

## **The Battle for Patent Rights - Who is bashing whom?**

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Patent rights have become essential assets for corporations in many industries. They also serve as entry tickets for start-ups whose acquisition of venture capital depends crucially on the existence of intellectual property. Patent systems provide a number of arenas in which patent holders can challenge each other's positions. This presentation focuses on the opposition and appeal system at the European Patent Office since it provides us with a unique opportunity to observe the battle for patent rights. The opposition mechanism allows third parties to contest the validity of a patent grant. Opposition frequencies have averaged around seven percent in the long run, but differ considerably across industries. The presentation will answer the following questions: i) who are the contestants in this battle, i.e., which types of patent holders are most likely to attack and which ones are most likely to be attacked? ii) what are the outcomes, and which parties are particularly successful in attacking the validity of a rival's patent rights. The empirical results presented here are used to sketch a number of implications for IP management in the knowledge economy.