

**38th EPO-PatCom meeting  
Tuesday, 24 September 2019, 11.00 hrs  
Room 348, EPO Vienna**

## **Summary of the discussions**

### **1. INTRODUCTION**

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

The agenda for the 38th meeting was approved.

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

The minutes of the 37th meeting of 19 March 2019 were approved.

### **4. UPDATE ON STRATEGIC PLAN**

The Office reported that the Strategic Plan was not a "paper tiger", but a concrete plan where things were moving forward with detailed projects. The President was very committed and the links to the member states were tighter than in previous strategic plans.

In response to a question from PatCom, the Office explained that the financial side still needed some clarifying, for example the relation between the Strategic Plan projects and the daily business operations. The Office reported that the President would come to the Administrative Council later this year with an explanation of the plans and the consequences in financial terms.

On the question of the core of the Strategic Plan the Office listed the five goals:

- 1 Build an engaged, knowledgeable and collaborative organisation
- 2 Simplify and modernise EPO IT systems
- 3 Deliver high-quality products and services efficiently
- 4 Build a European patent system and network with a global impact
- 5 Secure long-term sustainability

The Office elaborated on the two goals that PatCom had picked for the agenda:

### Goal 2: Simplify and modernise EPO IT systems

The Office clarified that vast majority of the activity for this goal related to EPO internal systems, e.g. to working tools for examiners, for HR etc. Most of what was being planned related to patent granting process and internal issues. Projects under this goal would in the first place affect the applicants, touching on topics like online filing, communication between patent attorneys and the office etc.

### Goal 3: Deliver high-quality products and services efficiently

The Office clarified that "products" was the name for steps in the grant process, so this goal was mainly about the quality on the patenting process and how to handle an application.

The Office explained that Goal 4 was the important goal for patent information and that this goal was directed to the "outside world".

In response to a question from PatCom concerning the concrete meaning of Goal 4, the Office stated that patent information was explicitly on the agenda, which was good and politically very important. The main aim of this goal was to make patent information easier to use, both for simple and advanced users. It also gave the Office a solid foundation to push projects and to go further with things like better licensing conditions, smoother processes etc. Some of the projects might be more technical (e.g. making OPS more efficient), others may simply be organisational. The Office further explained that better access to case law and court decisions was also on the agenda.

The Office stressed the importance of stakeholder consultations in all the projects and stated that the many years of consultation with stakeholders, such as PatCom, had helped enormously in preparing the project proposals for the Strategic Plan.

The Office said that there would be more clarity by the end of the year. Since Vienna was among the first units in the EPO to have its programme passports ready, the Office was optimistic that progress would be possible.

PatCom said that the linking between trade mark and patent applications - recently subject of a report by the EPO's Chief Economist- was interesting and connectivity there would be very nice to have for the whole Merger & Acquisition community, especially a linking between company names would be very welcome. PatCom stated that this topic had a lot of potential with respect to increasing the list of uses of patent information.

The Office answered that this was helpful background information and would provide a good basis for answering possible future questions like

"why should we link our data to trade mark information?" In addition, the Office reported that another strategic programme was entitled "from patent information to IP knowledge", meaning the Office's strategy was pointing in a similar direction, linking all IP rights along the same lines.

PatCom asked whether there was a user group, like PatCom, for service providers offering patent management services. The Office's said it was not aware of one.

In response to a question from PatCom as to whether the Strategic Plan also included studies for implementing AI in the patent grant procedure, the Office said that this was a permanent topic. AI was already in operation within the EPO for classification and pre-search activities.

PatCom explained that they also built products that helped applicants to make and manage their patent applications. Thus if the Office was developing any APIs in this area, it would certainly be interesting for PatCom members to have advanced information.

## **5. OPS**

The Office reported that the OPS service was running smoothly. The only change that had occurred recently related to the release of the CPC International project on 24 August. Concerning the full-text data coverage of 19 PTOs is available today, there were no concrete actions to announce. Any change had to be put now into the context of the Strategic Plan and it might well be that expected changes would be delayed, depending on the implementation of the plan itself.

Concerning the introduction of registration some years previously, the Office said that usage had been fairly stable, with a very moderate increase in the daily number of requests serving a few thousand registered users (free quota 4 GB/week).

PatCom asked whether there were still two to three million requests per day. The Office stated that the number of daily requests was pretty stable, especially since the Office had introduced registration. This represented a reduction compared with the past, due to the stopping of robot attacks.

Concerning full-text data coverage, the Office stated that it did not make all full-text available in OPS, because the Office did not have the rights from all member states to do so. For non-member states the Office would need an individual agreement of the country concerned.

Answering a question from PatCom, the Office said that a lot of data from Italy was coming in and that hopefully full-text from Italy would be one of the next additions to OPS.

In response to a question for the changes to CPC the Office answered, that basically the schema had not changed, but that the Office had started

populating a new tag – previously in the schema anyway – showing the classifying authority. Also the naming of the scheme had changed, to CPCI. The users were informed of these changes in advance – nevertheless there was a change overnight. As far as the Office knew no problems had been reported.

PatCom stated that CPCI led to a high level of duplication.

## **6. ESPACENET OLD AND NEW**

The Office reported on classic Espacenet and new Espacenet: There was no change from the situation in spring; classic Espacenet was the official/production version, and new Espacenet was in beta test . The launch, initially planned for June, had been postponed. The decision on the official launch date, when new Espacenet would become the production version was pending with higher management. The Office stated that hopefully there would be a release of new Espacenet before the EPO Patent Information Conference in October.

PatCom asked if the links to national registers were the same with new and classic Espacenet. The Office confirmed that, in principle, they should be. Currently, 16 links to national registers (AT, CH, DK, GB, HR, LU, NL, NO, SE, SK, BE, FI, FR, GR CZ, EE) are available in new Espacenet with a varying degree of coverage and functionality plus a link to the European Patent Register.

On the question of the application of the classic version of Espacenet in the future, the Office answered that it was customary to keep the old versions alive for about six months and that it was envisaged to apply this principle as well in this case. Since the national versions of Espacenet were yet to be completed, classic Espacenet would continue to run for a while. All indicators pointed to a longer coexistence of classic Espacenet and new Espacenet.

PatCom wondered whether any statistics on the use of new Espacenet existed. The Office answered that there were no exact figures, but that most people still used classic Espacenet, also because of the caveats the Office published about using the beta version (data coverage is not complete yet).

## **7. LEGAL STATUS INFORMATION PRODUCTS AND REGISTERS**

The Office reported that it was able to start loading data on the status of US patent applications and US patents, but that there still might be issues to clarify e.g. updates availability. The Office further reported improvement in currency of SPC data and the quality of German data in general.

Currently the Office was reviewing new and amended data from several patent authorities. A revised workflow would be implemented in tranches, starting in Q4 2019. Data from Croatia is expected. Japan data will be available later in 2019.

Concerning Latipat, the Office said it was expecting legal status information from Uruguay. The test data looked good, so the Office hoped to start loading data regularly soon. *[Information received after the meeting: the Office has been able to verify that at the date of writing PatentScope includes 10 270 results for Uruguay – mostly only bibliography and title/abstracts in Spanish. At the same time, Espacenet contains 13 720 results – bibliography, title/abstracts in Spanish and occasionally the complete image of the publication. Although there are discrepancies between the two systems, Espacenet appears to contain a better coverage for Uruguay.]*

The Office stated that it had invested a lot of effort in SPCs, especially within the EU member states, due to the unitary patent, but also – more broadly – for all EPO member states.

With respect to "EBD", the Office informed PatCom members that it was currently sourcing events for INPADOC from EBD and that these events were therefore restricted to events mentioned in the EBD, so it was now trying to complement that with additional important events (e.g. events relating to the appeal procedure).

In response to a question from PatCom, on the development planned in terms of a weekly update on all changes to legal status (INPADOC) the Office answered that this request was known from the past and that it would consider it when planning the next developments.

On the question of PCT entry into national phase, the Office said that the alignment with PatentScope was more or less concluded. Now the coverage in INPADOC was basically the same as in PatentScope.

PatCom asked if PCT entry data added to PatentScope would feed into INPADOC. The Office answered, that data was publicly available from PatentScope, either the complete set or the past week.

#### 7a European Patent Register data as a weekly front file

The Office reported that it was aware of this request and had tried to approach internal units on this. Probably this topic would be a part of the measures taken under Strategic Plan 2023.

PatCom also requested that as much information as possible be added to the EP Register. E.g. Appeal information.

## 8. **DOCDB: CLASSIFICATION**

### 8a overview of the CPC International (CPCI) release into DOCDB in September

The EPO reported that the introduction of the CPC International information in the different products and services had gone smoothly.

### 8b Plans and timings for implementing CPCI into the DOCDB backfile

The EPO said that it was planned to produce the next DOCDB back-file at the end of January and to distribute it at the beginning of February as usual. This back-file would also contain CPC symbols according to the CPC International project.

PatCom asked for information on the volume of records to be affected. The EPO informed that it would be a separate file. The last one was about 110GB, now it would perhaps be a bit bigger.

In response to a question from PatCom the Office explained that 25-30 countries assigned CPC, among them, some big ones like Korea, China, US, Russia, Brazil and a few European countries.

PatCom asked whether there was an API for the CPC definitions.  
*[Information received after the meeting: CPC scheme and definitions are available in PDF and XML format (not via webs service)].*

PatCom stated that definitions were available on the CPC site, but that they would like to have an update when there were changes. The EPO promised to investigate.

PatCom wondered whether there were any studies on how different authorities applied the CPC. The EPO stated that study of this nature was included in one of the programme passports for the Strategic Plan.

## 9. **PATENT TRANSLATE**

The Office stated that Patent Translate was now no longer a new project, but operated in a continuous daily business mode and continued to be intensively used via the EPO's patent information services attracting around 20 000 translation requests per day. The distribution of countries and languages remained unchanged.

The Office recalled the successful switch to neural Machine Translation a year previously. So far, there had not been any complaints from users about a lack of quality.

The top three language pairs requested for translation by external users so far in 2019 were Chinese, Japanese, and German into English – in that

order. Together these accounted for approximately 50% of all external translation requests to date in 2019

PatCom said that there had been a lot of use in India in the past. The Office answered that this still was the case but less spectacular than previously.

PatCom once more raised the issue of access to the training corpus which would enable the PatCom members to enhance their own translations. .

The Office answered that EPO's mandate was the agreements with the member states and their commercial partner, Google, does not allow for this.

PatCom agreed but stressed that Espacenet still had some extra information that commercial providers did not have and that this was an unfair situation. The Office agreed and said that this may change in the future

## **10. HARMONISATION OF NAMES, ADDRESSES OF APPLICANTS AND INVENTORS**

The Office stated that there were no changes to report in this area. A related topic, namely the production of NUTS, was done by a rather manual process. Now there were efforts to switch to a process based on geo-tagging/geocoding, but this process had only just started. The Office said that it would be eager to learn from the experiences of the PatCom members in this field.

PatCom said that in the general area of names, geolocation codes should be handled with caution. PatCom members had some issues with data protection in the field of trade marks, especially with people using their own home addresses (post codes). Learning from these issues they had decided to step back from geolocation codes.

The Office explained that the use case of geo tagging was not to identify someone's address but to make statistical analyses by region. So a reasonable use of geotagging would be a question of granularity and a question of avoiding any breach of data protection rules.

PatCom mentioned that there was certainly real interest in this topic, especially by combining geolocation with industry codes.

## **11. ANY OTHER BUSINESS**

- Any forthcoming announcements at Patent Information Conference

The Office reported that the programme would look at classification (CPCI), at Artificial Intelligence in general as a follow-up from last year, at relationship between patent searcher and patent attorney, at the use of legal status data and at case studies. Further topics were the evolution of prior art and how to search it as well as chemical structure searching.

PatCom offered to provide case studies for future conferences which was highly appreciated by the Office.

The Office announced that the head of the USPTO would give a keynote speech, that registration numbers were running at a high level and that the exhibition was nearly sold out.

The Office added that there would be a presentation on new Espacenet, focusing on the more hidden features.

PatCom informed the Office that they were planning to write to the President, asking for a meeting with him during the conference in Bucharest.

- Co-operation with Latipat

PatCom stressed the importance of having the current LATIPAT data also reflected in the EPO data collection. The EPO confirmed that the aim was always to have a collection which was as complete as possible. Unless data quality or similar issues were at stake, the EPO would always load all data available, including the LATIPAT data.

- SE Asia for data

PatCom stated that the EPO had a lot of contact with countries in SE Asia, but that still some interesting countries with large populations – such as the Philippines, Malaysia, Indonesia and Vietnam – were not covered.

The Office admitted that resources were an issue. Nevertheless data exchange was always on the agenda. The Office explained that it did not actively make new contacts, but made sure that it was part of the contacts that already exist.

PatCom expressed its interest and reminded the Office not to leave this field to WIPO alone.

- East Meets West

PatCom asked for the possibility of having a room for meetings with participants at East Meets West next year. The Office agreed and asked PatCom to let it know in which format these meetings should take place.

**12. DATE OF NEXT MEETING**

17 March 2020

## **38th EPO-PatCom meeting**

**24 September 2019, 11.00 hrs, EPO Vienna, room 348**

### **Participants**

#### **PatCom:**

President	Ann Chapman, Minesoft
Secretary	Jane List, Extract Information
	Jurjen Dijkstra, LexisNexis Univentio
	Armin Förderer, FIZ Karlsruhe
	Felix Coxwell, Questel
	Robert Fokkema, Lighthouse IP
	Rob Adams, Clarivate Analytics

#### **EPO:**

Principal Director Patent Information and European Patent Academy	Richard Flammer
Director	Heiko Wongel
Director	Pierre Avédikian
	Davide Lingua
	Roland Feinäugle
	Daniel Shalloe
	Susanna Kernthaler