

05.12.2012

Participants: DPMA: Michael Ganzenmüller, Hauptabteilungsleiter 2
Hubert Rothe, Abteilungsleiter 2.1
Bernhard Geyer, Abteilungsleiter 2.2
Dr. Harald R. Seitz, Referatsleiter 2.1.2

PatCom: Armin Förderer, FIZ Karlsruhe, D
Martine Massiera Della Valle, Questel, F,
Gert Frackenpohl, Lighthouse IP Group, NL
Stefan Winneke, Thomson Reuters, D
Gerold Frers, Siemens AG, D, PDG Observer
Arndt Mecke, Siemens AG, D, PDG Observer
Prof. Dr. Georg F. Schultheiss, PatCom Sekretär, D

Mr. Ganzenmüller welcomes the PatCom delegation and agreed to use English as language in case of the participation of delegates who do not speak German.

Mr.Förderer as head of the PatCom delegation thanks DPMA for the agreement. The proposed agenda (see annex 1) has been agreed.

1. Development at DPMA

Mr. Ganzenmüller explained that after the start of ELSA in June 2011 DPMA could note a significant success in correcting bugs (errors) and to reduce difficulties. The system is getting better day by day. A significant part of the bugs / errors results from problems that occurred in the framework of the migration of data from the old administration system to the new one.

Within the DPMA electronic filing system DPMAdirekt an option will be added in 2013 allowing the applicant to subsequently submit documents to already pending applications.

The electronic trademark system will have no work flow parts. Interfaces to WIPO and OHIM are necessary.

Mr. Frers asked when the electronic file inspection will be available. *Mr. Ganzenmüller* stated that this service still needs legal approval. He expects the system ready by Mid of 2013, but single file parts can be blocked if they include „personal data“. The respective “file cleaning process” already started.

Mr. Mecke asked if there will be download restrictions. *Mr. Seitz* said there will be no bulk-download but only single documents out of the data set of a patent file. *Mr. Geyer* added that non-patent literature citations are represented by their bibliographic data and, if possible, by external links since they have copyright protection.

2. Unitary Patent

The included countries achieved compromises for the articles 6, 7 and 8, but the suit of Italy and Spain is still at the European Court of Justice. DPMA expects that the enhanced co-operation concerning the Unitary Patent will become effective finally. DPMA does not believe that the new system will have significant effects on the national business in the medium term.

A short discussion showed that applicants might hesitate to allow European courts to handle infringement etc. *Mr. Ganzenmüller* added that there will be a transition period of 7 years with the possibility of extension. A new body at EPO has to settle the fees.

3. Development of Classifications

Mr. Geyer stated that DPMA will continue with IPC. From 01.01.2013 all German entries in DOCDB will be CPC classified. New DE documents will be classified according to CPC by the EPO. *Mr. Rothe* added that in the framework of further IPC revisions FI terms may be introduced by JPO into IPC. The first revision of CPC is announced for April 2013.

Mr. Frers is still waiting for data and will look how the ECLA workflow runs under CPC in a separate field.

Mr. Schultheiss reported from the last INPI meeting that WIPO is preparing a new 5 years plan and has an IPC workshop on February 25, 2013.

The audience unanimously has the opinion that the harmonization of the different classifications will keep us busy for some more years.

4. Further Developments

- a) *Mr. Seitz* stated that for DEPATISNET no MT is offered so far. *Mr. Frers* sees the need for better coordination of MT activities of IPOs and *Mr. Seitz* sees no institution which may be able to do this.
- b) *Mr. Rothe* explained that an option to delete family members from a hit list has been created in DEPATISnet. A linkage between DE documents being part of a hit list of DEPATISnet and their respective pages of DPMAregister is currently

under preparation. Since 11.10.2012 a link from the European Federal Register to DPMAregister is possible and has been announced at the EPO-PIC at Hamburg.

- c) *Mr. Rothe* explained that currently there are no plans for development of the alerting service. The number of users decreased from December 2011 (4100) to December 2012 (3800). The service will continue and the users have to login. After some time of no usage they have to re-licence.

Ms. Massiera asked for problems with the new licensing of DE raw data. *Mr. Seitz* explained that the subscription procedure for the weekly raw data delivery (DPMAdatenabgabe) had to be amended in order to create a better compliance with the requirements of the data protection act. New clauses dealing with data privacy aspects were included in the text of standard agreement. These new clauses are applicable for all data and for DPMAconnect. He asked *Ms. Massiera* to contact him in order to clarify the problem with Questel.

“Connect” for national patents and utility models will be similar to existing services for trademarks and will show legal status and bibliographic data but no full text.

5. Experiences with MT

Mr. Geyer reported that machine translations to English on the fly via the Japanese, Korean and Chinese sites meanwhile show useful results and the experiences are good. Beside this, the DPMA intends to buy bulk machine translations and load them in DEPATIS for internal use only.

Epoque is used by DPMA examiners mostly in chemistry and pharmacy.

He drew the attention of the audience to an article in World Patent Information on MT experiences (Jane List, Review of machine translation in patents – Implications for search, World Patent Information, Volume 34, Issue 3, September 2012, Pages 193-195, ISSN 0172-2190, 10.1016/j.wpi.2012.05.005.)

<http://www.sciencedirect.com/science/article/pii/S0172219012000786>)

Differences in translation systems and reverse translation has been shortly discussed.

AOB

The provisional date for the next regular meeting will be November 12, 2013. Details will be agreed between *Mr. Rothe* and the PatCom Secretary.

With best wishes for Merry Christmas and a Successful New Year *Mr. Ganzenmüller* and *Mr. Förderer* adjourned the meeting at 03:30 pm.

Armin Förderer
PatCom
Member of Executive Committee

Michael Ganzenmüller
DPMA
Leiter der Hauptabteilung 2

Prof. Dr.-Ing. Georg F. Schultheiss
PatCom
Secretary

Hubert Rothe
DPMA
Leiter der Abteilung 2.1

Annex 1

Agreed Agenda for the 9th Regular Meeting between DPMA and PatCom:

1. Development at DPMA
2. Unitary Patent
3. Development of Classifications
4. Further Developments
 - a. Depatisnet Translations
 - b. DPMAregister
 - c. Improvement of Alerting Service, User Reaction, Statistics
5. Experiences with MT
6. AOB
 - a. Next Regular Meeting: Provisional 12.11. 2013