SUBJECT: Report of the meeting between the Office and PatCom of 22.3.2010

SUBMITTED BY: President of the European Patent Office

ADDRESSEES: Technical and Operational Support Committee (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 22 March 2010 was the 20th such meeting.

This document has been issued in English and electronic form only.

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I. STRATEGIC/OPERATIONAL

Operational

II. RECOMMENDATION

For information.

The TOSC is requested to take note of the following report of the meeting between the Office and the PatCom of 22.03.2010.

III. MAJORITY NEEDED

N/A

IV. CONTEXT

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 Office has agreed to hold regular meetings with PatCom on a six-monthly basis.

The 20th meeting between the PatCom Group and the Office took place in Vienna on 22 March 2010. The present document is a report of that meeting.

The agenda for the meeting, chaired by the Office's Principal Director for Patent Information and European Co-operation, Richard Flammer, was based on a list of points submitted in advance by PatCom.

PatCom was represented by:

Lighthouse IP (PatCom Presidency), LexisNexis, Questel, Thomson Reuters, FIZ Karlsruhe, CAS, Dialog, Matrixware and Scipat.

V. ARGUMENTS

A. REPORT OF THE LAST MEETING

PatCom confirmed their full agreement with the report of the previous meeting (CA/T 39/09).

B.   **FOLLOW-UP FROM PREVIOUS MEETINGS:**

a)   **Automation plan - latest status**

It has been agreed that the Office will provide PatCom with an excerpt of the Automation Plan to PatCom each year.

At the meeting, the Office confirmed to PatCom that the Automation Plan had been approved by the Administrative Council in December 2009, and that it had sent an excerpt of the sections relevant to patent information issues to PatCom's secretary.

The Office said that, in summary, budget savings were the red thread in the document. As a result, no big projects were foreseen in the IT systems areas, with efforts to save on resources.

In the context of this, PatCom addressed the recent call for tender by the Office entitled "Internet hosting of patent publications and patent information". The Office said that that it had been looking at performance recently and how to improve the efficiency of existing data delivery services for patent information products. It was not the intention, the Office said, to change current practices, in particular there would be no change with regard to the making available of any data prior to publication date. The purpose of the tender was to improve the efficiency of the service while optimising the use of internal IT resources. The Office confirmed that there would be no parallel run with the existing services, but that any changes would be preceded by extensive testing.

PatCom said they were pleased that the Office had not followed the example of the USPTO and its recent request for companies to invest in creating a new IT structure for the USPTO free of charge on the basis of an agreement that the same company could use the USPTO's data afterwards.

b)   **Availability of dictionaries for machine-translation**

The Office reminded PatCom that it had recently made the its German-English and Spanish-English dictionaries available as raw data products, and announced that further dictionaries (French, Italian, Portuguese and Sweden, all paired with English) were in the pipeline. It stressed that it was currently in discussions about the continuation of the automation translation project, considering that there may be larger projects at EU level where the EPO could take an active role.

PatCom praised the Office for its work with the dictionaries and for making them available as raw data products. They added that in a recent meeting with the

Spanish Patent Office, they had learned of some analysis that the Spanish Patent Office had done of different machine translation engines. It seemed, they said, that some language pairs worked better than others, and that some translation engines coped with some languages better than others.

The Office reported from a conference on machine translation that took place in Rome last year that a consortium is being formed, which aim is to design, develop and implement machine translation, to perform data retrieval and to carry out quality control of translations. The consortium will have its first meeting in May 2010.

The Office reported of a meeting it had had with the European Commission in Brussels, where it had discussed machine translations between the languages of the member states of the European Union. The preliminary outcome looked promising, at least on a level of financial co-operation.

PatCom expressed regret that the Office did not seem to have any machine translation project for Russian.

c) User survey

The Office explained that it had not been able to conduct the survey on the use of patent information in Europe it had planned in 2008, but that it had shifted resources to be able to do it in 2009 and 2010. It had now made good progress and was currently in the final phase of the survey in the Baltic States and Scandinavia. A first report on basic facts was expected by end of April. The Office fully intended to make the results public.

C. STATUS OF THE IP5 FOUNDATION PROJECTS

The Office informed PatCom that progress was being made on the IP5 foundation projects, but that the only specific news to report at this time concerned the planned abandonment of the "core level" in the International Patent Classification (IPC) scheme. As a consequence, the Office would cease its practice of "rolling up" advanced level IPC symbols to core level, and any automatically generated core-level symbols currently in the databases would be deleted. The Office added the news that with regard to the Hybrid Classification project, a few technical fields had already been identified as pilot areas for harmonisation, and that one of the aims of the pilot phase of the project would be to identify how long harmonisation would take, thus allowing an estimate of the overall project duration.

D. EFFECTS OF THE ECONOMIC CRISIS

The Office reported the following[1]:

- In 2009 the European Patent Office (EPO) felt the effects of the economic contraction. Around 135 000 applications were filed under the European Patent Convention (EPC), 8% down on the previous year (2008: 146 600). The downturn was sharper in applications from outside the member states (-11%) than in applications from EPC member states (-5%).

- In 2009, the Office received 196 300 requests for search, a 4.7% drop on the previous year (2008: 206 000). The Office completed 203 500 search files, a 9% increase (2008: 186 800), including cases where no search report was produced.

- The number of requests for examination of European patent applications decreased by 6% to 118 900 (2008: 126 700). The Office published 52 000 granted patent (2008: 58 900).

- The opposition rate felt to 4.7% (5.2%) for the first time under the 5% threshold.

PatCom remarked that it would be interesting to have information about any trends the Office had observed with regard to renewal fee behaviour.

Following this, a short discussion took place on procedural fees at the EPO. The Office emphasised the importance of sustainability in the approach to fees and noted that the Administrative Council was currently addressing the issue.

E. QUALITY OF DATA SUPPLIED BY OFFICE

The Office used this agenda point to report on some technical developments of relevance to PatCom:

a) Timeliness of data delivery to subscribers

The Office had experienced problems in 2009 with the delivery of French data. These had now been resolved, but there were now difficulties with data from The Netherlands following a change of data platform at the Netherlands Patent Office. The Office was nevertheless optimistic that the issue would be resolved very soon.

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[1] Information subject to change, based on information available at the date of the meeting.

b)   New data

The Office reported the following improvements in its databases:

- for the USA - acquisition of data on fee payments going back 20 years, and significant improvements in assignment data. The Office still only receives very limited amounts of data on legal status changes to published US applications.

- for China - 200 000 assignment records currently being uploaded

- For Russia - acquisition of legal status data back to 2005.

c)   Full text data of PCT international applications

The Office explained that WIPO had informed the Office that it felt users would be better served if they used systems provided by WIPO. They had thus requested that the EPO stopped making the full text of PCT international applications available via OPS. The Office said it would be discussing this with WIPO after a precise assessment of the potential legal implications and would inform all users of OPS of any changes to the service as a result.

F.   *esp@cenet* DEVELOPMENTS

The Office announced that it had implemented the following enhancements to esp@cenet before the end of 2009:

- an increase in the number of allowable search terms

- full text of EP and EuroPCT documents will be available

- a "sort" function for results lists

- highlighting of searched terms

- extended citation coverage (applicant citations, opposition and appeal citations, etc)

- a claims parser (as mentioned at previous meetings), showing the relationship between the claims in the document

- a new algorithm to facilitate the retrieval of US and PCT patent publication numbers, and EP application numbers.

The developments expected in 2010 were:

- Introduction of RSS feeds (with restrictive conditions)

- Improvements in ECLA navigation and visualisation

- Adapt citation list to newly introduced citation fields

- Review export functionality

- Improvements in the search input (prompting, query history)

a)   Statistics on usage

The Office reported the following statistics on the usage of *esp@cenet*:

- 28000 users per day, stable over the past six months

- 190GB/day data downloaded, an increase from 120 GB/day on six months ago.

- 10 million PDF views/day

- around 80 000 machine translations in the month February, with Geran-to-English being most popular language, and the most popular requester in terms of geography being the USA.

Following a request from PatCom, the Office agreed to provide a breakdown of the usage statistics on a country-by-country basis in time for the next meeting.

G.   OPS DEVELOPMENTS

The Office reminded PatCom that version 2 of its Open Patent Services (OPS) was now in production and stated that the older version 1 would be stopped at the end of March 2010, following an extended parallel run of the two versions.

For 2010, the Office was hoping to be able to provide Register data via a web services interface, which would avoid disruption to Register Plus by robots. It was also working on full text search possibilities for EP/WO documents and the creation of "RESTful" services (RESTful is a technology, which is the trend in this

technical area). It was also expected that ECLA symbol descriptions would be available in OPS towards end of the year.

a) Statistics on usage

OPS version 2 showed steep increase in use in the first quarter of 2010, with 1 600 users weekly and approximately two million requests per day (stable compared to a year ago).

H. DEVELOPMENTS OF THE PUBLICATION SERVER

The Office reported that its Publication Server was now providing a very stable service.

a) Statistics on usage

The number of users of the Publication server is stable at some 5000 users per day, whereby the volume of data is increasing at about 10% per year.

In response to a request from PatCom, the Office agreed to put together a rough country-by-country stats analysis in time for the next meeting.

I. ANY OTHER BUSINESS

a) Visualisation

The Office announced to PatCom that it had been working on developing some models for statistical analysis and graphical visualisation techniques, based on the data in its worldwide database, DOC-DB. There were three main influencing factors behind this:

- the EPO regularly receives requests for statistics;

- other public organisation such as WIPO and the OECD already offer attractive visualisation tools;

- on the internal side, the Controlling Office would like to provide information to broader public giving a clearer view of the EPO's backlog.

The current plan, said the Office, was to provide two types of access: one for the public, with some restricted means to create graphs; and a log-on access, available to subscribers of EPO products like GPI, with additional means to look into data subsets, e.g. based on classes, citations, families and other indicators.

The Office expected to be able show the new product later in 2010 and agreed that "Visualisation" should be on the agenda of the next meeting between the Office and PatCom.

J.   DATE OF THE NEXT MEETING

The next meeting was provisionally set for 21 September 2010.