

**Minutes of the 10th Meeting of the DPMA and PatCom
on 7th November 2013, at 2pm in München**

11.11.2013

Participants: DPMA Michael Ganzenmüller, (MG) Hauptabteilungsleiter 2
Hubert Rothe, (HR) Abteilungsleiter 2.1

PatCom: Armin Förderer, (AF) FIZ Karlsruhe, D, PatCom
Treasurer,
Jurjen Dijkstra, LexisNexis Univentio, NL
Jochen Lennhof, Minesoft, D
Gert Frackenpohl, Lighthouse IP Group, NL
Stefan Winneke, Thomson Reuters, D
Arndt Mecke, (AM) Siemens AG, D, PDG Observer
Prof. Dr. Georg F. Schultheiss, (GS) PatCom Sekretär

Hr. Ganzenmueller greeted the PatCom members to the meeting. Armin Foerderer introduced each PatCom participant to the DPMA, and the meeting followed the Agenda as listed in Annex 1.

Namely:

- 1) Developments in DPMA (MG). During 2013 the new IT System has been introduced, and it is expected to provide some major improvements, which should lead to better statistics for timeliness. The waiting time for amendments to the Patent law amendments is over. The amendments will be formalised on 24/10/2013, and on 25th a corresponding work programme will be introduced. From 1st April 2014 the rules will be implemented.

The changes are:

- a. Online inspection for all areas for which electronic records are held.
- b. IT: '*electronic signature*' was a major issue which the Office and the Federal Patent Court needed to clarify. Ambiguities introduced through the structure of the electronic record; occasional mistakes were resolved
- c. SOA (Software-oriented Architecture) *from IBM is scheduled for integration in March 2014.*
- d. The introduction of SEPA (Single Euro Payments Area) for financial services is complicated as dependent on the Federal Treasury. A practical approach will be developed.
- e. The patent law amendments will be deferred many times (see above).

- f. The project DPMAmarken is on time, it was more expensive than anticipated. The electronic file inspection for TMs is active since 2013.
- g. The DPMA process centre will be modernised.

AF asked what the impact on the databases would be, and HF informed that an extension of the time to file an appeal of 9 months. The extension of 6 months would be notified and printed on the patent specification. There will be no new publication. The industrial design will be renamed as '*Design*', in the '*Designs Gazette*' in the '*Design pages*'. The patent law amendments and the design law are handled under two separate legislations.

2) Federated Register

HR clarified that the DPMA hopes by second quarter 2014 to be able to offer access to the Federated Register, if the EPA is available (Level 2). The data table is ready, and the implementation will be programmed. The Unitary patent will be given a code of '*1 state*'. The continuation to Level 3 is currently unclear.

3) Developments in Unitary Patent.

The DPMA learnt in the Superworkshop in Bologna that there remain questions over the type and implantation and that eventually the impact on the information services will be assessed.

AM asked what the Unitary patent covered, which countries, how this would be noted, and if there would be a legal data element added? As far as he was concerned, that other aspects also were important for industry, e.g. as business intelligence. Eventually the EPA plan to publish this type of information in a 'Front-page'

HR further explained that there were no current plans for the DPMA register to take Unitary Patent data. AM asked whether legal foundations would be required to include the new patent right. HR answered, No, but a clear user requirement would be needed, e.g. from ARPAD. The Markenregister is already functioning.

4) Classification developments. The DPMA clarified that so far they are not working with CPC. Although CN, RU, KR and BR have declared they will use CPC, DPMA consider that there is currently no real advantage to making the change, particularly given the high cost needed.

The PCT minimum date states that classification must be by IPC, and the DPMA must especially ensure material for national examinations.

5) Data Protection. *MG explained that due to Data protection it is too difficult to 'clean up' files from personal, protected data, and therefore where there may be personal data in the files, they are not available to the public. This avoids*

implications for Data Protection and Copyright. There are for example, information on proceedings cost assistance (EPA doesn't have this), legal Information (also Reinstatements can contain personal data), NPL (only citations (due to Copyright)).

A procedure will be developed to ensure new records are clean. Deadline was 21/1/2013, with a transition time of 2-3 years. If by April 2014 no electronic records are available, then the user can press a button to create the files. It is not a formal "Auftrag auf Autensicht" request for file inspection. The DPMA would test the method and check that it will not adversely impact the workflow. It is also intended, to make complete records downloadable.

6) Experience with automatic translation. HR explained that Hr. Geyer would be retiring soon, and his position has not yet been filled. The DPMA has positive experience with CLIR-Principle (Cross-Lingual Information Retrieval). Machine translation into English will be available in DEPATIS for internal users (including the Patent Information centres). Firstly with Japanese documents from 1993, and according to demand, possibly earlier Japanese, Korean and Chinese could follow.

7) Any Other Business.

a) PATCOM organisational. GS informed DPMA that following the AGM in Bologna, Mme. Martine Massiera Della Valle, Questel, F, will take up the PatCom Presidency from 1/7/2014, and that a new secretary will be appointed. GS bade farewell to the DPMA Team and thanked them for a positive and worthwhile, 10 year long, working relationship.

b) The next meeting is provisionally planned for end of 2014. Details to be agreed with HR in due course.

The meeting was closed with best wishes for the Financial Year, und for 2014. The meeting ended at 15:20.