European patent system, offering insightful comparative analysis of two major patent jurisdictions, the UK and Germany and prospects for the new Unitary Patent Package, and focusing on both substantive law and procedure. 'It is no longer possible to practice, teach, or study purely domestic intellectual property law within Europe. European intellectual property norms now structure protection throughout the continent (and even beyond). Paradoxically, what might seem as a simplification of legal rules has created a maze of new complexities substantive, institutional and methodological. This collection by some of the leading scholars in European IP manages to capture that complexity without sacrificing clarity. Canvassing the entire field with a rich array of contributions, the book both highlights the roots of European IP law and asks important fundamental questions about where it is going. One can only hope that it is read by anyone with a hand in the future development of European IP law.' Graeme B. Dinwoodie, University of Oxford, UK 'Christophe Geiger has put together a very fine collection of essays by many of the very best scholars in European intellectual property law. The essays explore the basis, extent, as well as the successes and failings of regional harmonization of trade marks, geographical indications, copyright, designs, patents and remedies. The celebrated cast of authors naturally discuss, in addition to the various directives and

regulations on each topic, the Treaty provisions on exhaustion of rights and competition (and their interpretation), relevant provisions on legislative competence, Article 17(2) of the Charter, other fundamental rights, and the growing case law of the Court of Justice. There is essential material here for anyone interested in European intellectual property law, as well as ideas for the improvement and further development of European IP law.' Lionel Bently, University of Cambridge, UK Constructing European Intellectual Property offers a comprehensive assessment of the current state of intellectual property legislation in Europe and gives direction on how an improved system might be achieved. This detailed study presents various perspectives on what further actions are necessary to provide the circumstances and tools for the construction of a truly balanced European intellectual property system. The book takes as its starting point that the ultimate aim of such a system should be to ensure sustainable and innovation-based economic growth while enhancing free circulation of ideas and cultural expressions. Being the first in the European Intellectual Property Institutes Network (EIPIN) series, this book lays down some concrete foundations for a deeper understanding of European intellectual property law and its complex interplay with other fields of jurisprudence as well as its impact on a broad array of spheres of social interaction. In so doing, it provides a well needed platform for further research. Academics, policymakers, lawyers and many others concerned with establishment of a regulatory framework for intangibles in the EU will benefit from the extensive and thoughtful discussion presented in this work. The book is explaining in detail the current discussion regarding the unification of European patent law. It explains the current national legal practices in Europe, describing the legal and factual issues and the different approaches to achieve unification. The book manages to show the complex situation and the different opinions from the beginning of the discussion in a clear and comprehensive manner without

requiring previous knowledge of the reader and is therefore to be recommended for everyone interested. Jochen Pagenberg, LL.M. Harvard, President EPLAW, Germany and Thomas Schachl, LL.M., Attorney-at-law, Germany In his detailed study, Stefan Luginbuehl critically examines the latest efforts to establish a common European and EU patent litigation system and suggests possible alternatives to such a system. Due to the lack of a European patent court, both the EPO and national judges interpret European patents and European patent law. This results in diverging interpretation across Europe and costly litigation for patent holders. Stefan Luginbuehl s proposals to promote the goal of a uniform interpretation of patent law and ease the difficulties are timely and highly insightful. Dealing with important legal and political issues related to European patent litigation and the establishment of a common patent litigation system, this book will appeal to practitioners, patent litigators, patent attorneys and judges specialised in patent litigation. Academics teaching and learning IP (patent law), private international law, or international civil procedure, will find this study interesting as the book deals with important aspects of national and international patent litigation, as well as procedural and structural questions related to the establishment of a patent court for Europe. This comprehensive book examines the judicial governance of the patent system in Europe and beyond, and looks at mechanisms for enhancing coherence. Federica Baldan investigates the challenges to judicial coherence which may arise after the establishment of a specialised patent court in Europe. The book highlights the various options that have been explored in the past decades for the creation of a centralised and specialised European patent court. Chapters retrace the most developed proposals for the establishment of a patent court, assess their impact on judicial coherence and identify potential weaknesses and room for improvement. The UPC Agreement has a central role in this analysis as it is the most advanced proposal and is

currently in its implementation phase. Providing a comparative analysis of the US and Japanese patent systems and identifying the potential for improvements, this timely book will be a valuable resource for scholars, students and policymakers in the fields of IP law, governance and political science. Stefan M. Wagner analyses problems associated with institutional changes (duration of patent examination and opposition mechanisms), the expansion of the patentable subject matter and organizational challenges for industrial patentees. The study is based on the empirical analysis of large scale datasets on European patents and employs advanced multivariate methods such as semi-parametric and panel-data regression methods. Nations throughout the world receive more patent applications, grant more patents, and entertain more patent infringement lawsuits than ever before. To understand the contemporary patent system, it is crucial to become familiar with how courts and other actors in different countries enable patent owners to enforce their rights. This is increasingly important, not only for firms that seek to market their products worldwide and for the lawyers who provide them with counsel, but also for scholars and policymakers working to develop better policies for promoting the innovation that drives long-term economic growth. Comparative Patent Remedies provides a critical and comparative analysis of patent enforcement in the United States and other major patent systems, including the European Union, Japan, Canada, Australia, China, South Korea, Taiwan, and India. Thomas Cotter shows how different countries respond to similar issues, and suggests how economic analysis can assist in adapting current practice to the needs of the modern world. Among the topics addressed are: how courts in various nations award monetary compensation for patent infringement, including lost profits, infringer's profits, and reasonable royalties; the conditions under which patent owners may obtain preliminary and permanent injunctions, including cross-border injunctions in the European Union; the availability of

various options for potential defendants to challenge patent validity; and other matters, such as the availability of criminal enforcement and border measures to exclude infringing goods. This thesis will show how patents policies can help the commercialization of inventions in Europe. Our study is mainly based on statistical material contained in the European Patent Office's (EPO) database of published granted patents. Our study covers 407 granted patents in the field of chemistry and handling & processing in a one period year starting on 2007-12-24 and ending on 2008-12-26.Given the scope of data analysis, we found a tendency to limit the patents post (after) grant to a few states in Europe, mainly to Germany (DE), France (FR), Great Britain (GB), Italy (IT), Spain (ES), The Netherlands (NL) and Sweden (SE). This text provides an analysis of European patent law and procedure (including practice under the PCT). It should be useful for experienced European patent practitioners, practitioners outside Europe seeking a guide to the European patent system and trainee patent attorneys. In a rapidly changing world, the underlying philosophies, the rationale and the appropriateness of patent law have come under question. In this insightful collection, the authors undertake a careful examination of existing patent systems and their prospects for the future. Scholars and practitioners from Japan, the US, Europe, India, Brazil and China give detailed analyses of current and likely future problems with their respective systems, and outline possible responses to them. With detailed and extensive contributions, this book will greatly appeal to students, practitioners, policymakers and academics who are interested in the problems of current patent system in the world and their future. Derived from the renowned multi-volume International Encyclopaedia of Laws, this monograph provides a survey and analysis of the rules concerning intellectual property law in the European Patent Convention (EPC), following generally the structure of the legal provisions, with a special focus on the patentability and patenting procedure. The

monograph addresses not only the Convention's core business, but also the work of its coordinating and implementing bodies, the European Patent Organization (EPOrg) and the European Patent Office (EPO). The concise presentation and interpretation of all relevant texts includes those considered "additional" but which, according to article 164(1) EPC, are in fact integral parts of the Convention - the Implementing Regulation and the Protocols on the Interpretation of Article 69 EPC and on Centralisation, Recognition, Privileges and Immunities, and the Staff Complement. Particular attention is paid throughout to issues arising from the relationship between the EPC and other relevant international and European laws and to recent developments and trends, especially in connection with the unitary patent system. The monograph also includes limited but relevant discussion of the historical development of the bases of the European patent system up to the success story of today. The analysis approaches each right in terms of its sources in law and in legislation, and proceeds to such legal issues as subject matter of protection, conditions and scope of protection, ownership, transfer of rights, licenses, scope of exclusive rights, limitations, exemptions, duration of protection, and infringement. A broad selection of EPO case law clarifies in the most adequate way the substance of the European patent system, as directly originating from it. The book provides a clear overview of intellectual property legislation and policy, and at the same time offers practical guidance on which sound preliminary decisions may be based. Lawyers and patent attorneys representing parties with interests in the European Patent Convention will welcome this very useful guide, and academics and researchers will appreciate its value in the study of comparative intellectual property law. Comprehensive facts, figures and analysis of the international patent system. Special theme: A first insight into the impact of the COVID-19 pandemic on PCT applications. The U.S. patent system is in an accelerating race with human ingenuity and

investments in innovation. In many respects the system has responded with admirable flexibility, but the strain of continual technological change and the greater importance ascribed to patents in a knowledge economy are exposing weaknesses including questionable patent quality, rising transaction costs, impediments to the dissemination of information through patents, and international inconsistencies. A panel including a mix of legal expertise, economists, technologists, and university and corporate officials recommends significant changes in the way the patent system operates. A Patent System for the 21st Century urges creation of a mechanism for post-grant challenges to newly issued patents, reinvigoration of the non-obviousness standard to quality for a patent, strengthening of the U.S. Patent and Trademark Office, simplified and less costly litigation, harmonization of the U.S., European, and Japanese examination process, and protection of some research from patent infringement liability. This invaluable book provides a comprehensive overview of twenty years of research on the economics of innovation and patent policies. Edited by Bruno van Pottelsberghe de la Potterie, the papers in this volume witness twenty years of advanced empirical research — triggered by intensive collaboration and inspired by his own professional experience at the OECD, METI and the European Patent Office. The Editor's publications in these fields have greatly contributed to better understand how innovation can be stimulated, how it can be measured, through which channels it contributes to growth, with a particular emphasis on the role of patent systems. In the introductory chapter, the Editor provides an overview of each subfield of investigation, by explaining the genesis of the research projects and adding some personal history. The book first displays major empirical findings on the effectiveness of science and technology policies in stimulating R&D, on how these policies affect the contribution of R&D to economic growth, and how to measure international R&D spillovers and what are their most effective

channels. The policies that aim at stimulating innovation include R&D subsidies, public R&D, and R&D tax credits. The chapters that follow present foundational work on patent count methodologies aiming at improving innovation metrics, as well as creative contributions on patent valuation models. The book then presents pioneering contributions on the design of patent systems, including a thorough work on the role of fees, far-reaching analyses on quality, and critical contributions on the governance of patent systems in general and the European patent system in particular. In todayês technological world, biotechnology is one of the most innovative and highly invested-in industries for research, in the field of science. This book analyses the forms and limitations of patent protection recognition for biotechnological inve The purpose of this book is to explore the key substantive, methodological, and institutional issues raised by the proposed unitary EU patent system contained in EU Regulations 1257/2012 and 1260/2012 and the Unified Patent Court Agreement 2013. The originality of this work lies in its individual contributions and uniquely broad approach, taking six different (historical, constitutional, international, competition, institutional and forward-looking) perspectives on the proposed patent system. This means that the book offers a multi-authored and all round legal appraisal of the proposed unitary system from experts in patent law, EU constitutional law, private international law, and competition law, as well as leading figures from the worlds of legal practice, the bench, and the European Patent Office. The unitary patent system raises issues of foundational importance in the fields of patent and intellectual property law, EU law and legal harmonization, which it is the purpose of the book to engage with. This is a work which will enjoy wide and enduring interest among academics, policy makers and decision makers/practitioners working in patent law, intellectual property law, legal harmonization, and EU law. Why does society allow, or even encourage, private appropriation of inventions? When do

patents encourage competition, when do they hamper it? These questions and many more are addressed by two eminent scholars in this groundbreaking analysis of the economic foundations of the European patent system. How effective are patents for stimulating economic activity? This volume provides an overview of existing national patent systems and suggests a revised system. When managed well, intellectual property (IP) puts enterprises in a position to lock in an advantage and command a premium. But in Europe, the process of commercializing IP remains fraugt with difficulties, with significant differences existing in the application and interpretation of these rights in each national jurisdiction. Drawing on a wide range of expertise - including editorial support and input from the European Patent Office - The Handbook of European Intellectual Property Management is a practical and easy-to-follow guide that reveals exactly how IP can contribute to improved competitive performance and to greater value on the balance sheet, whilst also offering a template for 'best practice' in IP management. Building on existing analytical frameworks, this book provides a new methodology allowing different language policies in international multilingual organisations (or “language regimes”) to be compared and evaluated on the basis of criteria such as efficiency and fairness. It explains step-by-step how to organise the evaluation of language regimes and how to design and interpret indicators for such evaluation. The second part of this book applies the theoretical framework to the evaluation of the language policy of the Patent Cooperation Treaty (PCT) division of the World Intellectual Property Organisation (WIPO) and the European Patent Office (EPO). Results show that an increase in linguistic diversity of the language regimes of patent organisations can both improve the efficiency of the patent system and lead to a more balanced distribution of costs among countries. This book is a resource for scholars in language policy and planning and for policy-makers in the international and European patent system. The patent system is criticized today by

some practitioners and economists. In fact, there is a partial disconnection between patent demographics and productivity gains, but also the development of actors who do not innovate and who develop business models that their detractors equate with a capture of annuities or a dangerous commodification of patents. This book provides a less Manichaean view of the position of patents in the system of contemporary innovation. It first recalls that these criticisms are not new, before arguing that if these criticisms have been revived, it is because of a partial shift from an integrated innovation system to a much more fragmented and open system. This shift accompanied the promotion of a more competitive economy. The authors show that this movement is coherent with a more intensive use of patents, but also one that is more focused on their signal function than on their function of direct monetary incentive to innovation. This book provides the first comprehensive study of what cannot be patented and what should not be patentable in Europe. With the introduction of the Unified Patent Court (UPC) and the new European Patent with Unitary Effect, the European patent litigation system is undergoing a set of fundamental reforms. This timely book assesses the current state of European patent litigation by analysing recently published data on Europe's four major patent jurisdictions - the UK, Germany, France and the Netherlands - and also looks ahead to examine what the impact of the UPC is likely to be on Europe's patent litigation system in the near future. Over the past thirty years, the world’s patent systems have experienced pressure from civil society like never before. From farmers to patient advocates, new voices are arguing that patents impact public health, economic inequality, morality—and democracy. These challenges, to domains that we usually consider technical and legal, may seem surprising. But in Patent Politics, Shobita Parthasarathy argues that patent systems have always been deeply political and social. To demonstrate this, Parthasarathy takes readers through a particularly fierce and

prolonged set of controversies over patents on life forms linked to important advances in biology and agriculture and potentially life-saving medicines. Comparing battles over patents on animals, human embryonic stem cells, human genes, and plants in the United States and Europe, she shows how political culture, ideology, and history shape patent system politics. Clashes over whose voices and which values matter in the patent system, as well as what counts as knowledge and whose expertise is important, look quite different in these two places. And through these debates, the United States and Europe are developing very different approaches to patent and innovation governance. Not just the first comprehensive look at the controversies swirling around biotechnology patents, Patent Politics is also the first in-depth analysis of the political underpinnings and implications of modern patent systems, and provides a timely analysis of how we can reform these systems around the world to maximize the public interest. This comprehensive book examines the judicial governance of the patent system in Europe and beyond, and looks at mechanisms for enhancing coherence. Federica Baldan investigates the challenges to judicial coherence which may arise after the establishment of a specialised patent court in Europe. "The purpose of this book is to study the requirement for an invention in United Kingdom patent law in its historical and international statutory context ... [and] the issues which the law's construction of the requirement for an invention raise, and the historical development of the UK patent system from before the first English patent legislation of 1623 through the system's recent phase of Europeanization."--Preface. The subject of investigation of this book is the economic effect of intellectual property rights in general, and in particular, the harmonisation of such rights in Europe. The book is built upon two case studies. One is looking at the internal situation of the European Union by analysing the situation of patenting for biotechnological inventions in Europe. The other looks at a European Union

related issue, that is the harmonisation and building-up process of intellectual property right systems in Central and Eastern European countries. This book provides an in-depth study on current perceptions of, and responses to, fragmentation in the European patent system (EPS). For decades, attempts have been made to address this fragmentation by introducing a unitary patent system. The most recent attempt, the EU unitary patent system, will be the first of its kind. It is expected to significantly change the EPS. However, rather than reducing existing fragmentation, it will likely add to it. Based on an analysis of the current and forthcoming system, the book argues that the inherent nature of fragmentation within the EPS needs to be recognised and suggests that a multifaceted approach is required to respond to it. Uniquely, it draws on work regarding fragmentation outside of the patent and intellectual property regimes, gaining insights from both European law-making and the international legal system. These insights are used to investigate current responses to fragmentation in the EPS. Interpretations of substantive patent law are examined, including claim construction (Actavis v Eli Lily), exceptions to patentability related to uses of human embryos for industrial or commercial purposes (WARF, Brüstle, ISCC), and products resulting from essentially biological processes (Broccoli and Tomatoes II, G3/19). Attempts towards convergence in these areas have had mixed results and in some instances fragmentation may be necessary. However, similar techniques to those applied in the international legal system to respond to fragmentation are being used in the EPS, and, where this is seen, it has been to good effect. It is argued that these methods should be recognised, structured, and promoted to make our response to fragmentation more effective. Fragmentation and the European Patent System will be of interest to academics, students and practitioners looking for a new perspective on the EPS. 'The book is explaining in detail the current discussion regarding the unification of European patent

law. It explains the current national legal practices in Europe, describing the legal and factual issues and the different approaches to achieve unification. the book manages to show the complex situation and the different opinions from the beginning of the discussion in a clear and comprehensive manner without requiring previous knowledge of the reader and is therefore to be recommended for everyone interested.' - Jochen Pagenberg, LL.M. Harvard, President EPLAW, Germany and Thomas Schachl, LL.M., Attorney-at-law, Germany Why does society allow private appropriation of inventions? When do patents encourage competition, when do they hamper it? This book addresses these questions and analyses the economics behind the European patent system. It examines the economic effects of patenting on innovation and the diffusion of technology and growth. The Unified Patent Court (UPC) will enable parties to enforce or revoke European patents, and the new European patent with unitary effect (Unitary Patent), in a single court system. The court brings its own procedure, as well as rules on competence, jurisdiction, language and substantive law. The UPC will operate alongside the existing system of national courts, which will continue to hear disputes about national patents and, in certain circumstances, European patents. The European Patent Office opposition procedure will also continue to be a feature of European patent litigation. A Practitioner's Guide to the Unified Patent Court is written by a team of judges and lawyers with many years of experience in patent litigation in France, Germany, The Netherlands and the UK. The book provides a practical and detailed guide to the UPC, in the context of the wider European patent system, with an emphasis on the structure and competence of the UPC, its procedures and remedies, jurisdiction, language and its relationship with the existing system. The book is aimed at in-house counsel, private practise lawyers, and patent attorneys using the UPC system. A new patent right for Europe (the European Patent with Unitary Effect) and a new European

enforcement and invalidation regime (the Unified Patent Court) are expected to come into operation soon, potentially as early as 2015. Existing patents granted by the European Patent Office (EPO), as well as those granted in the future, will automatically come under the jurisdiction of the new Court, unless opt-out rights are exercised. These measures represent one of the most complex and ambitious legal reforms in the field of European intellectual property since the creation of the EPO in 1977. For applicants and proprietors used to the current European system of national patents and national courts, the new system will present both opportunities and challenges in developing, maintaining and leveraging a cost-effective patent portfolio. For manufacturers, distributors and end-users, the new system will subject their activities to the jurisdiction of a new court, with unique and possibly unfamiliar powers and procedures. Decisions must therefore be made as to how best to take advantage of the possibilities afforded by the new system. Applicants and proprietors are already asking themselves questions such as: Should I start to register European patents as European Patents with Unitary Effect when they become available, or should I continue with national validation? For which European patents and applications should I make use of the opt-out to keep litigation in the national courts? Should I consider reverting to national filings instead of using the EPO? How will the new Unified Patent Court be structured, and how will it work? What choices will I have in future as to where to litigate - should I choose a national court or the UPC to enforce or invalidate a European patent? This Handbook provides both guidance for the strategic decisions which will have to be taken and a detailed reference manual to the law and practice of the new system. On 17 December 2012, following a complex negotiation which lasted 12 years, the European Parliament adopted Regulations (EU) 1257/2012 and 1260/2012 and the text of the Agreement on a Unified Patent Court (UPC Agreement). These instruments

institute the 'European patent with unitary effect', the first unified system for the protection of inventions within the European Union. The two Regulations will be applicable after the entry into force of the UPC Agreement, which was signed on 19 February 2013 by 24 Member States of the European Union. This book traces the evolution of the idea behind the institution of the European patent with unitary effect, including a comparative analysis of the existing parallel regional and international procedures for the protection of inventions. It presents a synthesis of the different phases of the negotiations which led to the adoption of the first unitary patent system within the European Union. In addition it examines the provisions of the two Regulations, of the UPC Agreement and of the jurisdictional system under Brussels I Regulation. Finally, the Appendix contains the text of Regulations (EU) 1257 and 1260/2012 and of the UPC Agreement. Germanyand’s patent system presents unique opportunities and risks for companies doing business abroad. It is one of the worldand’s top jurisdictions for patent enforcement because of the size of the German market, the speed and cost of the proceedings, the expertise and reputation of the judges, and its advantageous and“split systemand” that resolves infringement separately from validity challenges. Either as a stand-alone enforcement venue, or as part of a global IP strategy, Germany should be at the forefront of companiesand’ intellectual property plans. This handbook provides attorneys worldwide both the fundamental framework and practical pointers for navigating Germanyand’s patent system. The book opens with an overview of the judicial system, along with a background on patent prosecution and opposition proceedings in the European Patent Office. The handbook then explains key aspects of patent litigation in Germany, including: Trial procedure; Claim construction; Damages; Nullity (invalidity) proceedings; Discovery; Customs enforcement actions; Employment law regarding inventions; and Budgeting of patent cases. The book

also provides forms and legislative materials, including translations (unofficial) of key intellectual property provisions, such as of the German Patent Act, Utility Model Act and the Act on Employeeand's Inventions. Authored by active patent litigators in Germany and the United States, this handbook explains the German system in the context of U.S. proceedings, and concludes with a comparison of key provisions of the U.S. and German patent systems. For in-house counsel, as well as for seasoned international litigators, this handbook offers valuable lessons for patent procurement, enforcement, and defense. Preface --Authors --About the Editors --Introduction --European Patent Convention 2000 (EPC 2000) --Implementing Regulations to European Patent Convention 2000 --Protocol on the Centralisation of the European Patent System and on its Introduction --Protocol on Jurisdiction and the Recognition of Decisions in respect of the Right to the Grant of a European Patent --Protocol on Privileges and Immunities of the European Patent Organisation --Council Regulation (EEC) No. 1768/92 --Regulation (EC) No. 1610/96 --Directive 98/44/EC of the European Parliament and of the Council (Biotech Directive) --Patent Cooperation Treaty --Patent Law Treaty --List of references. Comprehensive facts, figures and analysis of the international patent system. Special theme: The top 50 PCT clusters. Master's Thesis from the year 2010 in the subject Economics - Economic Cycle and Growth, grade: 1.7, University of Applied Sciences Essen, language: English, abstract: China has demonstrated an enormously high rate of economic growth over a period of more than twenty years. In fact, China's economy advances to a driving force in order to overcome the consequences of the financial crisis in 2008. This is only one reason why China has become the major object for studying economic growth as shown by thousands of publications and articles. But up to now, there have been published only few papers dealing with China's patenting activities. This is astonishing, given the fact that innovations expressed by patent

counts are one of the key factors that drives long term growth and productivity. Today emerging state's economies like in China turn more and more into knowledge-based economies, where intellectual property rights play an elementary role. Moreover, IP protection in form of patents can increase (as intangible asset) firm's values. Furthermore, investment decisions are sufficiently influenced by the existence of a reliable patent system. While intellectual property and its protection have an essential impact on creating economic growth, the neglect of this relationship has much more negative influence on economy's development. If an invention can be costless copied by a competitor it would be impossible to cover the costs of the development or even to gain a profit out of it. Therefore, it is necessary to think about efficient incentive systems for inventors in order to reward their efforts. Unfortunately, it proves difficult to establish a patent system that maximises social welfare by providing just enough incentives to invent, while limiting the temporary monopoly given to the patentee. In general, strong patents (patent length, breadth and height) can encourage innovations but too strong patents could be contrary by reducing welfare. Given China's weak record of protecting intellectual property rights on the one hand and its economic growth on the other hand, there seems to be a contradiction. But, a closer look reveals China's efforts for installing an efficient patent system. For example, after passing its first Patent Law in 1986, China has amended its Patent Law several times in order to bring it in line with international norms, as well as to support its effort to enter the WTO in 2001. However, China's enforcement system is still weak. The installation of China's patent system goes along with an incredible patent surge at annual growth rates of 20%. Research Paper (postgraduate) from the year 2016 in the subject Law - Miscellaneous, grade: 1,0, University of Kaiserslautern, course: Patentrecht, language: English, abstract: This work investigates the behavior of patent trolling entities in the European, German

and American patent system. Legislative, judicial, executive and private measures with the intent to contain the rent seeking and abusive conduct of patent trolling entities are discussed. Moreover, the impact of these measures on other entities in the patent system are examined. The most efficient measures are assumed to show a high selectivity and a strong impact on the business model of the trolling entity, while negative effects on other entities are minimal or non-existent and positive effects are preferred. According to these requirements, suitable measures to increase the patent quality like improving the patent examination processes of the patent office or the inter partes and the post-grand review are debated. Furthermore, the introduction of a peer to patent network or Patent Investment Trusts (PIT) are examined. To cut through growing patent thickets, the collaboration with patent pools or patent pledges is proposed. At last, the differences between the European, German and American patent system regarding their vulnerability to trolling entities are elucidated. In the end, containment measures against patent trolling behavior should selectively target the business model of patent trolling, which is expected to arise from the weak spots of the patent system.