

Minutes of the PatCom Executive Council Meeting held on 29 November 2004

Present: Willem-Geert Lagemaat (Hon President) Pierre Buffet
Dr Georg Schultheiss (Hon Secretary) Ann Chapman
Gert Frackenpohl (Hon Treasurer) Rob Willows
Richard Garner (Minutes)

1. Welcome and Approval of the Agenda

1.1 WGL welcomed everyone to the 2nd meeting of the Executive Council. The Secretary had distributed the agenda in advance of the meeting. There were no new items to be added to the agenda.

2. Approval of the Minutes of the Baltimore EGM

2.1 Minutes of the PatCom Extraordinary General Meeting held at the Wyndham Hotel, Baltimore on 23 May 2004, were taken as read.

3. Annual Report of the President

3.1 WGL had circulated his Annual President's report to the Executive Council. He had received comments from AC and GS. There were no further comments.

4. Report of the Treasurer and Financial Issues

4.1 GF circulated a document showing the current state of the PatCom finances. The document showed that, as of 14 November 2004, PatCom had 12 full members and 2 Associate Members. The document also stated that the budget for the current financial year was €13,000 but the financial plan showed that, as some operational costs were proving to be higher than anticipated, with little scope for them to be reduced, there would be a deficit of €3,000.

4.2 GF said that while new members would generate more funds, current membership fees would have to rise. GF proposed that Full Membership fees should rise to €1,500 per year and that Associate Membership fees should rise to €750 per year. This represented a 50% increase on the current rates. The Executive Council agreed to recommend the proposed increase to the AGM for acceptance

5. Report of the Board and the Executive Council

5.1 WGL said that the Board had met 4 times since being established. Formal meetings had taken place with the Notary Public in connection with setting up the legal entity, although there had also been numerous virtual meetings by telephone and email. The Executive Council had also appointed a Secretary, GS and together they had written to the Tri-lateral offices. At the outset WGL had set

forth his aims as President in a 100 day plan. The structure of the newly adopted PatCom constitution had been revised slightly to meet the requirements of the legal entity, notably the creation of a Board (President, Secretary and Treasurer). The Executive Council had also met in Prague and agreed to mount a membership drive and to set up a series of Working Groups.

6. Report of the Working Groups

- 6.1 A Technical Working Group had been establishing under the Chairmanship of Rob Willows. RW said that the aim of the Group was to focus on technical issues that were too detailed for the wider PatCom meetings. These included such things as the quality, timeliness, accuracy and format of text, structures, sequence and image data. By focusing on these issues the Working Group aimed to ensure the optimum provision of data to all PatCom members. RW invited all organizations to nominate one delegate to the Working Group, which he said would meet twice a year. He added that the main focus would be on the EPO data and that while the EPO would not be joining the Working Group, he felt it would have Wolfgang Pilch's unofficial support. RW reminded the meeting that there was a XML meeting planned for the New Year.
- 6.2 WGL confirmed that he had spoken to Dr Peter Kallas, Chairman of the PDG Impact Group, to ensure alignment with the PDG's agenda. PB added that the PDG might be able to enlist the support of the member companies. RW said that the PDG was a good model to adopt and that the action lists would be owned by individual members. .
- 6.3 RW stressed that the key issues would be ST 36, IPC reform, OPS and the EPO publication server. It was agreed that the activities of the Technical Working Group would be published on the PatCom web site, along with the names of the Group members.
- 6.4 PB said that the patent offices of Japan, Korea and China were already doubtful whether they could apply the IPC revisions to their backfiles. RW concluded by saying that he hoped the members of the Working Group would be prepared to share information.
- 6.5 WGL thanked RW for his presentation and for setting up and Chairing the Working Group.
- 6.6 WGL confirmed that a second Working Group had been established after the EPO meeting in Vienna, with the aim of promoting the patenting system and the use of patent information to the SME market. This group was being chaired by GS. GS said he had already written to Wolfgang Pilch at the EPO and enlisted the help of AC and was hoping for support from Dr. Reinhard Schramm of TU Ilmenau. He said that AC and he had also circulated a questionnaire to members recently.

7. Trilateral Cooperation

- 7.1 One of WGL's aims was to establish closer links with other organizations and he was pleased with the reaction so far from the US Coalition for Patent and Trademark Dissemination. WGL said that he was also working closely with Yutaka Wada of The Patent Information Online Service Council in Japan. As part of the plan, WGL said he would be making contact with the Trilateral Offices organization.

8. PatCom Plan 2005

- 8.1 WGL had circulated his 100 day action list at the beginning of his term as President of PatCom. The main priority had been both to focus on what PatCom wanted from the EPO, as much as on what PatCom felt the EPO should not be involved in. The meeting in Vienna had concluded that the EPO would not be ceasing its development plans and that while the EPO might be able to claim immunity in some circumstances, clear breaches of anti-trust legislation was not one of them. WGL said that the options were, therefore, either cooperation or litigation. The fundamental issue was whether PatCom was prepared to take legal action to prevent the EPO from abusing its monopoly position.
- 8.2 RW said that while there would be support for action in principle, the question of legal costs and how they would be funded, could not be ignored. PB suggested that costs might be lessened through the use of EU attorneys at DG 4 in Brussels.
- 8.3 As an example of the EPO's development plans, AC circulated a leaflet she had received about EPOLine and GF raised the issue of Mimosa software, adding that there had been no mention of either development during the meeting with the EPO in Vienna.
- 8.4 Concluding the discussion, WGL said that the matter should be decided by the membership at the AGM.

9. Potential New Members

- 9.1 WGL said that he had five potential new members in the pipeline and AC said that she had raised the issue at the recent PATMG meeting. PB added that while Sword probably would be joining, he felt that Anacubis would not. Other organizations mentioned were CentreDoc, IPS, Gene IT, Jouve and IP Innovation.
- 9.2 GF raised the question of Thomson Corporation membership. With the recent announcement of the IHI Group being acquired by Thomson Scientific, Thomson now represented a large portion of PatCom membership. WGL said he was drafting a proposal for addressing this issue. AC recognized that it cut both ways and she asked whether data processing might be one possible criteria for deciding this issue.

10 Any Other Business

- 10.1 GS raised the question of responding to the Wolfgang Pilch letter.
- 10.2 GS also raised the issue of the meeting with Dan Shalloe. WGL said that the meeting clashed with the IPI Confex meeting in March 2005 and it was suggested that Dan be asked to rearrange his meeting, especially as so many PatCom members would be involved in IPI Confex. It was agreed that Dan would be approached while he was in London. GF pointed out that several high level delegates from WIPO and the JPO had already been lined up to attend. It was agreed that RW would attend the meeting with Dan.
- 10.3 The next PatCom/EPO meeting would be in Munich and the meeting in Vienna would be about XML.
- 10.4 WGL suggested that another EGM should be arranged for the PIUG meeting in May in order that more of the N American members might attend. GS confirmed that he would be available to attend the EGM.
- 10.5 WGL thanked everyone for their contributions and closed the meeting at 21:40.