

39th EPO - PatCom Meeting
Tuesday, 17 March 2020, 14.00 hrs
Skype meeting

Summary of discussions

1. INTRODUCTION

The EPO welcomed everyone to the video conference, which was convened as a Skype meeting due to circumstances caused by the corona virus. The EPO informed the participants that the Vienna site was functioning but all Vienna staff were working from home. The EPO assured PatCom that the Vienna site was still open and that postal services were working.

PatCom thanked for holding the meeting, despite the circumstances.

Answering a question from PatCom, the EPO confirmed that it would continue to publish every week.

2. APPROVAL OF THE AGENDA

The agenda was approved.

3. APPROVAL OF THE MINUTES OF THE 38th MEETING

The minutes had been approved by written procedure prior to the meeting.

4. OPS

4.1. New countries

The EPO explained that character-coded, full-text data from the following 11 patent authorities was expected to be added to OPS this year: Bulgaria, Czech Republic, Denmark, Greece, Estonia, Italy, Lithuania, Montenegro, Slovakia, Serbia and Sweden. This data would complement full text data from 19 other authorities already

available in XML format in OPS. The EPO stated that an additional module with CPC definitions would be available in OPS.

PatCom said that they had done some analysis and that they had a prioritised list of countries, which they would be happy to share with the EPO: countries such as Argentina, Brazil, Columbia, Cuba, Peru, Mexico and Uruguay, with whom WIPO was building up coverage and where it would be worth going through LATIPAT to get additional data. PatCom explained that they had looked at documents that WIPO had, which were less well available on Espacenet. PatCom suggested that the EPO should address these countries rather than PatCom going individually to them.

The EPO thanked PatCom for this pragmatic and helpful approach but pointed out that there were different issues to deal with, e.g. the right to put data into the EPO's databases or the quality of data provided. The EPO pointed out that it was in constant exchange with WIPO with respect to WIPO's 'IP Office Business Solutions' (IPAS) system, used by various countries to store and make their data available.

5. ESPACENET OLD AND NEW

5.1. Update on new Espacenet

The EPO explained that new Espacenet (now simply "Espacenet") had officially been launched on 19 November 2019. Three smaller releases, mainly dedicated to bug fixes and small updates, followed in December 2019, January 2020 and February 2020 and one release was planned for March.

The launch campaign had informed the users via known channels.

The EPO said that with the launch into production, the "new Espacenet project" had been closed and Espacenet was now managed and operated as a product in maintenance mode. After the launch, the EPO had begun to refer to new Espacenet as Espacenet and to the previous Espacenet as "classic Espacenet", to differentiate between the two.

The EPO assured PatCom that classic Espacenet was still in operation and could be used as a fall-back solution. User statistics showed a continuous growth of (new) Espacenet usage whereas classic Espacenet usage was slowly decreasing. No developments were taking place in classic Espacenet. A decision as to if and when the national Espacenet interfaces would be migrated had not been taken yet, and would be part of the discussion with the member states in 2020. Consequently, there was also no decision yet as to when to discontinue classic Espacenet.

5.2. Opportunities for commercial providers to link to the data.

Answering a question from PatCom regarding the deep linking, the EPO answered that it was gathering user feedback at the moment and that the request for deep linking was one of the repeated requests. The EPO stated that it was also its wish to get this feature activated, but there was no special date envisaged yet.

The EPO explained that deep linking to parts of the documents (e.g. description) was initially not implemented in new Espacenet for protection reasons viz-a-viz the backend and that it was now under discussion with BIT to find a solution. The outcome would depend on the result of the internal procedure and decisions.

Answering a question from PatCom, the EPO stated the implementation of SP2023 was creating a large demand on time and resources throughout the whole year. It was currently exploring a way forward with the EPO's IT experts and a decision would be taken this year.

PatCom said that linking was fairly simple, if you had the right patent number you just had to put in the URL. PatCom asked whether the EPO would accept people doing this or if this would breach the fair-use-charter?

The EPO remarked that this was related to the question on which document to display under which circumstances. Currently, a search did not always lead to the document expected, e.g. not to the B publication. There were business uses for the different variations and the EPO was currently discussing internally the best way to display the documents satisfying the different needs.

The EPO said that it would prefer to keep PatCom's question on linking to specific parts of a document open until the prioritisation with regard to the IT projects within the frame of SP2023 has taken place.

The EPO stressed that the discontinuation of classic Espacenet would only be possible once the whole SP2023 package was agreed (at least some months).

The EPO clarified the question regarding the URL construction after the meeting and gives the following response:

Generally speaking, the structure of a URL is as follows:

https://worldwide.espacenet.com/patent/search?q={CQL_Expression}

where the CQL expression is URL encoded as described in

https://www.w3schools.com/tags/ref_urlencode.ASP

Examples for links to documents:

<https://worldwide.espacenet.com/patent/search?q=pn%3DEP1000000A1>

<https://worldwide.espacenet.com/patent/search?q=pn%3DEP1000000>

Currently, the document displayed by default is the earliest published document of that authority, e.g. for EP publications typically the A1 or A2 document, irrespective of the kind code in the URL. Other publication stages (kind codes) can be accessed by selecting the corresponding document form the “Published as” list. It is planned to update the URL handling so that also the following URLs will, in the future, link to the document with the requested kind codes:

<https://worldwide.espacenet.com/patent/search?q=pn%3DEP1000000B1>

<https://worldwide.espacenet.com/patent/search?q=pn%3DEP2744308B8>

6. CLASSIFICATION IPC AND CPC

6.1. Transfer of IPC updates to WIPO

The EPO reported that information on IPC codes assigned to EP applications was no longer transferred as individual deliveries to WIPO. Instead, WIPO received IPC data as part of weekly DOCDB deliveries.

6.2. New format for CPC International; new countries using CPC

The EPO informed PatCom that the CPC system was being used by an increasing number of patent offices. Currently 29 offices participated in the CPC system. Apart from the EPO and USPTO, 17 CPC national offices were currently assigning CPC codes and delivering CPC data to the EPO. Overall, more than 55 million documents had been classified in the CPC (at family or document level) – including 1.5 million NPL documents (status: August 2019).

6.3. CPC updates

The EPO explained that there would be four updates of the CPC classification scheme in 2020 (January, February, May, August). The EPO clarified that information on changes between revisions was also available and searchable.

7. LEGAL STATUS INFORMATION PRODUCTS AND REGISTERS

The EPO said that at the end of 2019, the INPADOC service had covered approximately 300 million legal event records, corresponding to a 15% increase since the end of 2018. New and amended data from several patent authorities was available via the INPADOC service, including:

- JP: the processing of JP legal event data in a new format had taken place: Phase 1: migration of the operation processes to the new data format ('New standardised data') for JP legal events codes already used in the INPADOC database. Phase 1 was completed in Q3 2019, allowing for earlier loading of events (two weeks earlier).

- US: the EPO had added information on the status of US applications and granted patents: 9.5 million records had been loaded from backfile data, frontfile data was loaded on a weekly basis to keep the data up to date.

The EPO assured PatCom that it continued to enhance the content and coverage of data on supplementary protection certificates (SPCs) and other data in the INPADOC database. For this purpose, the EPO was in close contact with national offices to agree on the content and frequency of delivery. Moreover, the EPO was currently reviewing new and amended data from several patent authorities, including:

- EP: the first phase of workflow revision had been completed. Data related to appeals, third-party observations and decisions to grant were expected to be loaded in the first half of 2020.

- JP: the EPO had processed JP legal event data in a new format: Phase 2: the EPO had started to analyse legal event data related to trials/appeals which had not been available to the EPO before. Based on the analysis and user feedback, the EPO would extend the coverage of JP legal event data in the database.

- US: the EPO had developed a concept for the loading of US prosecution history data and was also working on a revision of the processing of US assignment data.

- TW: The EPO was preparing to load TW pre-grant data.

In addition, the EPO gave assurances that it would continue to revise the description of INPADOC legal event codes in English. An important objective was to harmonise the terminology and syntax of the descriptions.

The EPO said that it had received some comments/complaints on the descriptions for legal events, because users had considered them to be misleading. It would get in touch with service providers to avoid users struggling to understand what was happening. PatCom thanked the EPO for agreeing to contact the service providers to make sure that event data was correct and clear.

PatCom said it would like to have OPS amended to have access to legal events which occurred in a specific date range, e.g. in the latest week. The EPO answered that this had been discussed in the past, and that it was working on it.

8. EUROPEAN PATENT REGISTER DATA AS A WEEKLY FRONT FILE

The EPO explained that there was no news since the last meeting: the request was a known and long-standing request, still on the agenda of the EPO and something the Office wanted to push forward. PatCom offered to provide more details on exactly what they would like to see here.

9. EXAMINATION AND SEARCH REPORTS IN XML

The EPO reported that search reports were available as A1/A3 documents downloadable from Publication Server

Search report data in XML had been improved in the last 12 months in two steps:

- in publication week 2019/37 the text provided in ANNEX B of non-unity search reports had been completed.
- in publication week 2020/13 citations from the internet having npl-type="w" (non-patent literature that can be found in the World Wide Web) had been supplemented with additional elements (e.g. <edition>)

The EPO hoped that the search report data in XML now reflected all the information provided in the images of the search reports. These improvements were also reflected in all the supplementary search reports ("A4" documents), made available in XML every six months. The backlog (years 1994 to 2016) of all supplementary search reports in XML had been provided in Q4/2019.

10. DOCDB

10.1. New countries

The EPO said, efforts had continued to improve the data quality and to enhance the data processes. Particular attention was placed on creating comprehensive collections (filling gaps, comparison with authority files, and integration of data

provided by the Quality at Source project) as well as the harmonisation of the publication and application formats.

Examples for these activities included:

Korea : improved coverage – by filling gaps in backfile load (KR-A1 and KR-U1)

Australia : improved coverage for design documents – by backfile load (AU-S).

10.2. Presentation of classification codes

The EPO stated that the new CPCI classification scheme incorporated:

- CPC classification scheme – for CPC codes allocated by EPO and USPTO
- CPCNO classification scheme – for CPC codes allocated by national offices.

The EPO said that with the migration of CPC and CPCNO into the new classification scheme CPCI, these two classification schemes had become obsolete. The CPCI classification scheme had been available since September 2019 for publications exchanged in the DOCDB frontfile. A comprehensive DOCDB backfile supporting the CPCI classification scheme for the complete collection was scheduled for Q1 2020.

PatCom wanted to know whether there was any news from China on the classification of utility models with CPC. The EPO clarified the question after the meeting and gives the following response: For reasons of capacity, the CN office can provide CPC data only for a very limited number of CN utility models at the moment. The EPO is aware of the widespread interest in this kind of data and is in contact with the CN office to stay informed about potential changes in this matter.

11. NPL (Non-patent literature)

The EPO stated that since the last report on this topic (March 2019), nothing had fundamentally changed. The EPO was still consistently adding Digital Object Identifiers (DOIs) to the NPL records cited and contained in EPO databases as far as DOI existed for the NPL articles concerned.

The EPO reported that it was working on the question of old NPL where no DOI had been allocated but was not at a stage yet to report any clear solution. This topic was on the agenda of Working Group 2 at IP5 level.

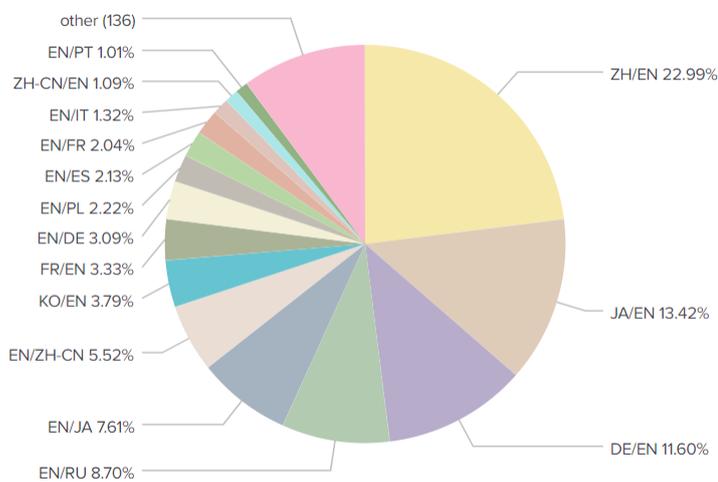
EPO said it still was not convinced it would make sense to allocate DOIs to patent documents. PatCom agreed. It suggested offering a bulk file of CPCs assigned to NPL, as this would make them searchable for end users. The EPO said that this request was new and that it would look into it.

PatCom asked for a list of DOIs against CPC symbols. The EPO took note.

12. PATENT TRANSLATE

The EPO reported that:

- usage as of end of February 2020 was at around 24,000 requests for translations per working day, over 90% from Espacenet, approximately 1000 per day from Publication Server (the all-time high was 26,000 requests in November 2019)
- from 1 Dec 2019 to end Feb 2020, the three most requested language pairs were Chinese, Japanese and German into English, the most requests coming from India, Russia, Japan, Germany and the United States.



13. HARMONISATION OF NAMES, ADDRESSES OF APPLICANTS AND INVENTORS

The EPO said that it was continuing its efforts to make high-quality harmonised applicant names available. It was analysing the outcome of the current contract for the harmonisation of applicant names for the PATSTAT product line and had prepared a new tender for 2021, reflecting recent developments in the field of data harmonisation.

The EPO reported that it was looking into making this data available via other products and services.

The EPO explained that there had been a question about putting harmonised data in DOCDB at the superworkshop at the Patent Information Conference 2019. The main business case for modifying DOCDB always needed to be related to internal use by the EPO (examiners). If it was not justified to make this data available via other products and services, then it could stay as a separate table in PATSTAT.

PatCom asked whether the data would be available to the service providers; the EPO said that it had to find out what was possible and would be grateful for input from PatCom. PatCom promised to gather input from the members.

14. AOB

14.1. Status PATLIB 2.0

The EPO reminded PatCom of discussions in earlier meetings regarding special pricing schemes for PatCom products for PATLIB centres. The key feature of the forthcoming PATLIB 2.0 project would be an allocation of all existing PATLIBs in three different levels according to their service level. The higher levels required the PATLIB centres to use professional patent search products. To offer incentives for PATLIB centres to strive to reach the next level, the EPO would be interested in working with PatCom either via a "voucher system" where the EPO would buy vouchers from the providers and pass them on to PATLIB centres, or via a special pricing scheme for PATLIB centres.

The starting date of the project would be the beginning of 2021.

PatCom said that the Project sounded very promising and that they were looking forward to getting involved. PatCom already had PATLIB centres among their customers.

PatCom explained that they had some agreements with WIPO, so that they would not start from the very ground with this project.

Date of next meeting: The EPO will look for dates from 21.9. 2020, and report back to PatCom.

39th EPO-PatCom meeting

17 March 2020 14.00 hrs, Skype meeting

Participants

PatCom:

President	Ann Chapman, Minesoft
Secretary	Jane List, Extract Information
	Paul Peters, ACS
	Armin Förderer, FIZ Karlsruhe
	Robert Fokkema, Lighthouse IP
	Lee Smith, RWS
	Andrew Samm, Patently
	Aurélie Brunet, Questel
	Christine Emmerich, FIZ

EPO:

Principal Director Patent Information and European Patent Academy	Richard Flammer
Director Publication	Pierre Avédikian Roland Feinäugle Christian Soltmann Klaus Baumeister Daniel Shalloe Susanna Kernthaler