

## **Minutes of the PatCom Executive Council Meeting held at ComInfo, Frankfurt, 15 June 2004**

### **Present:**

Willem Geert Lagemaat – President  
Prof. Dr Georg Schultheiss – Hon Secretary  
Gert Frackenpohl – Hon Treasurer  
Rob Willows – EC Member  
Richard Garner – Minutes

### **Apologies:**

Ann Chapman – EC Member  
Pierre Buffet – EC Member

## **1. Welcome**

WGL opened the meeting at 12:30 and welcomed everyone to the first meeting of the PatCom Executive Council. He said that GF had accepted the position of Hon Treasurer and he hoped that GS would soon be accepting the position of Hon Secretary. For the time being RG had volunteered to act as Minutes Secretary.

## **2. Honorary Secretary**

### **a. Role**

WGL reminded the meeting that under the new constitution, formally adopted at the EGM in Baltimore on 23 May 2004, the position of Hon Secretary was to be a semi-permanent one and the post holder would be remunerated for their time and expenses. GS had been nominated so the objective was now to agree the exact terms and conditions of that appointment.

RG distributed a draft guideline of the role and responsibilities of the position of Hon Secretary to the members.

GS pointed out that, though retired, he was consulting for the IAEA and that position placed certain demands on his time and availability. He thought it wise to ensure that his obligations to the IAEA did not conflict with any dates planned for future PatCom meetings. Diaries were consulted and provisional meetings in 2004 set for 16/17 September in Vienna, 25 – 27 October in Prague, 30 November – 2 December in London.

Reviewing the description, GS felt that some of the proposed activities might be better handled elsewhere. For example GS was able to produce the newsletter but distribution could be done externally. WGL said that PatCom was starting out with a very limited budget and costs must be tightly controlled. In time, through the increase in funds that would come from expanding the membership, it might be possible to bring in extra help. On the web site it was agreed that there would

be a members' only segment, with, perhaps, a distillation of information for the general public.

WGL stated that the priority was for the group to produce documents detailing the role of the respective PTOs. Yutaka Wada would take responsibility for creating the document on the JPO; Joe Ebersole for the USPTO and this group for the EPO/Trilateral relationship. It was important that this document was ready before the end of August.

**b. Remuneration**

WGL asked GS to commit to working 2 days per month for PatCom, i.e up to 25 days per year. In exchange he proposed remuneration of Euros 1,000 per month plus reimbursement for travel and other PatCom related expenses. The remuneration fee would be fixed for 1 year and reviewed afterwards. Payment would be made quarterly in advance. It was agreed that GS would send his invoice and expenses to GF for authorization. WGL added that the workload in the first year was expected to be the heaviest and that if demands on GS' time far exceeded the estimate, the remuneration could be reviewed.

**c. Expenses**

WGL explained that expenses would cover such matters as travel and accommodation, plus administrative costs such as stationery and postage.

GS said he was willing to accept the terms and it was, therefore, agreed that WGL would issue GS with a Letter of Intent forthwith and a formal contract at the beginning of July. The appointment contract would be for a period of 1 year, starting July 1, 2004 with automatic renewal for a second year unless either party gives 3 months notice.

WGL formally welcomed GS to the Executive Council.

**3. Review and agree 100 day plan**

WGL stressed that in view of the meeting of the Trilateral Offices in September, there was an urgent need to prioritise the activities and to respond formally to the outcome of the March 2004 meeting. At The Hague meeting the EPO announced their plans to add IPC coding to non-patent literature, making it possible to search approximately 1.4 million NPL records on Espacenet. RW said that this duplicated the work done by Questel and that naturally they were unhappy with this response from the EPO.

WGL added that several of the national offices had also expressed their dissatisfaction with the EPO's policy in private to members of PatCom. He

continued that the EPO's version of The Hague meeting placed a different emphasis on the level of disagreement between PatCom and the EPO.

GF said that at the recent PatInfo meeting in Imenau, Wolfgang Pilch had stated that the EPO must soon begin to offer multi-page downloads of documents from Espacenet.

WGL was keen to ensure that the EPO was adhering to its mandate. He suggested that PatCom's paper be based on official documents of the EPO including the conclusions from the 1997 hearing. GS confirmed that FIZ-K have the papers that he wrote to the then President Ingo Kober. RW added that there was clear support for PatCom's position from industry (PDG) saying that they wanted a clear demarcation between the role of the EPO and the information industry. Moreover, he said that there was still no evidence of the SME market using the EPO's services adding that they were precluded from doing so by the high costs and long pendency. There had even been a suggestion that Espacenet would be spun off.

WGL said that PatCom needed to know where the EPO was going; at the moment there is a level of uncertainty and he asked GS to begin making a list of the main points for discussion and circulation to the Executive Council. WGL confirmed that he was due to meet with Joe Ebersole at the end of June.

#### **4. Establishment of Working Groups**

WGL said there was a strong need to share the workload and he was, therefore planning to establish a series of Working Groups. Amongst the Groups he had in mind was Data Feeds, Communication with EPO and national offices, WGL said he would chair the Data Feed Working Group and recommended that others be chaired by other members of the Executive Council.

He also suggested that one member of the Executive Council should be responsible for liaising with industry groups such as the PIUG and the PDG.

RW added that it was pressing that PatCom address the issues of changes to IPC, the introduction of XML and the Patent Server. He also reminded the group that at the last meeting with the EPO, Curt Edfjäll, EPO Vice-President, had suggested dividing the meeting into two: technical and policy.

GF made the point that Espacenet was becoming a global network not a national service. He continued that the EPO had promised text data since April 2004 but nothing had yet been received and there wouldn't be any time to change

The meeting was adjourned at this point to allow GF and GS to attend the EPO presentations. It was agreed to recommence the meeting at 15:30.

## **5. Legal Status**

WGL confirmed that work had begun setting up the “Vereniging” at The Hague. GS suggested that PatCom might follow the Eusidic model and WGL offered to look into this. WGL added that it might also become necessary to establish an entity in Germany in case a law suit arises, as the formal seat of the EPO is in Munich. It was agreed that this would be the last resort if no other options were available.

## **6. Membership Dues**

WGL said that membership dues could be collected once the bank account had been established. For convenience it was suggested that some means of electronic signing be set up for WGL and GF to authorise payments from the account. Although the official address of the Hon Secretary would have to be in The Netherlands, duplicate copies of the bank statements would be arranged.

It was agreed that WGL and GF would work on setting up the infrastructure, decide where invoices should be filed and establish whether it is possible to register as a VAT exempt organisation. Moreover, they would work out an invoice that is accepted by the international authorities.

WGL asked GS to work out a budget for his travel plans and to develop a budget for the rest of 2004. GS would liaise with GF over this.

## **7. Membership Expansion Program**

WGL said that the aim was to make membership of PatCom open to the wider industry and to broaden the agenda of the organisation. It was agreed that WGL and GS would draft a list of potential organisations eligible for membership.

### **a. Nerac**

WGL had proposed Nerac at Baltimore and questions from the other members had required him to clarify the position constitutionally. He added that Nerac was a US based patent searching company and that they had requested membership. They were also offering document delivery and this was being undermined by Espacnet. He said they were currently a member of the Coalition. Univentio had nominated Nerac for membership; Minesoft and Patolis had seconded the nomination. He therefore welcomed Nerac as a full member of PatCom.

## **8. Patent Office Items**

### **a. Questionnaire DPMA**

GS said the questionnaire was similar to the EPO's in that it asked about the willingness of users to pay for services and whether they needed to carry out state of the art searches. It also asked users whether they use paid for services, which ones and why and which additional services they would like to see. It was agreed that the subject of Depatisnet would be added to the agenda.

### **b. Meeting DPMA**

The meeting with the DPMA was provisionally set for 1/2 September or 22/23 September. (After contact with DPMA, new date is October 5).

### **c. Meeting EPO**

WGL said he wanted a pre-meeting with the EPO and asked GS to set it up. GS asked for copies of previous meeting minutes. WGL said he was looking for a small, informal meeting during which PatCom would be looking for a non-compete agreement. He suggested the last week of August, perhaps 31<sup>st</sup>, the meeting should include Curt Edfjäll, Gerard Giroud and Wolfgang Pilch. GF would produce a detailed list of topics.

### **d. Meeting WIPO**

WGL said that the WIPO plan was now out of date and that contacts with the organisation needed to be improved. It was agreed that GS would speak with Bill Guy at WIPO to establish the right level of contact.

RW added that WIPO wanted more discussion, in particular with representatives from industry. The PDG is represented and it was time that PatCom was also involved. RW undertook to find out who the key person in the information dissemination group was.

### **e. Meeting National Offices**

RW confirmed that Alain Pompidou would take over as the next President of the EPO, to be followed by Alison Brimelow, former Chief Executive of the UK Patent Office, in 2007. Her successor at the Patent Office is Ron Marchant. Contacts at INPI and the Swedish Patent Office (PRV) are also needed. WGL will align those contacts.

**9. Date and Venue of the AGM**

Under the constitution, the AGM is to be held in May each year. An EGM will be held at Online in December with constitutional changes, 6 month report, fees review and business meeting on the agenda. The venue will be the Thomson room at Olympia.

**10. Any Other Business**

WGL and GS will meet at Univentio on 6 July to discuss the trilateral meeting paper and, hopefully to sign the Hon Secretary's appointment contract.

**11. Date of Next Meeting**

The next meeting of the Executive Council will take place on the evening of the 16 September in Vienna, to be followed by the meeting with the EPO on 17 September.

**12. Close of Meeting**

WGL thanked everyone for their attendance and contribution. He felt it had been a very productive days' work. He closed the meeting at 16:30.