

Patent Filing Strategies and Patent Value
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FIRST DRAFT – COMMENTS WELCOME
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This paper focuses on various strategies that patentees increasingly adopt to file their applications at patent offices and evaluates their impact on the value of their filings that is whether they result in more or less valuable patents. Such strategies include drafting by assembly of multiple priorities, patent flooding, divisional filings, and jumbo applications. The impact of these strategies on different indicators of patent value (namely family sizes, oppositions, renewals and citations) is tested econometrically on a large database containing all patent applications filed at the European Patent Office from 1990 to 1995 (about 350,000 applications). The results provide a contrasted picture. At first sight, most strategies (such as the number of claims or pages per claim and the roots of divisional filings) seem to be associated overall with more valuable patents, but most of them (such as divisional filings) have variable effects depending on the value indicator used and abusive behaviours (such as filing extremely large patents) tend to lead to lower value. In addition, at a broader level, the results presented in the paper offer a comprehensive assessment of most indicators and determinants found in the literature at lower scales (i.e usually tested on much smaller samples). This broader picture reveals that most determinants used in the literature actually depend on the indicator used and that a very limited number of them seem reliably consistent across indicators, industries and countries. Among these, the number of inventors and the roots of divisional filings have a consistently positive impact on patent value, no matter the indicator, the region or the technology at stake.

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