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SUBJECT: Report of the meeting of 16.03.2007 between the PatCom Group and the EPO

DRAWN UP BY: President of the European Patent Office

ADDRESSEES: Working Party on Technical Information (for information)

SUMMARY

The PatCom Group was established towards the end of 1999 and is an association of commercial companies that provide patent information products and services that include EPO data. It has been agreed to hold regular meetings with PatCom on a six-monthly basis. The meeting on 16 March 2007 was the 14th such meeting.

This document has been issued in English only.

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I. INTRODUCTION

The PatCom Group was established towards the end of 1999 and is an association of commercial companies that provide patent information products and services that include EPO data. The EPO has agreed to hold regular meetings with PatCom on a six-monthly basis.

The 14th meeting between the PatCom Group and the EPO took place in Vienna on 16 March 2007. The present document is a report of that meeting.

The agenda for the meeting was based on a list of points submitted in advance by PatCom.

PatCom was represented by:

Thomson Scientific (deputising for the PatCom Presidency), Incom, Minesoft, Questel-Orbit, FIZ Karlsruhe Chemical Abstracts Service (CAS) and Matrixware.

II. MINUTES OF THE LAST MEETING

PatCom had accepted the report of the last meeting (CA/T 17/07) and had no further comments.

III. GENERAL ISSUES

A. REFORMULATION OF EPO PATENT INFORMATION POLICY

The EPO explained that the draft new patent information policy had been the subject of a "democratic" process within the European Patent Organisation and that it had been pleased to note that there seemed to be broad consensus on the approach that had been taken. The EPO expected a decision on the new policy in the June meeting of its Administrative Council after approval by the WPTI in March.

One of the main elements of the new policy would be the general desire not only to bring patent information to the desks of those who need it, but also to provide the tools available in the EPO necessary for using that information. This could, in the longer term, mean going as far as providing EPOQUE to the outside world.

B. EPO SURVEY 2007

Following the successful survey carried out in 2003, the EPO informed PatCom that the time had come to perform a follow-up survey in order to measure trends in usage of European patent information since 2003. The new survey will take place in 2008 and will be done on the basis of an international tender.

C. EUROPEAN UTILITY MODEL

In response to a question from PatCom on the possibility of a Europe-wide utility model, the EPO replied that not only was this not foreseen within the current legal framework of the European Patent Convention, but was also something that neither the EPO nor - as far as the EPO is informed - European industry wanted.

Furthermore, a utility model, which are the equivalent of a "second class patent" would be in direct contradiction to prevailing political will for a European patent system based on high quality patents.

PatCom expressed its concern, that legal frameworks of utility models like those in China could be a problem for European industry, as these IP rights apply to technology which is not new, but was not imported into China so far.

IV. DEVELOPMENT OF THE EPN

The EPO outlined the latest developments in the work on the European Patent Network (EPN).

An over all quality management system is in place. In a second phase quality criteria re defined now in cooperation of the offices of the EPN.

It explained the concept of work utilisation, saying that the EPO and the member states were agreed that it made sense to have the option of utilising high quality searches done by offices of the EPN by the EPO as part of the EPO procedure. This would be done on a case-by-case basis and not country by country. At present a test is ongoing which uses searches from AT, DE, DK and GB. Results will be available beginning of 2008. It will also be necessary to establish a mechanism for reimbursing costs to applicants or to the patent office that was the source of the search report being used.

The user support project deals with two work packages. Work package I encompasses work which is at present done by the EPO for the public sector like TS and RS searches. As part of the partnership arrangements under the EPN, the

EPO announced that it would be abandoning its Special Search (TS) and Standard Search (RS) services. National patent offices of the member states were invited to take up these activities, which amount to approximately 2 000 searches per year. This would be in addition to the 7 000 or so similar non-patent examination searches already carried out annually by national patent offices in Europe.

As work package II the EPO will be tendering among national patent offices for contracts to perform translation and reclassification work.

V. AUTOMATION PLAN EXCERPT, UPDATED VERSION

The EPO had sent an excerpt of the current Automation Plan (CA/30/06) in November 2006 for the internal use of PatCom. PatCom asked the EPO to keep them informed of changes to the plan and to send a new excerpt whenever changes were agreed by the EPO's governing bodies. The EPO agreed.

The EPO further confirmed, that adaptations to its internal EDP system necessary to implement EPC 2000 have the highest priority at present and might delay other projects explained in the automation plan.

VI. QUALITY OF DATA SUPPLIED BY EPO

A. EPO PATENT INFORMATION RESOURCE (FORMERLY DOC-DB)

- The meeting dealt with some technical aspects of the EPO Patent Information Resource, arising out of the recent move to an XML-based data format
- UTF-8 encoding - resulting in an improved representation of special and non-Roman and opening the possibility to include applicant names, inventor names, titles and abstracts in original Chinese and Russian character, for example.
- Sequence of IPC symbols - the EPO now stores IPC symbols in the order they appear on the patent document and alphabetically, listing "invention information" symbols first.
- ECNO classifications (ECLA given by national offices) - some national offices use the EPO's ECLA classification system (e.g. the UK Patent Office). The classifications are now captured in the EPO database.

- Contracting states - EPO data will soon include lists of designated contracting states for patent documents from OAPI, ARIPO, the Eurasian Patent Office and the Gulf Council.

B. QUALITY OF EPO DATABASES

The EPO explained that it performs many quality checks on its data:

Automatic procedures - Plausibility checks are made for the completeness of data fields depending on the publication country and publication period. There are also automatic checks for completeness of "linked" data elements, e.g. standardised versus original formatted priority numbers.

Intellectual procedures - In addition to the automatic procedures, some 30 staff are dedicated to quality monitoring of the EPO's data.

C. LEGAL STATUS QUALITY IMPROVEMENT

The EPO announced that it had reacted to users' long-standing wish and had been including legally relevant bibliographic information (eg grant, priority information) in the legal status frontfile since week 3/2007. The backfile would be updated with this information in the course of 2007 (probably around the middle of the year).

D. EPC 2000

The impact on EPO databases of the new European Patent Convention (EPC 2000), scheduled to enter into force on 13.12.2007 would be considerable. The most significant changes would be the implementation of the new EP B3 document kind and the "earlier application" citations. The EPO said it intended to have full documentation on the changes and test files ready three months in advance, i.e. by 13 September 2007.

E. DATA DELIVERY BY FTP

PatCom remarked that in recent weeks, they had noticed that the download times for recent updates had increased significantly. These observations were made using the same data format and taking into account, that the new XML data format results in considerably greater file sizes. They agreed to pool their comments and send them to the EPO. The EPO thanked PatCom for alerting it to this problem and said it would start investigations.

VII. DATA, FORMATS AND MEDIA

The EPO announced that it had the agreement of the AT, DE, and GB offices to pass on their data to commercial providers of patent information. However, the conditions of use vary from office to office. The EPO wanted to ensure that these conditions would be respected and would therefore be asking commercial providers to sign additional agreements if this was necessary, depending on the country concerned.

The pricing of these collections was currently set at EUR 12.50 per 1000 documents for EPO patent information resource (formerly DOC-DB) data, although the EPO was studying the possibility of have a different price structure for high volume orders.

PatCom highlighted the question of data from Korea, pointing out that Korean data is expensive when bought from the Korean patent office, but that a lot of Korean data can be obtained free of charge as part of the EPO's collections. The EPO answered that it was aware of this anomaly, and that it was important for the success of the new patent information policy to get support for the policy not only the EPO member states, but also from other major players in the field such as Korea.

VIII. DEVELOPMENTS OF *esp@cenet*

Following some major enhancements in late 2006, the EPO said that development of the *esp@cenet* service was now focussing on improvements to the technical infrastructure. There would be very few "visible" changes in 2007. The only major change would be a relaxation of the 50-page limit for downloading patent documents.

Having said this, the EPO would be using 2007 to study the feasibility of other new functions in *esp@cenet*, and hope to be able to present the following as mock-ups some time in the autumn of 2007:

- Some possibilities for carrying out statistical analyses on the data
- RSS feed-type alerting services

IX. DEVELOPMENT OF OPS

A. TECHNICAL DEVELOPMENTS PLANNED FOR 2007

The EPO reported on its Open Patent Services (OPS), stating that it had observed a doubling in the usage statistics since the improvements to the range of data provided by OPS. It had been pleased to observe of fall in the use of *esp@cenet* over the same period, indicating that the intended migration of users from *esp@cenet* to OPS had been taking place.

The goal of offering on OPS everything that was available on *esp@cenet* had been achieved. The next step would be to improve the data retrieval options, which are currently limited to retrieval by document number. The new options will make it possible to filter data and it is the hope that by the end of 2007 OPS will offer the same filtering as *esp@cenet*, namely by a variety of search fields (applicant, inventor, IPC, etc) using the usual Boolean operators, and with the same limitations with regard to truncation and the number of search terms as in *esp@cenet*.

It was also planned to move OPS data to XML during the course of 2007.

B. "FAIR USE"

The EPO announced to PatCom that it was in the process of putting into place a "fair use" policy for both OPS and *esp@cenet*. This was being done in anticipation of a continued growth in traffic on these services. The "fair use" policy would provide the EPO with means to:

- prevent abuse of the system by users systematically downloading large quantities of data to the detriment of other users, while explaining alternative ways to obtain the data from the EPO
- provide transparency in the way the EPO offers access to these services by giving clear indications on the level of services that users can expect.

The EPO said the "fair use" policy would be made public later in 2007.

C. OPS USERS' FORUM

In response to the growth in use of OPS, the EPO said it had just launched a new internet forum to improve the communication with users of OPS and the

Publication Server Web Service. The forum will also encourage communication amongst users, and make it possible to send alerts to users with important news from the EPO on these services.

D. STATISTICS ON OPS USAGE

Following up on a question put at the previous meeting, PatCom asked if the EPO had any usage statistics on OPS. The EPO replied that it only had the usual logfiles, which showed a growth in usage from 400 to 800 different IP addresses per week. It did not have any data on the type of information being taken from OPS, or a country-by-country breakdown of users. It announced that it was, however, investigating commercially available packages for analysing internet logfiles, not only for use with OPS, but also with *esp@cenet*.

PatCom said it would be grateful if the EPO would share the results of any statistical analyses on the use of OPS and *esp@cenet* that become available in future.

The EPO made it clear that this can only be done as long as data security issues are not concerned.

X. DEVELOPMENT OF PUBLICATION SERVER, OPEN WEB SERVICE INTERFACE

The EPO reported that the introduction of Web Services access to the Publication Server data had been well received. In response to a request made at the previous meeting, it had increased the download limit from 2 GB to 3 GB.

PatCom raised the issue of the EPO's contractor, Jouve, in this context. They argued that Jouve could gain a competitive edge over other commercial providers because it had early access to EPO data. This meant it could carry out its data preparation processes in time for the EPO's publication day each week, a fact that it did not hesitate to exploit when promoting its products. PatCom would appreciate it if the EPO could introduce measures to put all commercial providers on an equal footing in this respect.

The EPO said it had understood the remark made by PatCom and would look into the matter.

XI. DEVELOPMENT OF MIMOSA

The EPO announced that it had put several of its well-known ESPACE series online, in addition to the regular distribution on optical disc. It was intended to offer online access to ESPACE databases to users who needed more functionality and better performance than offered by *esp@cenet*.

ESPACE BULLETIN was completely converted to XML at the beginning of 2007, leaving only ESPACE Legal and GlobalPat unconverted. These products will move to XML in the course of 2007.

The latest volume ESPACE ACCESS EPC contained almost 1.7 million records published by 28 patent offices among the EPO member states. A new obvious step is to put this product online as a complementary product to ESPACE ACCESS.

ESPACE WORLD was now regularly distributed one to two weeks after the date of the publication date of the WO documents it contained. It had not been possible to persuade WIPO to grant the EPO early access to the data in order to produce ESPACE WORLD on time for publication day.

XII. ANY OTHER BUSINESS

A. GOOGLE'S NEW PATENT SEARCH SERVICE

There was an in-depth discussion on the new Patent Search Service recently launched by Google, and on the effect this might have on the patent information market. Both the EPO and PatCom felt that the Google service could function very well as "promotion" for patents and patent information. However, Google does have some weaknesses: the data quality, update frequency and coverage are unclear; and since Google relies on advertising to secure its income, it may monitor the search behaviour of users and prioritise hit-lists in a non-transparent way.

The conclusion of the discussion was that the EPO would treat Google as any other commercial provider. It would sell its data to Google if Google were to sign the standard contracts for the commercial use of EPO data, and it would provide the usual technical advice. It would also be open to letting Google crawl its databases, so that EPO data would be indexed within the Google system. On the other hand, it would continue to stress, as it always had done, the role of professional search tools in high quality patent search.

B. DATE OF NEXT MEETING

Following a request from PatCom, the EPO agreed to hold a technical workshop on raw data, as it had done in 2006. Considering the savings in travel costs, this workshop should take place the day before the next EPO-PatCom meeting.

The date of the next meeting was therefore provisionally set at 2 October 2007, with the raw data workshop provisionally on 1 October 2007.