

*Patent Trolls: A Comparative Investigation of
Non-practicing Entities in the US and EU*

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Is it true that “patent trolls” are primarily a US phenomenon? Over time, several definitions of “patent trolls” have been presented. In its most pejorative sense, this term refers to non-practicing entities whose exclusive business is asserting patents claims and, in so doing, extracting value from companies operating in certain industries. Patent trolls are a relatively new phenomenon. Studies have shown, for example, that their activity became prominent in the US during the last decade. These studies also seem to indicate that patent trolls are not nearly as active in other countries, namely the EU, as they are in the US.

The purpose of this investigation is, firstly, to verify whether patent trolls are indeed absent in the EU. Secondly, if this is the case, it will provide plausible explanations for why patent trolls are not present in the EU market. (Possible, reasons may be located in differences between the EU and US industries, between the EU and US remedy systems and between the EU and US innovation processes etc.). If, on the other hand, it emerges that patent trolls are not absent in the EU, the investigation will supply a comparative analysis between non-practicing entities operating in these two countries. It is expected that this comparison will generate valuable information regarding the different characteristics of non-practicing entities and their relevance in terms of patent trolls’ ability to operate effectively in different markets.

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