

**EPO-PatCom meeting**  
**Tuesday, 21 March 2017, 14.00 hrs**  
**Room 348, EPO Vienna**

## **Summary of the discussions**

### **1. INTRODUCTION**

Richard Flammer, Principal Director for Patent Information and the European Patent Academy, welcomed the participants and opened the meeting.

### **2. APPROVAL OF THE AGENDA**

With the addition of two further topics, namely the EPO's planning concerning bulk data for history files and artificial intelligence under "any other business", the agenda for the 33rd meeting was approved.

### **3. MINUTES OF THE LAST MEETING**

The minutes of the meeting of 13 October 2016 were approved.

### **4. WORLDWIDE LEGAL STATUS DATA IN XML**

The Office reported that the migration to XML for legal status data had been completed according to plan. The old format T12 had been decommissioned. The XML format was running stably and smoothly and no fundamental complaints or negative feedback had been received from the users. Data quality was continuing to improve and the data content was progressively being consolidated, for example by improving the current feed from BR and DE. Over 220 million events were now included in the database. CN had announced plans to modify the legal status data format as of 1 April 2017 which could lead to a temporary interruption of the service for this country.

### **5. OPS NEW SOFTWARE ; QUALITY**

The Office reported that Version 3.2 had been officially released in January 2017, after having been available in a production-like public BETA version since November 2016. The old version 3.1 was still available but would be switched off by mid-2017. The new version 3.2 did not allow anonymous (test) access, as announced already over a year ago. Changes to the service were planned for late 2017/early 2018, when the EPO would replace the internal BNS repository. This would mean a

migration from the old platform to a completely new one for facsimile images. It was planned to make access to the new platform available in July, with a parallel run of the old and the new platforms from July to December 2017. As of 1 January 2018 only the new platform would be available. Images in PNG format would enable better services, but would need some adaptations before integration into the new platform. Legal status data on OPS would be adapted to XML. Details would follow by summer 2017. The timing for the parallel run of the old and new formats would be less strict than with the facsimile images.

## **6. DOCDB QUALITY**

Regarding DOCDB XML, the EPO reported that the system was running in a stable manner. No special issues had been recorded in 2016.

## **7. QUALITY AT SOURCE (QaS) PROJECT UPDATE**

The EPO reiterated the scope of the project, namely to collect full-text from the national offices in the member states in national language. In addition to DE, GB and FR, seven countries were already delivering front file full-text on a regular basis (AT, HR, ES, PT, CH, EE, LT). Up to nine additional countries (SK, DK, RO, GR, NO, RS, NL, BE and possibly TR) were expected to start regular full text exchange with the EPO before summer 2017. In the forthcoming meeting of the Technical and Operational Supervisory Body (TOSC), a document would be tabled informing the national offices on the Office's intention to make available full-text data to external users via OPS.

Answering a question from the PatCom group regarding the time needed for the EPO to implement the service after the TOSC presentation, the Office gave an estimate of a couple of months, as the volume of data was relatively small and no technically complex processing was needed. Following the clarification that at least some of the full texts were in OCRred format, PatCom members raised some concerns regarding potential quality variations. The Office underlined that quality standards had been defined in the project and the EPO supported the national offices in meeting the requirements. "Quality at Source" implied that the EPO would publish what it received. The PatCom members enquired if the approval of all member states was needed to implement the service. The Office replied that if one country did not want their data to be made available via OPS, this would not stop the service for the other countries.

In reply to a question from a PatCom member, the Office confirmed that the EPO's examiners used the same data, except that examiners might not have access to some languages; these would later be bulk-translated into English.

Regarding the right for commercial providers to use the data for their own products, the Office clarified that the general terms and conditions for OPS would apply.

The PatCom members appreciated the information.

## **8. LEGAL STATUS INFORMATION PRODUCTS UPDATING**

The Office reported that the Federated Register was being progressively rolled out with 17 offices (AT, CH, CZ, ES, FI, GR, HR, IE, LT, LU, MK, NL, PL, RO, RS, SI, TR) currently in production. BE was currently in an advanced stage of preparation and was expected to join soon. A number of further member state offices had announced their intention to join by Q2/2017. Deep linking was operational with 30 countries.

Concerning the European Patent Register, the EPO announced that a new version would be rolled out before summer, containing mainly bug fixes and some more technical preparations for including unitary patent information.

The coverage of the Global Dossier had been extended to CA and PCT documents via WIPO CASE. GB, AU and IL were expected to be added in the coming months via the same route. The EPO was also working on a common alerting system for Global Dossier. It would be a simple system, based on RSS feeds and only include CN at first.

## **9. SEARCH STRATEGIES PROJECT UPDATE**

Regarding the publication of search strategies, the EPO confirmed that the service was continuing after the pilot phase. The search strategy information was presented in a PDF format and contained additional details on the search strategy applied by the respective examiner. No major extension of the information made available was foreseen for the time being.

Answering a question from a PatCom member concerning the percentage of files covered, the Office stated that this applied to all search reports. Nevertheless, the nature and volume of the information depended on the input from the individual examiner. Users' feedback on the service had been collected during a workshop at the EPO Patent Information Conference in Madrid.

## **10. UNITARY PATENT (UPP)**

The EPO informed that the unitary effect of a European patent would be presented in the EPO bibliographic databases as a "fictive" publication with a specific kind code. The current suggestion was "C0". This would allow for both searching for unitary protection in bibliographic databases

and for quickly visualising in a patent family the presence of registered unitary protection. The solution was the result of extensive consultation with the users.

The Office also reported planning for a transitional phase when the UPP came into force. During this phase, the EPO would ask, when it intended to grant a patent, whether or not the proprietor wanted to withhold grant until the unitary patent was available. This might lead to a temporary drop in grants, followed by a surge when the UP kicked off.

## 11. ECLI DATABASE

The Office reported that the European Case Law Identifier (ECLI) was a framework for improving the national and cross-border accessibility of case law in online repositories ([https://e-justice.europa.eu/content\\_european\\_case\\_law\\_identifier\\_ecli-175-en.do](https://e-justice.europa.eu/content_european_case_law_identifier_ecli-175-en.do)). It had been established by EU Council Conclusions in 2010 and was composed of four elements:

- Defining an ECLI identifier for judicial decisions with a fixed format
- Defining metadata for a standardised case law data exchange and searchability
- Introducing the ECLI to identify case law in Europe
- Creating an ECLI search engine to search/retrieve case law in Europe ([https://e-justice.europa.eu/content\\_ecli\\_search\\_engine-430-en.do](https://e-justice.europa.eu/content_ecli_search_engine-430-en.do))

Currently eight member states were connected to the ECLI search engine (CZ, DE, ES, FR, GR, IT, NL, SI), five were in a process of connecting (BE, EE, HR, CY, LV) and 15 were not connected (AT, BG, DK, FI, GB, HU, IE, LT, LU, MT, PL, PT, RO, SK, SE).

The EPO provided metadata on decisions of the Board of Appeal for indexing by the ECLI search engine. This set of metadata could also be reused by interested third parties to enrich their own patent information services.

Following a question from a PatCom member as to whether the data was available to commercial providers, the Office confirmed it could provide the metadata on Board of Appeals decisions (currently over 22 000 decisions).

Replying to a question from the PatCom group regarding data from courts in the member states, the EPO underlined that it tried to motivate member countries to feed in their data. The EPO's role was to provide its data and to promote the service.

## 12. NEW PRICING RAW DATA

The EPO provided information on its planning for a new pricing scheme for raw data. Due to the movement away from data carriers (CD, DVD, tape) to media-less data exchange, the effort for producing patent data no longer depended on the data amount of an individual product.

The current practice of calculating raw data prices individually per product had led to an inhomogeneous set of prices that was difficult to understand for the EPO's data customers. No difference was currently made between data produced by the EPO's patent grant procedures and data collected from other offices. In addition, the administrative effort for the EPO, generated by the current pricing structure, was relatively high. Customers registering for data products but never ordering any of them caused an even larger administrative overhead.

In order to adapt to this situation the EPO planned the following measures:

- Distribution of EP data front-file free of charge. A small fee would continue to be charged for back-file collections
- Introduction of an annual service fee of EUR 150, irrespective of the number of products ordered
- Harmonisation of prices for all other raw data products. Prices would remain at approximately the same order of magnitude.

The new scheme would be introduced step by step:

- a) EP full-text data would be offered free of charge immediately. Only the service fee of EUR 150 was being charged.
- b) For all other products, the changes would be implemented as of 1 January 2018.

The Office stressed that overall the new pricing model constituted a significant price reduction. One motivating factor was the worldwide distribution of data. The EPO preferred to distribute its data direct to its data customers rather than them going through other organisations redistributing EPO data products, not least due to quality issues. Some rarely used products would become more expensive. Further detailed information would be published in September 2017.

For OPS, there would be compulsory registration and a price based on a flat rate. Up to 3.5 or 4GB, it would be free. Above this threshold, there would be an annual fee of about EUR 2800. The envisaged starting date was also January 2018.

For the contractual arrangements the EPO was looking at an online data agreement, rather than written contracts. Terms and conditions were to be adapted and would be communicated in advance.

### **13. ANY OTHER BUSINESS**

The PatCom members were interested to know what data the EPO owned, in particular data contained in “file wrappers”, and how it could be shared with commercial providers to enrich information products. The Office explained that file inspection data was not available as a bulk data product. As this was an issue beyond patent information, the request needed to be discussed with other EPO units. There would also be legal aspects requiring consideration. Furthermore, most documents were in PDF and would require indexing to be searchable. PatCom expressed their interest in new possibilities for making use of combined data, for example for statistical analyses. The Office invited the group to communicate areas of interest and use cases. On that basis it would try to prepare a position for the next meeting.

The PatCom group enquired about the Offices’ planning regarding artificial intelligence and projects on automated searches. As this topic was not directly connected to patent information the Office proposed to look for an expert to present the developments at the EPO Patent Information Conference in Sofia or at the next EPO-PatCom meeting.

### **14. DATE OF THE NEXT MEETING**

The date for the next meeting was preliminary set to 13 October 2017 in Vienna.

## **3rd EPO PatCom Meeting**

**21 March 2017, 14:00 hrs, EPO Vienna, room 348**

### **Participants**

#### **PatCom:**

President	Martine Massiera, Questel, FR
Secretary	Jane List, Extract Information
	Jurjen Dijkstra, LNU
	Armin Förderer, FIZ Karlsruhe
	Robert Fokkema, Lighthouse IP
	Jochen Lennhof, Minesoft
	Paul Peters, CAS
	Lee Smith, RWS
	Anna Maria Villa, PatentSight GmbH

#### **EPO:**

Principal Director	Richard Flammer
Patent Information and European Patent Academy	
Director Publications	Pierre Avédikian
Director Promotion	Heiko Wongel
	Roland Feinäugle
	Davide Lingua
	Daniel Shalloe
	Heidrun Krestel