

**Minutes of the
PatCom Annual General Meeting (AGM)
9th November 2005, Budapest, Corinthia Grand Hotel Royal**

Room Léhar, 12:45 am

09.11.2005

Participants:

Willem-Geert Lagemaat, LEXISNEXISUniventio
Gert Frackenpohl, INCOM
Claus-Dieter Siems, FIZ Karlsruhe
Ophir Daniel, Minesoft
Pierre Buffet, Questel
Rob Willows, Thomson Scientific
Cinda Harrold, CAS
Nancy Lemay, CAS
Georg Schultheiss, Hon. PatCom Secretary

1. Welcome and Approval of the Agenda

The PatCom President Willem-Geert Lagemaat welcomed all participants and stated quorum.

The agenda was unanimously approved without changes.

2. Approval of the Minutes of the Baltimore EGM

There were no objections against the minutes from the London AGM and they were unanimously approved. They will be signed by the President and the Rapporteur and stored with the official PatCom documents in Katwijk.

3. Annual Report of the President

Willem-Geert Lagemaat distributed his Annual Report for 2005 as handout (see Annex 1).

In his oral presentation he stressed the need for PatCom internal clarification for “where to go from here?” He stated the achieved and not achieved situations and/or actions and reminded the members to work more on the evaluation of the negative effects by free of charge services from the offices. The PatCom management needs to know better figures on loss of revenues by the steadily growing band of those actions from the trilateral and national offices.

There was no further discussion.

4. Report of the Treasurer and Financial Issues

The Treasurer Gert Frackenpohl summarized that the financial situation of PatCom is stable and sees actually more than € 10,000 on the account. The accountant got detailed records to be proved for the Netherlands authorities.

The 2004/2005 audit result of the accountant will be distributed as soon as it becomes available. The balance sheet 2005/2006 will be distributed after the end of the financial year (30. June 2006).

5. Replacement for the Constitution

The President made a short presentation on the basis of the distributed proposal for this agenda point (see Annex 2). After an explanation of the resulting expected financial situation by the Treasurer the proposal was approved unanimously.

The Treasurer will provide a respective new replacement to be added to the constitution officially and contact all members before the next financial year.

6. Report of the Board and the Executive Board

The Secretary explained shortly the report, which was distributed as handout (see Annex 3).

The Board met once in March to prepare the action plan, the trilateral meeting along PIUG and the upcoming meetings internally and externally. The Executive Board met 5 times since the last AGM.

Minutes of the Executive Board will also be shown in the members-only section of the PatCom web page after approval.

7. Report of the Working Groups

The chairmen of the working groups reported on the ongoing activities:

a) Technical WG

The chairman Robert Willows explained that IPC 8 reform was the main event in 2005 and fostered significantly the member participation in the technical working group. The cooperation with the offices in IPC 8 as well as in St36/XML will go on in 2006. Rob Willows asked for feedback early in 2006 after implementation of IPC 8.

As extensions for the working group topics

- quality of supplied data
- Overview of data feeds of offices and of their services
- Platforms and formats of EPO and
- The policy of the French Office

were mentioned by the participants. Some of these topics will be put into the EPO agenda for March 2006. Interested members not included so far shall contact Rob Willows.

b) SME-Training WG

The chairman Georg F. Schultheiss distributed the report as handout (see Annex 4). The latest result was a data set for being included into WIPO and other offices web pages for SME training.

The chairman thanked all participating members.

8. Appointment of the Executive Board

The President explained the actual situation of nominated candidates. Following the constitution the AGM decided unanimously to have an executive board with four members in the next working period from July 2006 to June 2008.

The four candidates Pierre Buffet, Gert Frackenpohl, Willem-Geert Lagemaat and Robert Willows were elected unanimously.

The future board elected Willem-Geert Lagemaat as President and Gert Frackenpohl as Treasurer for the next period.

The President Elect proposed Georg F. Schultheiss as Secretary for the next period to the AGM. This was approved unanimously.

9. Trilateral Cooperation

Willem-Geert Lagemaat explained that at the trilateral meeting in Crystal City along the PIUG meeting it was decided to have each year a trilateral letter to the offices. The latest has been mailed end of October 2005. The cooperation with the US is as usual, with Japan the communication is a little difficult, but we will try to improve it.

10. Proposed New Members

The president announced that Prous, Barcelona, Spain would become member in the next weeks. Empolis has been approached at Nimes and at Budapest.

11. AOB

The next AGM will be at the EPO Patent Information Conference at Cyprus, which is planned for November 06/08, 2006. Details will be mailed in due time.

There were no more topics and the meeting was adjourned at 13:57 pm.

Willem-Geert Lagemaat
President of PatCom

Georg F. Schultheiss
Hon. Secretary of PatCom

Commercial Patent Information and Service Providers

PatCom AGM 2005
Epidos conference Hungary
November 9th, 2005

President's Report 2005

Annex 1

Dear all,

Looking back at the past year a number of things come to mind. For this report I am providing you with an overview of these things and during the meeting I will go into more detail on each of those items.

What is important to define at this AGM is where we are going as PatCom group. When we look back now at the first two year period of our official structure, we can conclude that a number of things that we planned have not been achieved.

What we have achieved, however, is significant. We have been able to establish an active technical working group. This resulted in a number of meetings with the EPO and WIPO which enabled us to be better prepared for the upcoming changes with IPC 8 and ST.36.

We have been able to become the official communication platform between a number of patent offices and commercial providers. For us a providers that has resulted into better relationships with the offices, enabling us easier access to certain information sources, avoidance of unfair-treatment (or preferred treatment by offices to preferred commercial providers) and increased awareness of changes that are upcoming before they actually occur.

We have established that we do not want to take legal action for a variety of reasons. The question that we have to ask ourselves is whether we want to continue the dialog with the representatives of the national offices in the administrative council to try and change things. However, the problems that lie at hand there are also obvious as the number of small countries joining in the council (each with one full vote) is increasing and these small countries (some very young) all want to get as much information as possible for as little money as possible.

The training working group has been founded. What we have learned there is that we as commercial providers sometimes have to look at ourselves to learn that on some things we do not want to move. The number of initiatives for training of SME's by the patent offices is many times the initiatives we take.

We have increased the number of members of PatCom. We have not added all the companies that we would like to add, but we are continuing to grow the organization.

Sharing of information is another area where we need to improve on. Currently we are still afraid to share information about lost revenue or staff impact that certain changes at patent offices cause. However, if we cannot materialize on the quality of information that we provide showing the impact of these changes, we will never be able to proof our position.

With the German patent office we have achieved that they will not add new functionality to their web services unless the EPO does so. They (and other national offices) are also put under pressure from the EPO, local government and from users to expand their services when another office adds new features and/or functionalities.

The EPO is not going to change its development policy. As PatCom we have established to be informed as soon as possible, which in some cases is still less than 6 months before the change occurs. However, this is already a major step forward.

One less positive conclusion that we have drawn is that we are unable to change the EPO's development policy via the routes that we have used so far. We are going to continue to see new developments show up, pushing the boundary further and further.

To survive in this industry it will become more and more important to add value as providers. This race has started some years ago, and the speed is increasing. PatCom helps navigate and support our members by being informed, but we are not changing it. From the survey under our members we have found that we accept the fact, and deal with it.

This brings me to the next topic, which is the question where we go from here. As a group we have been able to achieve some significant milestones. The questions that lie in front of us, is whether you as members want us to continue filling this role, focusing on the relationships with patent offices enabling us to be informed, involved in data projects and use those relationships for the benefit of our members.

Budapest, November 9, 2005

Replacement of Final Statement No.2 of the PatCom Constitution from November 2004

The Executive Board discussed very carefully the member situation with respect to the increase of mergers and acquisitions. It was seen as necessary to reconfigure the membership fee structure and eventually the voting regulation. A proposal for the AGM has been made in the meeting of the ExCo in Scheveningen on September 7, 2005.

For the necessary decision on this issue in the AGM in Budapest facts are listed in the following.

Basis from the existing Constitution:

A-members

Article 5

1. A-members may only be legal entities that are active as a commercial provider of products and services related to patent information, and who focus primarily on the non-public sector.

General Membership Meetings

Article 14

1. The general membership meeting may be attended by members who have not been suspended, as well as those who have been invited by the Executive Board and/or the general membership meeting.
A suspended member may attend the meeting in which the resolution for its suspension is to be made, and is entitled to speak at the meeting.
2. With the exception of a suspended member, each A-member has one vote in the general membership meeting. B-members have no voting rights. Each member eligible to vote may authorise one (1) other member with voting rights to vote by proxy on its behalf.

Legally valid resolutions may only be passed if at least one-quarter (1/4) of the A-members are represented at the general membership meeting. If this quorum is not present, a new general membership meeting will be held within sixty (60) days. It will be stated with the invitation that resolutions will be voted on that could not be decided on in the previous membership meeting because of the lack of a quorum. If there is no quorum either at this new general membership meeting, the members present may nevertheless pass legally valid resolutions.

Amendments to the constitution

Article 18

1. Amendments to the constitution may only be made by a resolution of the general membership meeting which has been convened with the notification that a proposal for amending the constitution will be put forward at that meeting.

2. Those who have convened the general membership meeting to deal with a proposal for amending the constitution must have placed a copy of that proposal setting out verbatim the proposed amendment to the constitution at a suitable location for inspection by the members at least fifteen (15) days before the date of the meeting until the end of the day on which the meeting was held.
3. A resolution to amend the constitution may only be passed by the general membership meeting with a majority of at least two thirds (2/3) of the number of votes cast.
4. The amendment to the constitution will only come into effect once a notarial deed of the amendment has been drawn up.
Each of the Executive Board members is authorised to execute the deed of amendment to the constitution.
5. The provisions of paragraphs 1 and 2 are not applicable if all persons eligible to vote are present or represented at the general membership meeting and the resolution to amend the constitution is passed by an absolute majority.
6. The Executive Board members are obliged to deposit an authenticated copy of the deed of amendment of the charter and a complete continuous text of the constitution as it reads after the amendment at the office of the Registry of the Chamber of Commerce and Industry.

Final provisions

Article 21

The general membership meeting will assume all the powers that are not assigned to other bodies by or under the law or the constitution.

FINAL STATEMENT

For the first time

1. the Executive Board consists ...
2. the contribution for the association's year from 1 July 2004 to 30 June 2005 amounts to:
 - one thousand euro (€ 1,000) for an A-member, and
 - five hundred euro (€ 500) for a B-member.

Draft 1.1

Minutes of the PatCom Executive Council Meeting Held at Scheveningen September 7, 2005 – 08:10 pm

3. Proposal on Multi-Membership

The ExCo discussed financial and voting proposals and decided unanimously to present the following set to the AGM:

a) Annual Fee:

| | |
|--|--------|
| Small Members with up to 10 Mio € revenues from patent related business: | € 1500 |
| Medium Members with 10 Mio € to 50 Mio € | € 2500 |
| Large Members with more than 50 Mio € | € 5000 |

b) Voting:

One vote per legal entity.

The president and the Treasurer will prepare a proposal for an amendment to the constitution to be given to the AGM in Budapest for decision and to become effective with the next financial year.

Text of a new version of the final statement No.2:

- Explanation:
- A-Members are defined as legal entities in §5, 1.
 - We need nothing new about voting, this is already in § 14, 2.
 - We need only a new Final Statement No.2

Proposal for the AGM:

FINAL STATEMENT

Replacement of Final Statement No.2 of the PatCom Constitution from November 2004

**The contribution for the association per financial year (July 1 to June 30)
amounts for A-Members**

| | |
|---|--------|
| - Small Members with up to 10 Mio € revenues from patent related business | € 1500 |
| - Medium Members with 10 Mio € to 50 Mio € | € 2500 |
| - Large Members with more than 50 Mio € | € 5000 |

For B-Members the annual fee is € 750 as decided by the AGM in London 2004.

This becomes effective with the financial year starting July 1, 2006.

The majority of the meetings have been planned in a way that they took place upfront a mayor meeting, either with WIPO, EPO or DPMA. The agenda of the following official meeting with offices is always one of the topics in the respective ExCo meeting.

Since the last AGM in London PatCom ExCo and Board meetings as well as a trilateral meeting took place with the following main topics:

- **ExCo** on January 27, 2005 in Geneva: PatCom position and strategy 2005, trilateral issues and potential new members as well as the WIPO meeting were main topics.
- **Board** on March 21, 2005 in Katwijk: Check of action plans 2004 and 2005, the trilateral meeting along PIUG in Crystal City, all upcoming meetings in 2005 as well as the PatCom web page content were discussed. The treasurer and the president agreed the secretary's travel plan 2005.
- **ExCo** on March 3, 2005 in Munich: PatCom strategy and PatCom web page as well as the EPO meeting were main issues.
- The **trilateral meeting** took place on May 24/25 in Arlington, USA: It was decided to send a trilateral letter to the trilateral offices every year and a 2005 version was drafted mainly by the two present secretaries on the basis of the discussion during the meeting. The letter has been mailed in October 2005.
- **ExCo** on June 20, 2005 in Geneva: Future PatCom activities, multi-membership, the meetings with DPMA, EPO and WIPO as well as the upcoming AGM were on the agenda.
- **ExCo** on September 9, 2005 in Scheveningen: The upcoming DPMA meeting in Munich, the trilateral letter 2005 and the multi-membership were main topics.
- **ExCo** on November 7, 2005 in Budapest: AGM issues and the next WIPO meeting have been cleared.

The minutes or summaries of all meetings shall be presented to the members in the "For Members only" section of the PatCom web page after approval.

Georg F. Schultheiss,
Hon. Secretary of PatCom

30.10.2005

Report of PatCom Working Group (WG) Training to PatCom AGM 2005 in Budapest (Agenda 7 b))

Annex 4

**Members of WG: Ann Chapman, Minesoft
Reinhard Schramm, Paton
Georg F. Schultheiss, PatCom Hon. Secretary (Chair)**

In November 2004 just before the London AGM the WG Training mailed a questionnaire to all PatCom members. The reason was to broaden the basis for cooperation with EPO and other offices. Unfortunately the response to this questionnaire was very, very poor.

For the envisaged cooperation with EPO the WG Training provided a proposal for a common training project to EPO DG 4 (Curt Edfjäll, Wolfgang Pilch). The discussion in the March 2005 meeting showed, that EPO feels unable to follow a procedure as proposed by us.

Additionally we tried to get into a first contact with the European Patent Academy in Munich at the same meeting. This was continued at the September meeting in The Hague. Meanwhile a first invitation arrived on September 9, 2005 for participation of guest speakers from PatCom in a seminar planned at October 6/7, 2005 at Warsaw, Poland. This was too short for practically all approached member to be introduced into their existing plannings. We will try to get a better planning sequence for the future.

In January 2005 the PatCom ExCo started the discussion of possibilities for cooperation in SME training with WIPO. In June we offered to WIPO to prepare a list of material for free access and download for SME training. This list shall be included in the WIPO SME services. With participation of mainly STN International and Thomson Scientific the list was given to WIPO by end of October. It will also be included in the PatCom web page for interested people. Update is foreseen every six months, and other members not yet represented with their items may send material for the next update in March 2006.

Georg F. Schultheiss
Hon. Secretary of PatCom
Chairman of the WG Training

November 2, 2005