

A summary of the
meeting
between the
European Patent Office
and
PatCom

held in Vienna on 17 September 2004

This document has been agreed by the President of PatCom and the Vice-President DG 4 of the European Patent Office.

Date: 14.01.2005

I. INTRODUCTION

The PatCom Group was established towards the end of 1999 and is an association of commercial companies that provide patent information products and services using EPO data. The EPO has agreed to hold regular meetings with PatCom on a six-monthly basis.

The 9th meeting between the PatCom Group and the EPO took place in Vienna on 17 September 2004. The present document is a report of that meeting agreed by both PatCom and the EPO.

The agenda for the meeting was based on a list of points submitted in advance by PatCom.

PatCom was represented by:

Univentio (PatCom Presidency), Incom, Questel.Orbit, Thomson/Derwent, Minesoft, RWS Group, FIZ Karlsruhe, CAS, and MicroPatent.

II. ROLE OF EPO IN PATENT INFORMATION

A. VIEW OF EPO

The EPO stated that its main aim in the area of patent information is to improve the use of patent information in Europe, especially among small and medium-sized enterprises.

In citing some specific initiatives, the EPO mentioned that:

- the EPO will follow the example of the German Patent Office in making its publications available via a publications server.
- page-by-page downloading in *esp@cenet* is highly criticised by users, so the EPO will move towards a full-document download solution in 2005.
- PDF files of full patent documents will also be available via Open Patent Services (OPS).
- the EPO is undertaking efforts to improve the training offered for patent information.

In answer to a question from PatCom, the EPO confirmed that the motivation behind all of these actions is to stimulate more and better use of patent information in SMEs.

B. VIEW OF COMMERCIAL PROVIDERS

PatCom stated that it sees the EPO as the authority charged with granting and publishing European patents. Therefore, where publication of EP data is concerned, it is clearly understood by all that the EPO has an obligation to publish, and to do so in an appropriate way.

It was concluded that the bone of contention is that big users benefit from *esp@cenet* and OPS even though these are not the EPO's target group. PatCom stated that they understand that technology will develop and that patent information tools will develop with the technology, but they would like to establish a certain boundary whereby both parties have a mutual understanding on these issues. The EPO agreed that combining the efforts of the EPO and the commercial sector could benefit European industry. It mentioned, however, that any action to exclude certain users, eg large industry, was not acceptable since the EPO may not discriminate between users of its services.

The broader political agenda is also important in this context; the EPO informed PatCom of its involvement, at the request of its members states, in a project to create a tool called the Similarity Finder, which will allow the national patent offices to provide a service to potential patent applicants for an evaluation of inventions. PatCom asked to be kept closely informed of developments in this area.

Confirming what had been said at previous meetings, the EPO repeated that it is its intention to act in a transparent and predictable manner. It has no wish to harm the business of others, or to hide its activities from PatCom.

In response to a direct question, the EPO stated that for the time being, EPOQUE will not be offered to industry and that access will remain restricted to internal EPO use and use by national patent offices.

C. 3-YEAR PLAN FOR PATENT INFORMATION

The EPO observed that the rapidity of technical developments renders it impossible to foresee what will happen in three years. However, the EPO understood PatCom's need to know as early as possible what developments are coming. Therefore, the EPO suggested that PatCom should receive an excerpt from the Automation Plan covering patent information aspects, once the Automation Plan has been discussed in the WPTI. The EPO would also be prepared to give PatCom feedback on discussions in the WPTI. PatCom accepted this offer as "a good first step".

Both sides agreed that they should exchange information on general developments in the world that have an impact on patent information. Two examples are: "Google" offering searches in non-patent literature and its interest in receiving patent data; and the trend towards free availability of information ("Berlin Agreement"), which is being pioneered by Elsevier. The EPO underlined the fact that this proves there are new players coming onto the market who could significantly influence the activities of the PatCom group. It was agreed to put these issues on the agenda of forthcoming meetings.

III. CONCLUSION OF THE EPO PATENT INFORMATION SURVEY

The EPO informed PatCom that it has drawn up a strategy bearing in mind the conclusions of its 2003 survey on the use of patent information in Europe. The strategy sees a focus on universities and SMEs. Training will be improved with the introduction of electronic tools, and co-operation with the national patent offices of EPO member states will strengthen the profile of patent information in Europe.

The EPO would welcome input from PatCom on the development of business models which are attractive to industry in Europe. In return, the EPO would be pleased to promote the use of patent information for business purposes among SMEs.

There was consensus in the meeting that reaching SMEs is a major challenge that goes to the roots on innovation policy in Europe.

PatCom offered to work together with the EPO on creating an information package for SMEs on patent information. Both sides could use their contacts to disseminate the information package. Similarly, the EPO and PatCom could use their respective networks to reach SMEs, and also universities, thereby increasing effectiveness.

IV. *esp@cenet* DEVELOPMENTS

The EPO confirmed that non-patent literature and multi-page downloading are the only two ongoing major developments in *esp@cenet* of consequence for PatCom.

A. NON-PATENT LITERATURE

The EPO explained that once implemented, the bibliographic data of non-patent literature in the EPO collection will be available via *esp@cenet*. Access will be via a search in ECLA classes or by links from the citations listed in search reports. No other search fields will be available for non-patent literature documents in *esp@cenet*. Only the bibliographic data will be available - to obtain the full document, the user will have to go to the publisher or to a document supplier. In the future, the EPO would like to provide a link to the publisher where the document text can be obtained.

The EPO reminded PatCom that these references to non-patent literature data are contained in the datasets available for purchase.

B. MULTIPAGE DOCUMENT DOWNLOADING

PatCom remarked that its reservations in the area of multipage document downloading reside in the question of high volume use. The EPO replied that it suspected that some of existing high volume downloads were done not for internal use within a company, but for the purpose of reselling the documents and that it had allowed high-volume downloaded using robots for several years; there had been no change of circumstances or policy that would justify a change to this practice now.

The EPO stressed also that it has been issuing warnings to PatCom for a long time that full document downloading will be enabled in *esp@cenet*. It is now in a position to state that this will take place in the course of 2005.

PatCom said it took note of the EPO's intentions in the areas of non-patent literature and downloading of multipage patent documents, but stated that it has a problem with the change in downloading, which will be hurting several of the PatCom members.

V. OPEN PATENT SERVICES DEVELOPMENTS

In analogy to the plans for *esp@cenet*, the EPO announced that it intends to enable a new set of commands on OPS to allow full document downloading.

A. PATENT ALERTING

PatCom described patent alerting as a “stored query” on a server which alerts the user when a change in the data being monitored is detected. This is known as a “push” service. The EPO confirmed that there are no plans to introduce a service of this kind, either in *esp@cenet* or OPS.

VI. PUBLICATION SERVER

PatCom remarked that they are open about the Publication Server initiative of the EPO, on the understanding that it will be limited to EPO documents only. The EPO confirmed that the Publications Server would indeed be limited to documents published by the EPO. There will be no time limit on the documents covered and searching will be possible, for example by IPC. The launch date will be 1 January 2005.

VII. CO-OPERATION BETWEEN EPO AND COMMERCIAL PROVIDERS

The EPO expressed the view that the full use of patent information is poorly understood, especially its use as a strategic tool for business management. The EPO would therefore be keen to work together with PatCom in this area, by, for example, providing information to the public on services available and by promoting patent information as a business tool in general. PatCom offered to provide documentation on using patent information in this context in time for the next meeting.

VIII. DATE OF NEXT MEETING

It was provisionally agreed to hold the next meeting on Friday, 4 March 2005 in Munich.