CA/T 37/07

Orig.: en

Munich, 01.10.2007

SUBJECT: Report of the meeting of 02.10.2007 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 2 October 2007 was the 15th such meeting.

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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 using EPO data. The EPO has agreed to hold regular meetings with PatCom on a six-monthly basis.

The 15th meeting between the PatCom Group and the EPO took place in Vienna on 2 October 2007. The present document is a report of that meeting.

The agenda for the meeting, chaired by the Vice-President of DG 4, was based on a list of points submitted in advance by PatCom.

PatCom was represented by:

Lighthouse IP (PatCom Presidency), Incom, Questel, Thomson Scientific, FIZ Karlsruhe, Matrixware, Prous Science, Unycom, RWS and CAS.

II.   GENERAL ISSUES

A.   REFORMULATION OF EPO PATENT INFORMATION POLICY

The EPO explained the reformulated patent information policy, as approved by the Administrative Council in its June 2007 meeting. It pointed out that one new concept in the reformulated policy was "barrier free" information. Going into more detail, the EPO said that the "barrier free" policy would aim at counterbalancing recent developments in East Asia, especially China, where it seemed that ever more barriers were being raised. Also, within the context of EPO efforts aimed at "raising the bar", it was hoped that the flood of junk patents could be slowed down if high quality patent information products were available.

National offices would take care of the national markets, and of first-time contacts to national users in national languages, said the EPO.

PatCom replied that they would read the new policy in detail and come back to the EPO with any questions that might arise. They did in any event agree with several of the statements made by the EPO, especially with regard to improvement of the quality of incoming patent applications.

One question, however, that could be posed immediately was the issue of making EPOQUE available to public. The EPO stated that the new policy put the basic

agreement in place to make tools available, but there was no specific agreement whatever to make any particular tool available yet.

B.   EPO PRESENCE AT PIUG

PatCom raised the issue of the EPO's attendance as an exhibitor at the PIUG conference in the United States. They said that the EPO had always stated that the target group for *esp@cenet* was European industry. In which case, why did the EPO participate in a high-profile event outside Europe?

After some discussion, PatCom conceded that they could understand the promotion of the European patent system in USA, but they maintained their doubts on whether it was justified to promote patent information systems. The EPO position was that it participated in specialist patent information events - irrespective of their location in the world - to gather feedback and input from expert users of EPO patent information products. This was extremely valuable information which helped the EPO to improve its services to the public, and also to improve its own tools.

C.   EPO SURVEY 2007

The EPO explained that its plans to carry out a survey of patent information users in 2007 or 2008 had been frozen due to budget restrictions.

D.   DEVELOPMENT OF EPN

PatCom were keen to hear more about the European Patent Network. The EPO responded that recent discussions within the European Patent Organisation had led to the idea that the patent offices in Europe should work together to master the burden of work in the patent field. The primary goal should be higher quality and more comprehensive patent information. An initial step had been the move by the EPO hand over its special search programme services to national offices. Other possible examples of workload sharing included translation work and classification work.

In response to a question about whether there were any plans to make EPOQUE available to patent libraries, the EPO said that the EPN was still at a very early stage. It was too even to say whether the libraries would be part of the EPN.

III. AUTOMATION PLAN DEVELOPMENT - UPDATE

The EPO explained that a new version of the Automation Plan was in preparation and agreed, as in the past, to distribute the chapter on patent information to PatCom, once it was approved. One important point would in any event be a reduction in the budget for information management from 130 to 90 million euro.

IV. QUALITY OF EPO DATA

On the day prior to the meeting described in this document, the EPO held a special seminar for commercial providers of patent information, dealing with technical developments in EPO databases. PatCom stated that they found the seminar extremely useful and said they would appreciated similar events in future.

The EPO summed up the main technical issues currently under discussion by saying that the focus was on quality, i.e. on timeliness, completeness and accuracy. It explained that in aiming for quality, it is reliant on the data it receives from patent offices around the world, and that its ability to influence quality was very limited. The EPO notify patent offices whenever it identified a problem, but was often the most it could do.

A discussion then took place on the weekly database download provided by the EPO to subscribers. There was a problem, explained PatCom, with the download times because of the size of the files concerned. The EPO accepted that the amount of data was steadily growing and that a significant increase was expected in early 2008. It therefore agreed to look into providing more bandwidth or splitting the data into several files. It promised to communicate its findings on what technical solutions might be possible.

V. DATA, FORMATS AND MEDIA

The EPO gave some information on technical developments to its databases:

- "non-published" documents, i.e. gaps in a publication number series where there was no document, would in future, receive the "CV" (create void) or "DV" (delete void) status indicator to show there was no document with that number;

- regular exchange with WIPO of data for entry / non-entry into the national phase;

- inclusion of trade mark information for Supplementary protection certificate records;

- addition of patent family structures to the DOC-DB database.

In reply to a question on the "REFI" database, the EPO said that data on citations made by other patent offices was available to buyers of the database and that it was not necessary to obtain prior approval from the relevant national patent office. The database manuals gave more details on this.

VI. *esp@cenet* DEVELOPMENTS

The EPO stated that the major ongoing developments on *esp@cenet* were "behind the scenes" improvements directed towards sound maintenance of the system. These would be completed soon, allowing some work on more visible enhancements, such as

- full-text searching

- a single-box search field (like google)

- increasing the page limit for document downloads

- date ranges searching

- extending the languages for the machine translation tool (including French, Portuguese, Romanian and Italian).

The EPO said it was its wish to make the dictionaries used for the machine translations available for purchase as raw data. It added that this had been discussed in the Working Party on Technical Information, where there was a clear consensus for making the dictionaries freely available.

The EPO said it would welcome feedback on the dictionaries. It went on to say that it was clear that a centralised system would be needed, rather than a collection of many different dictionaries, and that it was investigating how to achieve this. It was already apparent that the budget required for this would be high.

In the area of full text searching, explained that any data it had as full text would be searchable on *esp@cenet* once the system was technical able to offer that functionality. This included US data, where available.

PatCom asked about the EPO's plans to enable chemical structure searching in *esp@cenet*, The EPO explained that some open source tools existed for generating a chemical name from a structure, and that it would be interested in applying those tools to *esp@cenet*.

VII. OPS DEVELOPMENTS

Developments to the Open Patent Services (OPS) fell into two categories, reported the EPO: technical and practical. The main practical development was the imminent implementation of the Fair Use Policy, which would indicate what kinds of use of the OPS were considered normal and reasonable.

Technical developments concentrated on putting the OPS functionalities in line with *esp@cenet* and on a new version of OPS in 2008. The EPO realised that adapting to the new version would take some time for users, so it would maintain the old version in parallel for at least six months.

The EPO confirmed that any new data in OPS will also be in the DOC DB updates, without exception.

In terms of statistics, the EPO reported that use of the OPS system was at roughly one million requests per day, which indicated some success in the efforts to shift load from *esp@cenet* to OPS.

VIII. DEVELOPMENT OF PUBLICATION SERVER, OPEN WEB SERVICE INTERFACE

The EPO's publication server had recently been improved, both in terms of data and functionalities. The EPO said its goal was to have the complete dataset in

ST.36, starting with EP-A documents (for completion in 2008), with the EP-B collections to follow. Work had also started on "Site map protocol" solutions for the publication server, so that users could retrieve data automatically.

In response to a long-standing request to include gene sequence data on the publication server, the EPO said it was working on the matter and hoped to have a solution in 2008, showing gene sequences as filed by the applicant as part of the file.

The EPO informed PatCom that it was studying the possibility of converting all EPO documents into a PDF archive. This would mean some investment and it was therefore keen to gather feedback on the concept as early as possible. PatCom agreed to collect comments on this and send them to the EPO.

A.　JOUVE SITUATION AND LEGAL LIMITS FOR OTHER PROVIDERS

At earlier meetings, PatCom had raised the issue of a conflict of interest within the company Jouve, which acted both as a contractor to the EPO and as a commercial patent information provider. The EPO reported that it had taken previous remarks very seriously and had investigated the matter. PatCom had not sent any evidence of incorrect behaviour by Jouve, so the EPO felt that assurances given by Jouve should settle the issue. It read out the following statement:

"*Jouve confirmed to the EPO in writing that all EPO data used to update the PatAnalyst system stem from downloads from the official EPO website. No data which Jouve processes to fulfil its contractual obligations with the EPO are used outside these contracts.*"

IX.　ANY OTHER BUSINESS

A.　PATCOM TO MEET PRESIDENT

The EPO noted a request that PatCom would like a meeting with new EPO President to exchange views.

B. FEEDBACK ON XML DAY

PatCom praised the EPO for the useful seminar held the previous day (see point IV above) and asked for the next meeting to be brought forward to the springtime. The EPO tentatively agreed to hold the next seminar for commercial providers in Vienna on 10 March 2008. PatCom urged the EPO to distribute the seminar material in advance in order to facilitate better preparation for participants.

C. GOOGLE

Earlier in the meeting the EPO had distributed a document describing its plans to allow web-crawlers to access its publication server. This would help ensure that patent documents appeared in the results lists of normal internet searches. PatCom questioned the intention of the EPO to ensure that European data were on the Google Patent Search service.

The main issue was that Google presented its patent search as if the world were purely American. EPO has discussed the idea of them taking European data as well, as this would give a more balanced view to the users of the world. It stressed that Google would have to respect normal conditions and prices and would receive no special treatment.

D. RETIREMENT OF WOLFGANG PILCH

The chairman of the meeting announced that it was the last such meeting for Principal Director Patent Information, Wolfgang Pilch, and paid tribute to his many years of service and expertise in the field

E. DATE OF THE NEXT MEETING

It was provisionally agreed to hold the next meeting in Vienna on 11 March 2008.