



Meeting Minutes: 13. DPMA – PatCom

- 1) Welcome and Introductions: Mrs Moosbauer welcomed us to the meeting.
- 2) Approval of Minutes of 11th Meeting.(2016 – NB.. This should have been the 12th) Minutes were approved.
- 3) Update on DPMA patent information initiatives by HR

Statistics on 2016 data are expected towards the end of February, and will be provided to PatCom at that time. Indications are that patent filings are up by 1.5% and examination requests by approximately 5% Additional staff have been recruited to meet the demand, and are undergoing training.

- 4) A) DepatisNET improvements were announced for publication search:

full text search is now available for DE (1877 - , DD 1946 – 1990) , complete EP and WO collection Latin character documents only in original language.

Results list functionality has also been improved, and now

hit-terms can be highlighted, and the layout can be re-configured

Sequence listings availability is indicated in the display making it easier for users to find this information.

DPMA Register improvements were outlined. The DPMA register now covers all IP rights. And equivalent functionality is now available in the register database, namely:

- Sequence listings are also available from the result list
- ‘D’ proximity operator is now available in Register. (and has been in the search database since 2015).
- Results list functionality -

hit-terms can be highlighted, and the layout can be re-configured

Collections for the Register will be enhanced later in 2017 with Madrid marks which designate the EU. The DPMA are preparing tender documents in preparation for this activity.

See slide 12 which shows increasing usage of the online file inspection facility. In contrast the paper inspection is low at around 500 usages per year. This shows that the majority of file inspection requirements can be fulfilled by the online file inspection offer. Only in a small amount of cases a conventional file inspection is needed, if document kinds are requested that are not available online, e.g. priority documents. A conventional file inspection has to be applied for, too, in cases where the A1 document has not yet been published. The last paper file was created in April 2011, and these will become less relevant.

B) Federated Register

A new interface will be needed in order to interact with the Federated Register of the EPO. This is planned for the end of 2017, and will be built as part of a software procurement process for which a tendering procedure is in progress.

c) see above in 3) regarding the statistics...

5) Update on Unitary patent (UP) planning

The EU patent is expected to be ratified in DE in Q2 2017. Technical preparations are ongoing. GB are expected to ratify to a similar time-frame. FR have already ratified, as have 10 further countries, making the Unitary patent and UPC systems set to go ahead. Following the 13 required ratifications expected by June 2017, the preparation period lasting 3-4 months will begin. During the preparation phase IT systems will be tested (IT is in Luxembourg). Local chambers in Germany are already prepared – these will be in Hamburg, Dusseldorf, Mannheim and Munich. Recruitment of the judges will start in May, 1,000 have already expressed interest. The judges will be available as part of a pool ready to handle cases, both technical and legal judges will be needed. Operations should start in January 2018.

Applicants will be able to opt in/ or opt out of the Unitary Patent system for all European patents - for 7 – 14years after the Unitary Patent becomes available at specific times in the patenting process. For instance, Applicants will have the option to choose the unitary patent at grant notification once the UPC has started , most likely, in January 2018. There are expected to be quite few users of the Unitary Patent in the first instance. Information on the adoption of a Unitary Patent will be provided by EPO to DPMA , it will then be populated in the Register, as national phase in Germany information. Ownership changes will also be noted in the Register. See slide 18 for data available on UP in Register. The entire file history, including DE file number will be kept. Opt-in / Opt-out information for other EP patents will not form part of the DE national register data. Nevertheless, DPMA will try to offer a link from the DE register display to the UPC register to enable users to get information with regard to the opt-out/opt-in situation of a EP patent..

Subscribers to DPMAconnect will receive UP updates. A new St.16 code ‘H’ will be used for UP information creating a DOCDB record with kind-code H at the EPO. DOCDB will have lots of essentially duplicate records which have only the kind code different (B / H).

6) Classification

DPMA re-confirmed their commitment to DEKLA and IPC for their internal purposes, and remain as observers to the CPC developments at EPO and other offices. There is currently no strong demand from customers for a change. The IPC is used for allocation of documents for examination at the office.

7) Machine Translation (MT) and search of non-Latin text documents

Examiners have to be provided with Asian documents for search. DPMA is currently using the offers of online translation by national offices and a CLIR based solution. A decision process was started to check additional possibilities such as purchase of translated full-text documents or purchase of translation machines. A decision is expected in 2017, when all the options have been considered..

The machine translation results will be in English.

Copyright issues will also need to be considered concerning the new MT documents created.

As part of a separate internal project “New Search” , DPMA is ing working in the first phase with the tool “Intergator” from Interface Projects GmbH, Dresden, on a new search platform, to bring the latest search engine technology for examiners including automated classification, search in patent dates and patent files. During the second phase in 2017 the embedding of DEPATIS, the search in Non-Patent-Literature and the integration of other internal special databases will take place. In a third phase semantic functions are to be considered. The project roadmap continues to 2019; current impressions are positive, the system parameters can be adapted, and can be further developed by DPMA thus improving internal knowledge.

8) Industry 4.0

DPMA recognises that there will be IP challenges connected with Industry 4.0 (IoT) product life cycles and innovations, and an increase in Computer-implemented-innovations. Current patent (Grant) times may be considered too long, and SEPs may become more important. It is even possible that patent legislation may be amended, see case

www.curia.europa.eu/jcms/jcms/P_170246/fr

At the moment national patent offices have differing practices, legislation may need to be harmonised. The EPO is creating a special division to handle IoT (similar to DPMA’s already existing patent division no. 1.53). Fast track procedures are available at DPMA, applicants need a reason to request it, in any technical field.

9) DPMA are participating in an EU project on innovation and SMEs (VIP4SME).

Since January 2016, the DPMA has been working together with 34 national patent and trade mark offices as well as 19 science and research institutions in the project "VIP4SME" (Value Intellectual Property for SMEs) within the EU funding programme "HORIZON2020". The goal of this project is to enhance intellectual property support services to SMEs and raise their understanding of the importance and effects of European IP rights. In this project, the DPMA works closely together with the Fraunhofer Institute for Industrial Engineering IAO. DPMA are coordinating regional activities, together with Chambers of Commerce, and PatLibs in Germany. A Toolbox showcasing available software which SMEs can try out is presented on the website, and PatCom requested more information on how to participate in this initiative.

Date of 2018 Meeting will be coordinated at the end of 2017 for early 2018. The 2018 meeting will be the 14th Meeting of DPMA and PatCom

Agenda :

- 1) Introductions
- 2) Approval of Minutes of 11. Meeting.
- 3) Update on DPMA patent information initiatives
- 4) Developments in DPMA services:
 - a. Depatis / DEPATISnet
 - b. Federated Register
 - c. Patent, trademark, design examination
- 5) Update on Unitary patent planning
- 6) Classification matters (CPC)
- 7) Machine Translation project
- 8) Industry 4.0
- 9) AOB (Any other Business)

Attendees:**PatCom**

Jane List (Extract Information) (Secretary)
Armin Foerderer (FIZ) (Treasurer)
Paul Peters (CAS)
Jochen Lennhof (Minesoft)
Jurjen Dijkstra (Lexis Nexis Univentio)
Anna Maria Villa (PatentSight)
Arne Kruger (Moving Targets)

DPMA:

Mrs Christine Moosbauer (CH), Head of Department 2 Information;
Mr Hubert Rothe (Head of Department 2.1. Information Services for the Public)
Mrs Annelie Herz (Head, Division 2.2. Internal information service)
Mr Rudolf Hüsing (Head, Division 2.3. IT Planning and Development)

Apologies:

Martine Massiera (Questel) (President)