

**CA/T 40/08**

Orig.: en

Munich, 23.10.2008

**SUBJECT:** Report of the meeting between the EPO and the PatCom of  
26.09.2008

**SUBMITTED BY:** President of the European Patent Office

**ADDRESSEES:** Working Party on Technical Information (for information)

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#### 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 26 September 2008 was the 17th such meeting.

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This document has been issued in English only.

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## TABLE OF CONTENTS

<b>Subject</b>	<b>Page</b>
I. INTRODUCTION	1
II. OPENING REMARKS	1
III. REPORT OF THE LAST MEETING	1
IV. PATENT INFORMATION FROM CHINA AND KOREA	1
V. USER SURVEY	2
VI. AUTOMATION PLAN - LATEST STATUS	2
VII. WORKSHOP PLANNING (RAW DATA DAY)	2
VIII. QUALITY OF EPO DATA	3
IX. "SPAM PATENTS" (EXAMPLE: WO2007081519)	3
X. <i>esp@cenet</i> DEVELOPMENTS	4
XI. OPS DEVELOPMENT	5
XII. PUBLICATION SERVER DEVELOPMENTS / OPEN WEB SERVICE INTERFACE	5
XIII. ANY OTHER BUSINESS	6
A. GERMAN FULL-TEXT DATA	6
B. DICTIONARIES FOR MACHINE-TRANSLATIONS	6
C. DATE OF THE NEXT MEETING	6

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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 17th meeting between the PatCom Group and the EPO took place in Vienna on 26 September 2008. The present document is a report of that meeting.

The agenda for the meeting, chaired by the Vice-President of DG 5, Manuel Desantes, was based on a list of points submitted in advance by PatCom.

PatCom was represented by:

Lighthouse IP (PatCom Presidency), Incom, Lexis-Nexis Univentio, Questel, Thomson Reuters, FIZ Karlsruhe, RWS and Scipat.

## **II. OPENING REMARKS**

The chairman commenced the meeting by introducing himself - attending for the first time - and the new Principal Director Patent Information, Richard Flammer.

## **III. REPORT OF THE LAST MEETING**

PatCom confirmed their full agreement with the report of the previous meeting (CA/T 8/08). They, however, asked if a way could be found to include an update on previous discussions in each meeting. After a brief discussion, PatCom agreed to add an agenda point named "Follow-up from previous meetings" on the agenda in future, and to indicate any items of particular interest.

## **IV. PATENT INFORMATION FROM CHINA AND KOREA**

The EPO stated that it was working hard on the issue of obtaining a full Chinese dataset for its search documentation, including a machine-translation solution. The chairman added that the Chinese Patent Office had committed to setting up a good machine-translation system, and that he was convinced the Chinese were doing their best to achieve a good solution for Chinese-to-English machine translation. The Chinese had already launched a pilot machine-translation product (available on the internet), and were aiming at having a fully functioning system ready in 2010.

PatCom explained that they needed to incorporate Chinese data in their products, so a clear answer to the question "What is coming from China for free soon?" was critical in order to plan properly. What, for example, were the Chinese actually planning to deliver? A web-based service? Dictionaries? A translation tool?

The EPO promised to investigate and report back in writing.

With regard to Korea, the EPO said there seemed to be a slow shift in position from a very commercial, profit-oriented line towards a policy of providing patent information in a low-price way, as was the policy of other major offices. No big change was likely in the immediate future, but the general trend was positive.

## **V. USER SURVEY**

The EPO reported that it was planning to repeat before the end of the year the survey on the use of the patent information it had carried out in 2003. The results would be compared to the 2003 results in order to identify areas where change had occurred.

The main target group would be technology-based industries in Europe, selected using mailing lists purchased by the market research company contracted to perform the survey. The basis for the questions put would be the 2003 questionnaire. The only additional content would be a section on the use of patent information for decision-making in business.

PatCom were invited to provide input for the questionnaire.

## **VI. AUTOMATION PLAN - LATEST STATUS**

It was agreed at earlier meetings that PatCom would receive an excerpt of any parts of the EPO's Automation Plan that could have an impact on their activities. The EPO informed PatCom that the latest version of the Automation Plan would be discussed at the Working Group on Technical Information the following week. As soon as it was approved, EPO will send the promised excerpt.

## **VII. WORKSHOP PLANNING (RAW DATA DAY)**

The well-respected technical workshops on EPO data had been moved from the autumn to the spring, where the calendar offered more possibilities. As a result, the EPO announced, the next workshop would be in March 2009.

PatCom asked if, in addition to the normal subject matter, the workshop could also include some discussions on IPC-related issues, extended if necessary by an extra day. The EPO agreed in principle and said it would see what was possible in terms of organisation.

## **VIII. QUALITY OF EPO DATA**

PatCom noted that some of the EPO's services, e.g. Open Patent Services, form the basis for commercial companies to build further services. The commercial companies charge their customers for using their service, so reliability is a crucial issue. Since no agreements existed, PatCom said it could not "demand" that a certain reliability was guaranteed by the EPO, but they reiterated that they would appreciate anything the EPO could do in this area, including timely information on outages and other problems. At the same time, PatCom stressed that the current level of service is already very good. The EPO confirmed it was very conscious of how OPS was used and of the need for reliability, and that it was very careful to post early, clear information if systems were going to be shut down for maintenance, or if problems arose.

On a separate issue, PatCom welcomed the EPO's announcement that it would be increasing the bandwidth for its data delivery service via FTP. The EPO said this should improve download times for data deliveries significantly.

## **IX. "SPAM PATENTS" (EXAMPLE: WO2007081519)**

This agenda point was about the problem of "spam" patent applications. These are patent applications which are filed for reasons other than for obtaining a patent. The example given (PCT publication number W2007081519) is more than 1300 pages long, and it contains nothing but promotional and marketing texts for patent search services.

The chairman of the meeting said such cases threw up two main questions:

- Can patent offices prevent the publication of such applications?
- Can patent offices suppress such data from the databases?

On the first question, Rule 67/2 EPC means the EPO is legally obliged to publish all patent applications filed, except where the applicants has not duly followed the invitation to file claims, pay search fees, or correct other formal deficiencies.

On the second question, Rules 127 and 144 EPC are the relevant ones here. Again, there is no legal basis for suppressing the information from the databases.

The fact that it was the Rules and not the Articles that laid down what had to be done, said the chairman, meant that the EPO's Administrative Council could introduce amendments, if necessary. If there was enough data to show that the problem had become significant, the EPO would certainly draw the matter to the Administrative Council's attention.

PatCom's suggestion, that the introduction of the new IPC class could be a way of "flagging" such patent applications, was rejected on the grounds that would not be in the spirit of the IPC and that it would be difficult to introduce such a change. There was a strong feeling, however, that it might be possible to use the EPO's own "ICO" (in computer only) classification symbols to tag these patent applications, so that commercial databases operators could filter them out of the data. The EPO agreed to study this proposal further.

## **X. esp@cenet DEVELOPMENTS**

The EPO repeated information given on the planned enhancements to the *esp@cenet* service at the previous meeting, specifically:

- a one-line search box (as in Google) will be introduced - this will not initially be in the application itself, but on the *esp@cenet* webpages as a plug-in for users to give feedback.
- the "My patents list" will be extended to 100 documents
- the *esp@cenet* results will be downloadable in CSV format
- it will not be possible to de-restrict the number of search terms for the time being, due to technical difficulties

The EPO added that it would be demonstrating full-text searching of EP and WO documents in *esp@cenet* at EPO Patent Information Conference in Stockholm, 28-30 October 2008.

### **Statistics on usage**

The latest statistics on the usage of *esp@cenet* showed the following:

- 30,000 individual IP address per day
- 120 GB of data traffic per day
- 1.6 million PDF pages views per day.

## **XI. OPS DEVELOPMENT**

As for *esp@cenet*, developments on the Open Patent Services (OPS) system were, reported the EPO, dependent on the EPO finalising the current developments to its EPOQUE search engine. In order to bridge the time waiting for the EPOQUE search engine, the EPO would release OPS Version 2 mid-October with the old search engine. The new version would include new features such as search possibilities similar to those in *esp@cenet* and it would also provide the "family ID" as present in DOC-DB.

The EPO assured PatCom that it would keep OPS Version 1 running in parallel to Version 2 for at least six months.

Future developments for 2009 included:

- EP Register data via OPS
- ECLA classes
- an extension to the number of countries providing full-text data (CA, AT, CH initially), in addition to existing EP/WO full-text.

### **Statistics on usage**

The latest statistics on the usage of OPS showed the following:

- 1-2 million requests per day
- ~1300 individual IP addresses per week

## **XII. PUBLICATION SERVER DEVELOPMENTS / OPEN WEB SERVICE INTERFACE**

The EPO announced that the introduction of Site Map Protocols to its Publication Server had led to an increase in usage from approximately 3000 to 6000 users per day. Otherwise, there had been no changes to the Publication Server in recent months.

In terms of future planning, the EPO was working on improving the way gene sequences were embedded in the data flow, and on adding a feature for retrieving the gene sequence whenever one was present.

### **XIII. ANY OTHER BUSINESS**

#### **A. GERMAN FULL-TEXT DATA**

The EPO confirmed that it had received permission from the German Patent Office to distribute German full-text patent data at marginal cost. The time between publication and availability of the data would be about four days.

#### **B. DICTIONARIES FOR MACHINE-TRANSLATIONS**

PatCom asked what the status was on the EPO's plans to develop bilingual dictionaries for machine-translations in the patent field. They explained that some PatCom members had projects on hold pending release of the dictionaries and needed information for their planning. They said there was significant commercial interest in the following language combinations

- English-German
- English-French
- English-Spanish

The chairman noted that there had been significant progress in machine-translation technology and that this might, superficially, suggest that the EPO did not need to continue its work. However, the EPO had a clear political commitment to EPO member states to deliver on this; considering the special nature of the language used in patent documents, it was unlikely that any machine-translation tool designed for general purposes would work satisfactorily. He added that, from a political perspective, the development of the Community Patent concept was dependent on the development of a good solution for machine-translation.

He expected dictionaries for a number of language pairs to be ready during the coming year.

#### **C. DATE OF THE NEXT MEETING**

It was agreed to set 17 March 2009 as the provisional date for the next meeting.