

Minutes of PATCOM Meeting held at EPIDOS, Luxembourg 12/11/03

Attendees

Gert Frackenpohl, INCOM
Nancy Le May, CAS
Huei-Nin Liu-Johnson, CAS
Armin Forderer, Fiz Karlsruhe
Brian Gore, Derwent
Thomas Lorenz, BASF/PDG
Peter Kallas, BASF/PDG
Ursula Schoch-Gruebler, BASF/PDG
Rahman Hyatt, Minesoft
David Dickens, Questel - Orbit
Pierre Buffet, Questel – Orbit
Richard Garner, Univentio
Rob Willows, Derwent
Ricardo Vieira, MicroPatent
Yusuko Kita, Patolis
Yuji Takashima, Patolis
Yutaka Wada, Patolis

Minutes

Welcome to members and PDG observers
Presentation of minutes

Report of President

Huei Nin, CAS comment about results of EPO survey is that many SME are not aware about Patent Information and they should divert funds to education as opposed to pouring resources into developing new interfaces.

Garner, Univentio, the level of understanding in the SME community has not shifted 1% since Espacenet

Willows, Derwent, The attitude of the EPO is that if we build it, they (SMEs) will come. What the EPO should do is to educate people first and then follow up. We need a statement of intent from the EPO. Graham Day yesterday (in conference session) aimed his comments to professional users. Patcom should present our own response to the survey

Huei Nin, CAS we need to highlight the inconsistencies in the EPO's message

Gore, Derwent The building of little empires by Day and his colleagues is an issue. If the EPO wants to educate then they should educate in co-operation with the National Offices

Buffet, Questel although I agree we do not pay for something and therefore others need to make the case best rather than PATCOM. The costs claims for Espacenet are not peanuts which they often say.

Willows, Derwent I would love to see breakdown of the costs of Espacenet.

Dickens, Questel: Day has not changed his attitude at all since he first showed off the first version of Espacenet.

Willows, Derwent: Reduced filing fee for SME's would help

Vieira, MicroPatent: Discussion about Filing Fees vs Maintenance Fees, making the point that it is not the filing fee but rather the maintenance and translation fees that should be reduced

Dickens, Questel: Stressed the benefit of having public discussions about the issue with the point that it was the public discussion in front of applicants that caused a strong negative reaction from the EPO in Nimes.

Schoch, BASF: The PDG initiated the discussions to get the EPO Hearing in 1997. We need to be clear that as a result of this hearing the role for patent offices is to distribute raw, 1st level data and legal status data only. The commercials should continue to provide the value add. What was agreed in 1997 was that all users should be able to get patent data at marginal cost. I got the impression that the commercial providers did not use the opportunities open to them. I learned that the reason had been technical problems in delivering the data. I was not happy that the commercials just accepted it and did not fight more strongly for better delivery, timeliness, and quality. Moreover, the commercials are in an awkward position if they criticize the EPO because the EPO is not only their supplier but also a big customer.

The PATCOM members can argue for the maintenance fees' reduction and the real production cost of Espacenet but this will not solve the problem of the competition with free-of-charge services.

You cannot expect from industry a statement that we do not support a free-of-charge service – that we would prefer to pay instead of getting a lunch for free - because we already pay the whole bill through the applicants' fee.

But we do see the danger that the producers of value added information might not be able to compete with this free-of-charge information services in the long term especially when the EPO upgrades its services via new technologies.

Industry needs both types of services.

Wolfgang Pilch is involved once more and he understands the issues. The PDG is prepared to support your efforts if you prove that the patent offices do not live up to their promise of providing the data on time and properly. Pilch has said, "I am sitting on data and I want to give it to you, but you need to tell me so that I can fight for it".

It is typical for the attitude of the providers that when I asked for the encrypted data we did not get any support yesterday (in the session) apart from Rob Willows of Derwent. We cannot fight on your behalf. You need to clearly define a strategy to get them [the offices] to deliver on their promise. As industry, we really do not want the EPO to get a monopoly on filing and also on the distribution of information. You, as commercials, must fight and stop being tame tigers. I am not prepared to ask industry to help unless you are willing to argue your position.

Garner, Univentio: This [PATCOM] is supposed to be a pressure group

Schoch, BASF: The EPO organized the Hearing because the old EPO information policy was a burning issue with the public. Only if PATCOM can show that the EPO does not fulfill its promises, and through this the private sector is endangered, will we have to reopen the discussion in public.

Willows, Derwent: One of the things we need to do is that many of us are taking data out of their legacy systems not Espacenet. It is the speed of the delivery which is really bad, even the Korean office can deliver us data on time. The EPO have spent no money on the delivery and we need to put more pressure on them to get them to do this.

Schoch, BASF: We need machine-readable data delivered with a reliability that you can use. It took us 5 years and it took many battles but we got them to change its [EPO] policy. But my impression is that there was no real pressure from the commercials to make them fulfill the promise.

Buffet, Questel: The foundation of Inpadoc was a legal right to access and it was paid to subscribe, and we could have taken them to court. Now with free data, there is no leverage.

Schoch, BASF: The PDG is happy to host a meeting on EPO information policy that brings together the applicants, the EPO, and the commercials.

Buffet, Questel: Since there is no formal contract with EPO and the providers, it is very hard to put pressure on them.

Lagemaat, Univentio: I argued for this last year and it is still on the table. We asked for an overview of the image collection that they have. We have only just received it.

Schoch, BASF: This is completely unacceptable. Why didn't you approach the members of the EPO Hearing? Why didn't you call us and bring us into it? You are too full of courtesy.

You need to demand high-quality data and make them provide it. Behave as PATCOM, not as individual members because they cannot punish you as a group. Meet every week with Pilch and tell him that you will get industry involved. If you get from the EPO what you need then you have no need to fear of Espacenet. Intelligent retrieval is a problem, because indexing might be surpassed by it. If intelligent retrieval is successful then all indexers will have to look for new jobs.

Buffet, Questel: Agrees with Schoch, BASF, points out that yesterday he said that he wants to go beyond publication

Garner, Univentio: At a workshop I attended I believe that EPO is going beyond anything they are saying, for example automatic indexing, classification, indexing, auto translation, where does their remit begin and end.

Garner, Univentio: There is no level field, they are using their funding to develop a monopoly.

Schoch, BASF: There is no argument against this except one, the division of power (granting and information supply), because if they use our applicant fees to give us free information then I can't argue against it. To be able to argue we have to question the philosophy behind it, which means: what is the role of the patent offices?
There is much discussion already on the patent offices' effect on the private sector and level playing fields.

Frackenhohl, INCOM: Call to time by and reminds us to look towards a meeting with PDG. Points out inconsistencies in their arguments.

Schoch, BASF: I think you should really take the chance to contact Pilch to see if you can get changes. We will support you if needed.

Lagemaat, Univentio: we are being used as leverage this has been said before

Schoch, BASF: you are in the marvelous position to use the EPO Survey to support your argumentation.

Wada, Patolis: We made the argument in Japan. What kind of free service should government be involved in. Used example of Soup Kitchens, what happens if kitchen becomes tastier and too popular, then it will come under pressure to make more kitchens. Public Information is a raw material which makes talented people richer. Are there any point of convergence between the patent offices. Money has been charged before hand for a use which has not been specified. What we have to think about is the monopoly situation, and the division of power.

Schoch, BASF: 3 points to make,
It is still to be proved that the free [services] will destroy the paid.
All commodities are free under the internet.
And the commercials are not flexible enough.

Frackepohl, INCOM: Sorry, we need to stop discussion because we are out of time.

Frackepohl, INCOM: Discussion, needs to finish in 5 minutes. Need to get USPTO representation. Next meeting information will go out to members, soon.
We need to send company description to IP Century, this will be done in London.

Thanks all round for such a strong discussion. Look forward to the London meeting.