



12TH OEPM – PatCom Meeting Minutes 30 September 2019

1. The Agenda was approved and Mariano welcomed PatCom to the meeting. Mariano was joined by Maria.
2. The Minutes of the 11th Meeting in 2018 were approved.
3. Development of OEPM Web-services, Usage Statistics Update from 2018. (MRCD)
CLINMAR – Nice classifications are updated monthly in 23 languages. OEPM maintains a Spanish translation. Online filing is now available for ES trademarks, it can be used by attorneys (working for several applicants), and applicants. CEO service for trademark legal information and dossiers is available, users need to subscribe to access this service. 2018 statistics are in the presentation. The development of the webs services and open access to IP information is a Spanish government initiative. The portal is open 24/7 and is free. Open data users take xls and XML formats. The Spanish Gazette is available as XML [PATCOM_OEPM_DTI_OCT_2019.PDF]
4. ES national publications and Provision of ES Bulk Data (MN)
Patent applications are now being published under the new Act. 1005 documents with kind code A1 and 100 documents with kind code A2. B1 documents are granted patents under the old Act with no examination. B2 documents are new Act granted publications, and examination is compulsory. B4 and B5 documents both relate to those published post opposition proceedings. (See clarification on this below).
There are no publications relating to Utility Models, existence of the Y documents are notified in the Gazette. If there is an Opposition to a Utility Model the resulting Y1 and Y2 documents are published.
The number of patent applications is falling, whilst the number of utility models is rising. There is a 13% increase in EP patent applications from Spanish applicants.
This is probably due to the New Act where the Applicant must pay for filing and search at the filing date. Under the Old Act, one third of applicants did not pay for search, as the priority date itself was enough for their purposes.
Applicants now seem to be using more utility models to get a priority date, and then follow with an EP patent application.
No significant change of PCT applications from Spanish applicants has been observed.

INVENES back file

30, 000 patents and utility model documents have been scanned, preparation of the full back file in electronic form continues (1929 to date in the first instance). Significant sections should be ready by October 2019., with abstracts ready during Q1 2020.

210,000 missing abstracts from 1940-1980 are being added, with completion scheduled for the end of 1H2020.

Older documents (title and bibliographic information) published between 1870s and 1929 will be prepared in the next phase.

Designs records have also been completed. 1903 was the first year of the Design Law.

Machine translation (in bulk using Google Translate, under an agreement with Google) into English of title and abstracts for ES only publications of patents and utility models from 1940

onwards is already available in English version of INVENES.

The EPO are interested in the translations, and 50,000 have not yet been uploaded.

[PATCOM 2019 SPAIN PATENT INFO COVERAGE.PDF]

5. Latipat and co-operation with Latin American countries (MN)

Andrés Araújo (AA) from Uruguay took the position of LatiPat coordinator last year. He is an IT specialist. LatiPat data gaps are slowly being filled and supplied to the EPO. The EPO validates the data prior to loading.

Regarding the implementation in the different countries of the WIPO OCR Solution to produce Full Text data, Honduras, Nicaragua and Panama have developed their own software to prepare the data. Updates will not be regular.

Paraguay has a new Act, and is using WIPO IPAS from October 2019 onwards.

There is currently no cooperation with Venezuela and Bolivia. Full text is available from Mexico, they are using WIPO OCR tool, and have sent test data to EPO to load. It should become available in new espacenet. Brazil is using St.36, and no Ft is expected. WIPO (Christoph Mazenc from WIPO and Andres Araujo will be providing support).

Legal status information is also very important, and currently BR, MX and Peru have good data.

Latipat has developed a legal status 'extractor'. This is in Phase I development, and will be tested on Uruguay. Argentina, Brazil and Mexico will also be testing the process. Data will be made available in espacenet and INPADOC. (See answers below on Legal status events which will be available).

PatCom had requested in 2018 and previously, that the Latipat coordinator be present for the PatCom OEPM annual meeting. OEPM reported that this will not be possible. The duties of the Latipat coordinator role do not include discussion with third parties.

OEPM to provide the name of the EPO Latipat coordinator. PatCom will request a meeting with the EPO Latipat coordinator in 2020.

[PATCOM LATIPAT SEPT 2019.PDF]

6. Cooperation with WIPO – *see 5 and 7 for projects. (remove from Agenda for 2020)*

7. QaS progress with EPO.(MRCD)

Front File full texts are prepared now with the WIPO tool in XML in St.36 format (1/2019 - >).

The authority file is also available in WIPO St.37 format. MRCD showed the authority file during the meeting. It is updated every month and is available in the Open data catalogue.

Data is provided as complete new file each month, organised by year.

Legal status is being prepared in new St. 27 format. OEPM is at the Validation stage preparing for daily exchange with INPADOC during 2019.

A gap analysis is underway of all ES data from 1826.

OEPM asked if PatCom members could get in touch if they have carried out any analysis and could share results. Clarivate have done so previously with the Data test reported as follows in xls.: Application number and date, Publication number, Kind code, Publication date, and adding a reason if no document found. PatCom members shared information on their checking processes, e.g. confirming Gazette entries against authority file,, or EPO data available, depending on the country. Where there is a difference in bulk data, it can be difficult to identify the reason for the change.

8. AOB: MIO and answers to questions relating to 4 and 5

Access to MIO (My OEPM).

MIO is a new tool to access file histories for an individual applicant on the different industrial property modalities. It is under test, secure access and authentication of user are important. Users have a DNIE (ID card). And PIN to access. Tests in the OEPM and with ES trademark applicants have completed. Legal certificates proving filing are created. The service is being beta tested by German attorneys and will go into production this year. The service also provides for EU TM filings, but this is on hold until all member states are prepared. During 2020 forthcoming payments will be added.

Personal data must be kept up to date by the users themselves.

PatCom asked a question regarding harmonisation of Names of applicants. OEPM cannot change the data input by law. This could be reviewed with a 'direction committee' under a new data law which is under discussion, action may be taken following the November elections in Spain. Data Quality is important to the new Director General at OEPM.-

Two questions raised during the meeting are answered:

Opposition under new Act (4)

According to the present regulation, it is not allowed to limit a granted patent during the opposition period. Therefore, any modification as a consequence of the opposition process will result in a B4 publication. Such modification is always a restriction of the scope of the claims, that could also be named *limitation* but not in the sense of the law, which defines the limitation as a voluntary restriction of the claims by the proprietor once the patent is final after the opposition period. This is why any B5 publication ("limited patent") can only be issued after the opposition period.

LatiPat Legal Information availability (5)

The Legal Data Extraction Tool that has been developed under the Latipat program has to be customized for each country in terms of the legal events to be extracted and mapped to WIPO ST.27 standard. Typically, around 10-15 most common legal events (withdrawn, rejected, granted, lapsed, revoked, etc.) are extracted according to each country regulation. Those events are then mapped to ST.27 tags and sent to EPO for its upload into INPADOC.

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9. Date of next meeting.
TBD – September 2020.

Agenda

1. Approval of the Agenda
2. Approval of the Minutes of the 11th Meeting in 2018
3. Development of OEPM Web-services, Usage Statistics
4. Provision of ES Bulk Data
5. Latipat and co-operation with Latin American countries
6. Cooperation with WIPO
7. QaS progress with EPO.
8. AOB:
9. Date of next meeting

OEPM Attendees:

Mariano Nieto Navarro, Head Documentation Service, Patents and Technological Information Department (MN)

Maria Rosa Carreras Durbán (RCD), Coordinator of International Technological Projects IT Division.
Apologies from Carmen Toledo de la Torre and Blanca Vila Riudavets who were unable to attend due to medical reasons.

PatCom Attendees:

Robert Fokkema, Lighthouse IP
Miriam Plana, CAS
Gustavo Vergara, Minesoft

Andrew Samm, Patently

Jane List, Extract Information, & Secretary, PatCom

Apologies from Jurjen Dijkstra, LNU, and Rosa Alentorn, IFI Claims.

Jane list , PatCom Secretary, 25th November 2019.