

Minutes of the PatCom Extraordinary General Meeting held at the Wyndham Hotel, Baltimore 23 May 2004

Present:

Rahman Hyatt - PatCom Chairman (Minesoft)
Mike Baycroft - (MicroPatent)
Sabine Brünger-Weilandt - (FIZ-K)
David Dickens – (Questel.Orbit)
Cinda Harrold - (CAS)
Willem Geert Lagemaat – PatCom President-elect (Univentio)
Darlene Slaughter - (IFI)
Dan Videtto - (MicroPatent)
Yutaka Wada - (Patolis)
Richard Garner – Minutes (Univentio)

Apologies:

Ann Chapman - (Minesoft)
Gert Frackenphol - (Incom)

1. Acceptance and commencement of New PatCom Constitution

1.1 RH (deputizing for Ann Chapman) asked whether there were any final comments or changes to the latest draft PatCom constitution. There being none he proposed adopting the new constitution and this was unanimously agreed.

2. Acceptance of newly formed Executive Council

2.1 RH confirmed the results of the recent ballot for Executive Council members:

Willem Geert Lagemaat – President
Dr Georg Schulteiss (nominated) – Hon Secretary
Gert Frackenpohl – Hon Treasurer
Pierre Buffet – EC member
Ann Chapman – EC member
Rob Willows – EC member

2.2 RH handed the Chair over to WGL for the rest of the EGM. WGL thanked RH and asked to be placed on record the appreciation of PatCom for the work that Ann Chapman and her team at Minesoft had done during the previous year in guiding the organisation towards its new position.

3. Secretary position candidate(s)

3.1 WGL confirmed that GS had been nominated and seconded but that he required a little more time to consider the position. The question of the Hon Secretary's remuneration was still to be agreed. WGL reminded the group that membership fees from the current Full and Associate Membership would generate funds of around Euros 13,000 and suggested a fee equivalent to two-thirds of the funds. DV asked whether two-thirds was the right amount and RG undertook to find out how the PDG (Patent Documentation Group) determine the remuneration sum for its Hon Secretary.

4. PatCom Meeting with EPO, Hague, 31/03/04 – acceptance of Minutes

- 4.1 Copies of the minutes had been distributed in advance of the EGM and WGL hoped that members had had an opportunity to review them. Summarising some of the agenda items, WGL said that PatCom had pressed the EPO to follow the practice of the German, US and other patent offices to make full text data available on the day of publication via ftp (File Transfer Protocol). The EPO responded that they were working on a project to make full text available via ftp but that in line with the trilateral offices' policy, it could not be distributed in any form prior to the publication date.
- 4.2 WGL added that the EPO had announced that bibliographic details of non-patent references were to be added to Espacenet, together with the relevant ECLA codes. Whereas PatCom members saw this as a value-added feature of Espacenet, the EPO viewed the development as a simple improvement. WGL said that this single issue highlights the basic differences between the respective philosophies of the EPO and PatCom.
- 4.3 This was further underlined when the EPO's version of the meeting was distributed giving a distorted view of the relationship.
- 4.4 There followed a general discussion at the EGM about the strategy for countering the EPO's initiatives.
- 4.5 WGL referred to Joe Ebersole's (Coalition for Patent and Trademark Information Dissemination) notes of 25 April 2004 in which he suggested, amongst other things, the need for a PR campaign with regular articles in industry newsletters.
- 4.6 WGL added that there may even be grounds for filing a law suit on the grounds of anti-competitiveness. When asked by SB-W whether the threat of legal action would influence the EPO, WGL gave the example of his company's recent dispute with the Dutch Patent Office. He felt certain that without pressure, the EPO would launch further value-added "improvements" and that some within the EPO saw the hurdles to be overcome as political rather than technical or financial.
- 4.7 RH said that the EPO was misusing its budget and position and that it should be directing its resources towards improving the quality and timeliness of data, rather than developing additional services.
- 4.8 It was agreed that pressure must also be directed at the national and international patent offices, several of whom were already concerned by the EPO's activities. Commenting on this suggestion, RH and SB-W said that the campaign should also include lobbying at a political level within the EU. DV agreed, adding that the fundamental problem was that there was no political control over the EPO
- 4.9 Summing up WGL said that he would create a Working Group to address this most important issue, one of whose tasks would be to compare the activities of the

EPO with their mandate, with the aim of bringing the EPO into line with the USPTO and JPO's commercial policy. He further suggested that regular meetings should take place between the Working Group and the Vienna office of the EPO.

5. PatCom Plan 2004

5.1 WGL invited contributions to the PatCom Plan for 2004/2005. He said that the first draft of the plan would be issued in early June, with the final plan being published by mid-June. He added that he would be issuing a draft President's "100 day activity plan" at the beginning of June.

6. PatCom Website

6.1 WGL said that with the new constitution and governance in place, it was time to redesign the current site. Among the changes he had in mind was a "Members Only" section. Univentio will undertake the redesign and will continue to host the site. WGL invited contributions and links to the site and said that the new version should be available in July 2004.

7. Any Other Business

7.1 WGL said that under the new constitution membership was now open to any qualified organisation. Accordingly he announced that the Patolis Corporation had been accepted as a new full member of PatCom and he formally welcomed YW of Patolis to the organisation. WGL said that he had received a request from a new organisation, Nerac, for full membership. Univentio was willing to propose Nerac for membership but two seconders were necessary before a vote could be taken. WGL agreed to forward Nerac's request for membership to the Executive Council for consideration.

7.2 YW said that he was prepared to continue acting as the liaison with the Patent Information Online Service Council in Japan, of which he is the current President. WGL thanked him for this. YW warned of the need to be watchful, adding that there were some voices within the JPO urging them to be more like the EPO in their commercial activities.

7.3 DV reinforced the need to liaise closely with the USPTO and JPO. He felt that neither organisation was fully aware of the tensions between the commercial industry and the EPO.

8. Date of Next Meeting

8.1 The next meeting will be the Annual General Meeting held during the EPIDOS conference in Prague 25 – 27 October 2004. WGL urged all members to attend.

8.2 The EGM closed at 17:30. WGL thanked those present for their attendance and for their contributions to the meeting.