PATCOM INTERNAL MEETING
31st MARCH 2004

THE HAGUE

Attended by:

PATCOM Members / Associate Members

Rick Vieira - MicroPatent
Robert Willows – Thomson Scientific
Willem Geert Lagemaat – Univentio
Richard Garner – Univentio
Ophir Daniel - Minesoft
Rainer Stukker-Prill – FIZ Karlsruhe
Steve Lodge – RWS
Pierre Buffet – Questel
Gert Frackenpohl – Incom GmbH
Matt Toussant – CAS
Ann Chapman - Minesoft Ltd

EPO Staff:

Curt Edfjall
Wolfgand Pilch
Gerard Giroud
Georg Pantoglou
Daniel Shalloe
Guillaume Minnoye
Graham Day

Observers:

Christoph Haxel – PDG President
Ursula Schoch-Grübler – PDG Board

Agenda:

1. **FTP**

DPMA is now publishing information via FTP at midnight on day of publication. The EPO is delivering bibliographic data but PATCOM members requested that the full document (everything) is delivered via FTP asap. PATCOM asked if an encrypted form could be delivered prior to publication day to allow value added work to take place prior to publication. This was not considered possible. RW suggested that EPO contractors do get the data up to 6 weeks ahead of publication day and that arrangements could be put into place to facilitate this process for other database

producers. The EPO responded that this is only possible for Jouve and Bundesdrückerei, who print documents and who are under EPO's control.

EPO mentioned that the biblio data and bio sequences are being delivered via ftp already. The EPO will try to add full text very soon. They could also send CDs one day before publication to arrive on publication day. This was considered useful, but FTP is better due to inevitable disc corruption (RW), meaning approx 1 in 10 appear to be faulty on arrival – FTP avoids this problem.

EPO will work on the transmission of full text via FTP, a document project will be in place by the end of the year, documents will hopefully be transmitted early 2005 (not Jan).

Related points; GB-A docs on CD are often late, GB PTO referred Univentio to EPO, EPO felt this was an issue with GB-A delivery to them. RV has not been able to get a satisfactory response from EPO (K Douglas).

USG asked what situation is tri-laterally regarding release of data prior to publication deadline to commercial providers. EPO responded that the official point of view is that there can be no release prior to official time of publication.

PATCOM made point that espacenet goes live at the time of publication, this puts commercials loading the data at a time disadvantage.

2. XML

ST36 has been adopted and there will be a changeover to the new formatting in 2005. An overlap period will be offered, likely to be quite short. GF asked for a 6-month overlap of both systems to give enough time for changes to be made to commercial systems. This was considered too long (and too expensive to maintain both systems) by EPO. The period would be shorter, a cut-off date will be announced, this is standard practice.

GF asked what products will co-exist and will any products disappear? In approx 6 months there will be more information available. In November there will be final modifications and if final data is ready in November, delivery will commence January 2005.

RW requested sample data and technical specification, USPTO Red Book implementation was difficult.

The German XML project seems to have gone OK to PATCOM members.

RSP noted that a backfile reload takes longer to implement and that 6 months notice is required.

GG noted that his Dept is also a client of Vienna and they also need time to implement changes so this point is well appreciated, WP questioned the length of time of 6 months and explained this is too costly for the EPO to implement, therefore the overlap will be shorter. He also mentioned that EPO will not re-do the entire backfile

in XML format. RW mentioned Derwent gives 90 days notification of any changes to DWPI.

Data formats: none yet available, PATCOM members mentioned they expect it will be similar to DPMA's XML format.

3.   Harmonisation of data delivery with National PTOs

EPO said they also need it for examiners, so perhaps a double approach will be effective, if both parties approach National Patent Offices to push for better adoption of standards and harmonisation of data and timeliness of delivery to EPO.

When ST36 is finally adopted in June by everyone and subsequently hopefully implemented, it will be helpful.

ST32 is the standard governing images. Here the question is more related to timeliness. EPO can request data but has no leverage on the speed of supply.

4.   IPC Revision:

The new system will contain 2 systems, a core level and an advanced level. The data has been postponed one year, due to substantial difficulties in implementing all the necessary changes throughout patent office systems.

However it will happen and preparations need to be made. A technical workshop was offered by the EPO and accepted by PATCOM, aimed at database producers / publishers, so that technical staff in vendor companies can ensure they have the information and samples of data they need to implement changes and be ready. Later, a date for September 2004 was suggested for this very useful workshop.

USG noted it will be important for users to have adequate information prior to the new system as there will be changes to searches including alerts that already run.

A short discussion took place about the harmonisation of the major 3 classification systems and systematic re-classification of documents that will be undertaken within each office. A finer IPC will benefit users and be as homogeneous as the ECLA is today (from document no. 1 to present day).

5.   F-Terms:

GG made the point that JAPIO should be the PTO to provide this and do the necessary work to provide it in a usable format, the EPO was not able to commit to this extra burden, of making their own version developed for patent examiners available to commercial vendors. The EPO first needs to re-shape its own service. If no progress is made, this topic can perhaps be re-visited in a few years time.

USG – questioned whether it was not a good idea to help Europeans make sense of Japanese classifications, as the EPO undertakes work to make it available as a patent examiner tool already. AC mentioned what was sought is a straightforward concordance so the F/FI-Terms can be added to the correct records. The EPO

explained it would be a lot of IT processing and is just too difficult and costly to undertake now, unfortunately. PATCOM needs to ask for this from JAPIO.

6. Cited References – REFI update:

GG gave a short update, explaining that national PTOs are being requested to allow EPO to distribute this data. There will be a meeting in The Hague in April and the outcome will be reported at the next PATCOM meeting.

Citations in the Body Text of patent documents are going to be tagged by a contractor to the EPO. This will be undertaken for new documents, not the backfile.

USG commented that this could perhaps be input by future applicants instead, if filing electronically, to help the process.

*(More on Cited References under espacenet section).

Technical Bulletin Board within espacenet forum: this was considered a possible development by the EPO. The EPO stressed it would need to be an open forum, not a private, closed one for database producers and publishers. AC mentioned that an open forum was what PATCOM was requesting, queries could be posted by vendor's technical staff and should be answered by EPOs technical staff, which would speed up the existing process and share information more easily.

7. OPS Plans

2.5m accesses per day were reported, from industry. Plans include: PDF data via OPS. The EPO has decided to offer complete documents via OPS in PDF format.

EPOLINE – in the long run OPS will also be the preferred medium for exchange of data. The EPO hopes that OPS will become the world standard for exchange of full text and bibliographic information.

The EPO has developed an EPO Toolbox to enable National Patent Office to create patent information products.

OD queried whether once implemented, OPS would continue to support the existing delivery format. GD responded that it would, for a short time.

A 6-month horizon was foreseen for PDF delivery, whereas full text queries and downloading of hits from lists was anticipated to be out of the next 6-month horizon.

The EPO will offer workshops on OPS (https) to industry.

8. **Espacenet plans**

AC questioned what would happen with PDF delivery on espacenet, would that continue to be delivered page by page or as full documents, if as full documents, just one or many documents in one go?

WP responded that espacenet is just an interface, OPS is at the heart of their system and is not separate to OPS, therefore all changes apply to espacenet.

AC responded that this was not what had been formerly and formally stated by the EPO to PATCOM and that this would have a significant impact on most vendors.

WP responded that technology developments mean they must deliver page by page and AC pointed out that PATCOM members had spent money on developing and marketing of systems to add value to the EPO tools and that this had been encouraged as developing a Cottage Industry around EPO products and services and that it is well provided by the commercial sector, who have to pay their own costs in developing services.

A discussion on the impact upon vendors & the cost of developing programs & promoting them ensued and CE mentioned that the EPO was well aware of costs involved as it involves a heavy cost to the EPO too.

RV requested that the EPO should have consideration for the impact on commercial businesses of their product developments.

AC mentioned that many commercial companies will be affected by this decision, particularly if multiple document downloading is permitted in espacenet.

RW mentioned that commercial companies have to operate in a profit oriented environment and that there is a cost involved in developing products for the market, these products are requested by the patentees.

PB requested to clarify the point that espacenet is not just an interface, it has similarities to Google. In espacenet, there are definite limitations in functionality, limitations in Boolean searching, search parameters and in downloading of documents.

USG commented that the commercial suppliers are not living in a protected world and that a round table solution seems to be required, because information users need vendors and EPO services, they need the raw data to be provided by the EPO.

EPO (CE) said it is not developing to be in competition with commercial suppliers.

GD – explained a major enhancement to espacenet will be the bibliographic data of non-patent literature. This will be added to the worldwide database. There will be a simple click to the bibliographic data, not able to deliver the original document in facsimile form however.

PB said Questel had just developed this feature and loaded data at great cost – very short notice of this enhancement.

GG mentioned it was not very short notice and that the actual delivery of npl documents was not being undertaken by the EPO, so the impact on commercial providers is more limited. GG mentioned that links to the publishers may be added at a later date, it could be considered.

USG pointed out that linking software is not expected by users from the EPO, this is an added value service. The question was asked whether this goes beyond the scope of making EPO's own data available, is this a re-distribution role?

CAS' representative raised the point that the NPL data is copyrighted and cannot be made available in such a way by a third party. CAS links together data under an IPC and is an added value publisher.

PATCOM members pointed out that this is going to be given free of cost by the EPO, competing with charged services from others (MT, RV, USG, PB).

RV – goalposts are constantly being moved.

GG – responded that all present in the room are living from the patent system. Few documents are indexed outside the cited patents. PB mentioned that building a database and indexing data is another issue. The number coded with ECLA not in the search report was probably about 400,000 documents.

CE commented that they would draw some conclusions on the matter of co-operation.

A workshop on the IPC will be scheduled in the Autumn, probably September, to cover technical details and provide sample data.

CE: The EPO has no interest in killing commercial providers but also not in keeping it alive artificially. There is a need to serve EPO examiners, PTO's and applicants and users. It is not easy to strike a balance.

RW: Can the EPO be more precise, with precise timetables and give more detail before official announcements are made.

CE: we need to talk to third parties and national offices in advance of our meetings. Our meetings should be less technical and devote more time to political issues. We should find a different forum for the technical discussions, to discuss impact of technical changes. Continuous confrontation between us will not help the situation.

RW commented that we cannot have enough communication – we need a group talking policy and a group talking technology.

Workshops are one approach. Trilateral views may be needed: people filing, people examining, people adding value.

USG: mentioned an annual discussion at the PDG meeting in October, with Mike Tansey and Rick Vieira and PDG companies.

Date for workshop on IPC suggested week Sept 13-17. Find a date for a next PATCOM meeting around this time too. DS to confirm date to PATCOM.

10. Community Patent:

Next diplomatic conference is Spring 2005. A possible meeting in November too. Perhaps there will be a signature next year, but Community Patent is still several years away.

9. Patent Information Survey:

EPO: (WP): The survey results show a deficit of patent information knowledge even in the area of patent "experts".

Potentially this could mean: e-learning modules, virtual training, classes on the Internet

To point out: Lost revenue for companies not checking patent information first.

-Improve training on patent products and offer providers perhaps more opportunities to explain & demo their products.

RW: Hi-tech areas – do not want to pay for 20 years protection when 5 years is what is required, what about system of petty patents?

EPO responded that National Offices do not want EPO to be active in the area of petty patents.

AC commented that the patent information survey seemed to indicate a lack of interest in patent information per se, rather it highlighted an interest in business information (companies & markets & products from a non-technical perspective). Products linking these areas would be useful, e.g. a proper nomenclature for company names and company organisational structures.

EPO commented that this is for the commercial sector.

AOB:

USG raised the issue of the recent workshop invite to BASF, on behalf of the EPO. The letter mentioned that based on a thorough understanding of user needs, the EPO will develop services and tools to better meet the needs of users (data mining was mentioned as well).

EPO: commented that this was written by a third party, the EPO would not have expressed it in such a way. The EPO would like to have data mining internally but they do not. They want to know what patent users need from a service, want to understand their IT systems (IS systems), they do not want to impose any solution but do not want to develop unwanted solutions.

The UK and Swedish PTOs have already had such a workshop, also IBM, Shell, Philips.

USG: The consultants are representing the EPO. Perhaps there is an issue of control for the EPO, so that the consultants do not promise the world. CE mentioned that consultants are normally provocative to get the conversation going. In fact the plan is to develop internal tools. A 10-year strategic plan (vision) will be created for the EPO. This may encompass electronic filing, or filing structures in electronic form, the EPO wants to be ready for what is coming in future.

RG: How sensitive is the EPO to the commercial product sector?

Lowering the level of the first step onto patent information is aim of EPO. Training: funding may be available for EPO to National PTOs to help PTOs train in their country. Such training should cover the Patent Office and commercial services, to give user a choice and explain the whole landscape.

There is a need for Basic education about the whole landscape of patent information.

Asian coverage in espacenet:

Importance of documents from Asia is well recognised, JP/CN/KR/TW. The EPO will try to improve timeliness, esp. of KR and CN. Bibliographic info then the images is the priority. English abstracts for CN and KR but not yet for TW.

WGL asked for a timeframe of translation system, which was mentioned, but it was unknown, no fixed date yet.