40th EPO - PatCom Meeting
Tuesday,19 October 2020, 16.00 hrs
MS teams meeting

Summary of discussions

1. INTRODUCTION AND WELCOME

The EPO welcomed everyone to the conference, which was convened as an MS Teams meeting due to circumstances caused by the corona virus. The EPO thanked the participants for attending electronically and said that hopefully the next meeting in March 2021 would be a physical one.

PatCom thanked the EPO for holding the meeting, despite the circumstances.

2. APPROVAL OF THE AGENDA FOR THE 40th MEETING

The agenda was approved.

3. APPROVAL OF THE MINUTES OF THE 39th MEETING

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

4. IMPACT OF COVID RESTRICTIONS ON EPO OPERATIONS

The EPO stated that despite the circumstances, it continued to perform well, with many staff working at home and all events taking place as digital events. The Vienna site was fully functioning, the normal daily presence rate of EPO staff being 20-30%. This percentage would also be the average throughout the EPO.

The EPO said that production figures available now would show a slight deviation from the plan, with about 10% decrease in number of patent applications. This would

not come as a surprise but followed the trend across Europe. The EPO hoped to see a recovery to 2019 levels in 2021.

With respect to patent information, the EPO assured that it was managing to keep in touch with its customers and to maintain services.

The EPO stated that its performance was largely unaffected: the implementation of the Strategic Plan 2023 (SP2023) was progressing as expected, including the development of new KPIs for patent information.

PatCom wanted to know more details about the KPI for patent information.

The EPO responded that the KPI would concern statistics on patent information, but also other topics like user statistics, the digital events, paper consumption and the PATLIB 2.0 project. The EPO offered to include a list of all KPIs in the minutes:

Marco Bravo introduced himself as new director Patent Knowledge Promotion, PATLIB. He explained that he had worked with patents for a long time, but from a user's point of view (valorising IP, etc.). He stressed that promotion was a very important part of his job. He also mentioned the PATLIB network being a very extensive, heterogenous network across Europe. In the framework of the PATLIB2.0 project the EPO would try to take this network to the next level, offering PATLIB centres an array of training, helping them to extend their offerings, with a special focus on technology transfer. He stressed that the EPO was very much looking forward to working here with PatCom.

5. OPS

5a. New countries, new data

The EPO said that as of Q1/2020, OPS XML schemata for CPC classification data had been available on the OPS website (at www.epo.org/ops, under 'Further information').

As of Q2/2020, character-coded full-text data (description, claims) from another 11 patent authorities had been available via OPS: Bulgaria, Czech Republic, Denmark, Greece, Estonia, Italy, Lithuania, Montenegro, Slovakia, Serbia and Sweden. With that, full text data from 30 patent authorities was available via OPS. The EPO pointed out that its full text data was still a modest collection, but consistent and correct and therefore a start.

The EPO mentioned that it was migrating and updating the platform for the extraction of national full text data. The update was transparent for the users. No changes in the XML format were made. Test data for the FR and GB full text collection was sent to customers and feedback was requested.

PatCom asked whether the full text data would be available in the original language of the publication and if so, whether the EPO would make some efforts to offer machine translation?

The EPO answered that the data would be provided in the original language and yes, the EPO was considering concepts for delivering machine-translated data as well.

PatCom asked if it was possible to use and API to retrieve CPC definitions, adding that the full definitions were quite long, so a much shorter version would be better.

The EPO clarified that the definitions were separated into different data elements. A shorter version of the definitions would not be easy to offer.

6. LEGAL EVENT DATA

6a. INPADOC

INPADOC service:

The EPO informed the participants that new and amended data from several patent authorities had been made available via the INPADOC service in 2020, currently more than 320 million records were in the database. There had been many improvements, including:

- **EP:** The first phase of the workflow revision for the processing of EP legal event data had been completed. In this context, data related to EP appeals and decisions to grant had been added to the database. Data on third-party observations would be added in Q4/2020.

  It was planned to add the following types of EP legal event data in the coming months: a.) data on opposition, limitation and revocation procedures and on petitions for review; b.) data on fee payments other than fee payments related to appeals and decisions to grant; c.) event data related to EP publications.

  So far, only front file data had been loaded during the workflow revision. The Office intended to load backfile data in 2021.

- **JP:** The EPO had completed the analysis of legal event data related to Japanese trials/appeals, which had not been available to the EPO before. It planned to load the data related to trials/appeals in two steps. The first step with major event codes was expected to be completed in Q4/2020.

- **JP:** The EPO also wanted to load data that was not considered to be legal event data by the JP office but would fit the definition of legal events according to the INPADOC service: It was checking how data on the application procedure in specific situations (e.g. when the application is deemed to be withdrawn if no request for examination is filed) could be made available via the INPADOC service. For this purpose, the Office would closely liaise with the JP office.

INPADOC classification scheme

The EPO stated that as a first step, it had classified 2 800 INPADOC legal event codes used since 1997 on the category level of the INPADOC classification scheme. The category data had been made available in Q2/2018 via the INPADOC service and was maintained on a regular basis.

The EPO informed the participants that it was currently working on the second step: the Office was developing the detailed structure level of the INPADOC classification scheme and would classify INPADOC legal event codes on this level. The detailed structure of each INPADOC category would be designed to reflect the nature of the INPADOC legal events and to meet the needs of the users.

At present, the classification of more than 1 200 INPADOC event codes related to

- the protection of IP rights after their default or maximum term
- post-grant reviews
- changes of party data
- payments
- the filing of applications
- licences and related transactions

had been finalised at the detailed structure level.

The EPO stated that it expected to make the INPADOC classification data and the information on the detailed structure of the INPADOC classification scheme available to customers and users in the course of next year.

PatCom asked whether EP opposition data was added yet.

The EPO answered that there was now some data already available, taken from the EBD database, but in future there would be more event data available, e.g. more information on the outcome of an opposition procedure, or the pure fact that a decision has been taken. That information – available well before the content of the decision – would be relevant for professional users.

Regarding the timeline, the EPO stated that everything should be completed in the coming month.

6b. European Patent Register data as a weekly front file.

The EPO explained that it continued to work on options to provide weekly front files for EP register data. However, no statement could be made yet as to when the data would be available.

For the time being, an alternative way to use EP register data in bulk data format would be to complement EP register backfile data with updated data from the OPS Register service.

PatCom asked about a function on the EP register showing if there had been a status change and asked if it would be possible to build a command on that to pull together the latest EP changes?

The EPO took note of this request, stating that it would forward it to the IT department. It wondered, however, if the option of providing an entry point with a date range (already discussed with PatCom) would be a more useful solution.

Answering a question from PatCom regarding the completeness of data in the Register and the OPS, the EPO admitted that currently some data was stored as an image, where text would be more useful. The EPO explained that it would like to grant full access to the data via OPS or similar, but that this would be a question of prioritisation with other IT projects.

PatCom asked whether the EPO would offer direct access to national register data, because a central system for register data of national offices would be highly appreciated.

The EPO agreed that WIPO Standards 96 and 27 would make this idea more attractive, but that a central system would not automatically make the situation easier: five to ten national offices were active and might achieve something in the medium term. Most of the national offices, however, would have problems to provide their data in a machine-readable way.

The EPO said that it was not optimistic for having a central register soon, but referred to the SP2023, which included many strategic programmes with aspects on data exchanges, applying standards etc. Additionally, a memorandum of understanding with WIPO regarding data exchange was planned.

7. ESPACENET OLD AND NEW

New Espacenet**:** The EPO informed the participants that since its launch in November 2019, new Espacenet had seen one release in 2019 and eight in 2020. These were mainly bug fixes but had also included some smaller improvements like:

- Improvement of single document view (more space, no result list)
- Possibility to open the current document in a different tab
- Adding Euro-PCT applications (Article 153(3) EPC) published in one of the EPO's three official languages and therefore not republished by the EPO
- Improving search results by displaying the document with the requested kind code
- Kind code search/display improvements
- Increasing the number of items displayed per filter category
- Layout changes including display in mobile devices (responsive design)
- Improved layout download of data and stability (e.g. for large numbers of forward citations)
- Import of "My patents" list from classic Espacenet

The EPO said that user feedback was being constantly collected and monitored via the feedback function on the interface.

Classic Espacenet: The EPO said that the classic Espacenet interface was still in operation for the EPO’s interface and national versions which had not yet been converted to the new Espacenet interface. No decision had been taken yet if the national Espacenet interfaces would be migrated to new Espacenet. No decision had been taken yet as to when to discontinue classic Espacenet. No developments had taken place in classic Espacenet.

PatCom asked about certifications of correction for US data and wanted to know what "available" would mean in this context.

The EPO said that these certifications would be attached to the end of the document, separately downloadable.

PatCom wanted to know if there were any statistics available regarding the uptake of new vs. classic Espacenet?

The EPO said that more than half of the users used classic Espacenet and that the EPO would collect feedback on the reasons.

PatCom was surprised by this information and the EPO said that this had to be thoroughly analysed. The reason might be that users would keep using Classic Espacenet out of habit and that also the advanced search function would be quite complex at the beginning.

8. CLASSIFICATION IPC AND CPC

The EPO informed the participants that it continued to strengthen its international cooperation in patent classification matters as part of its current strategic plan. Thus, the EPO would play its part in improving the services for national offices and service providers in the field of patent classification information. Another related activity of the Office in this field would be the revision of the cpcinfo.org website. The Office would welcome feedback and any requests for improvement in this matter from commercial service providers (contact: cpc@epo.org).

The Office mentioned that CPC data would also be available in the European Patent Bulletin, European Patent Register and European Publication Server.

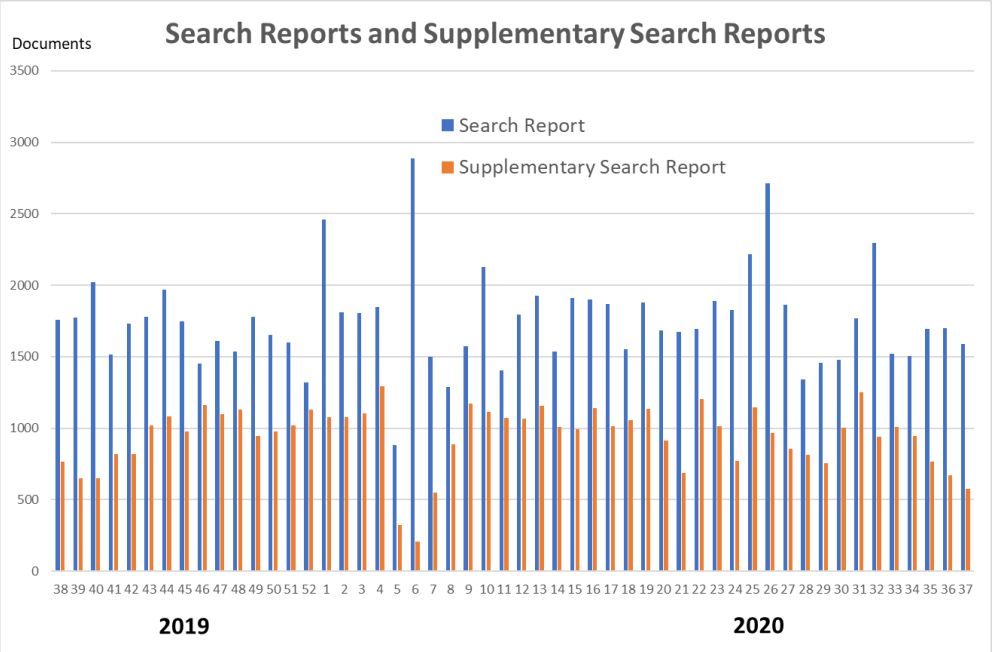
In Q3/2020, the tagging schemata for several sub-areas in Y02 ("Technologies or applications for mitigation or adaptation against climate change") and Y04 ("Information or communication technologies having an impact on other technology areas"' had been updated. Tagging data was currently created and updated in a semi-automated procedure. The EPO said that it intended to migrate this procedure to an automated process based on Artificial Intelligence at a later stage.

The EPO stated that it had a good practice of announcing changes to publication data well in advance and that there would be a change to the DTP for publications with new tags covering CPC data.

The EPO informed the participants that CPC classification data would be provided in a similar style to IPC classification data (50-character string) in the newly defined XML element B520EP directly after the IPC classification element B510EP.

9. EXAMINATION AND SEARCH REPORTS IN XML

The EPO said that it had published 91 000 search reports in A1 and A3 documents and 49 000 supplementary search reports in the last 12 months. The publication data format had not been changed. The last improved XML publication format introduced in 2020/13 had shown reliability and consistency with the corresponding image data. Publication cycles (weekly for A1, A3 and A4 images on the European Patent Register / half yearly for A4 structured XML data) had not changed.



10. DOCDB

The EPO said that it continued to increase the quality and coverage of bibliographic data in the DOCDB database. As part of these activities, minor rekeying of document information had occurred for the following authorities: African Intellectual Property Organization (OAPI), African Regional Intellectual Property Organization (ARIPO), Germany, South Africa, Sweden.

With the CPC International (CPCI) project and the quarterly updates of the CPCI schema, the volume of DOCDB data available in bulk data format had increased significantly. Feedback from customers of the “EPO worldwide bibliographic data (DOCDB)” product confirmed that they were able to handle the larger files.

11. PATENT TRANSLATE

The EPO informed about the status: maintenance actions would continue, 32 languages (including English) would be available.

Backend would continue to use Google Machine Learning based service.

Several machine learning projects would run, including looking at Machine Translation.

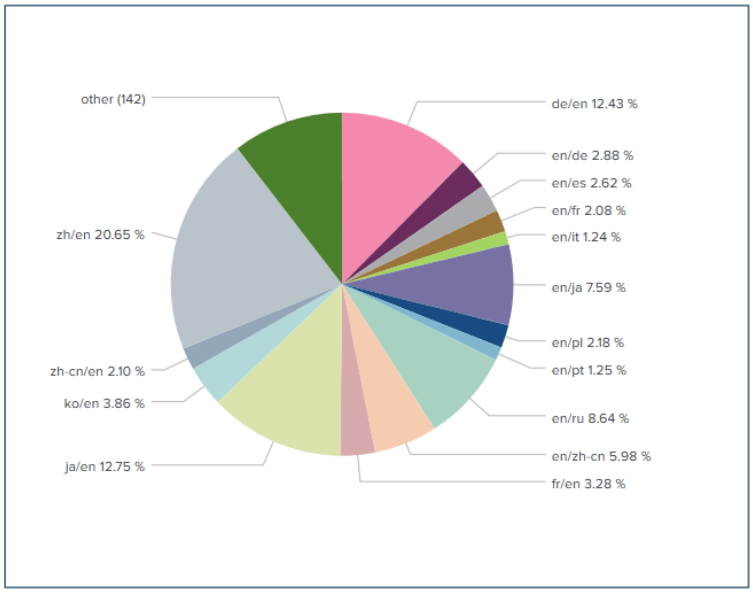
Core statistics: Jan 01 – Sept 2020

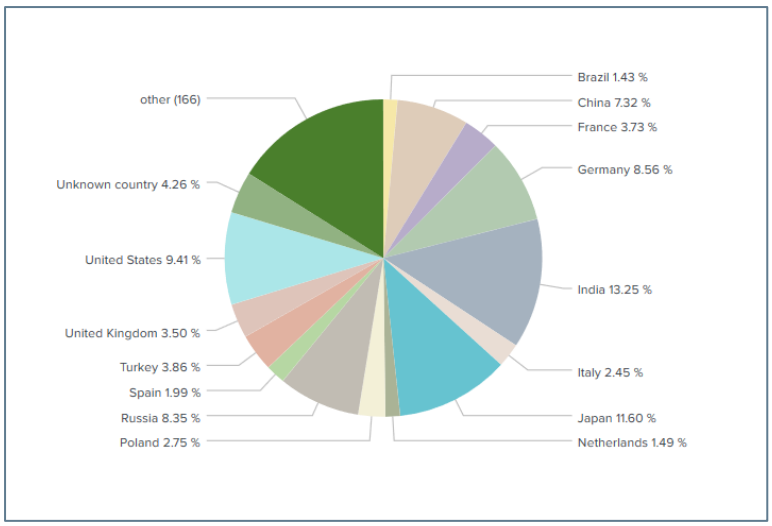
External translation requests:

Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020	Jul 2020	Aug 2020
479119	497275	536948	490836	481753	489278	465355	438150

Equivalent to approx. 20K requests per working day.

European Machine Translation Programme - Translation service monthly v4 - Translation count per language pair, external





PatCom referred to translations from the original language into English and wanted to know whether there was further translation into other languages as well.

The EPO stated that there were some translations into French and German, but only a low percentage.

12. HARMONISATION OF NAMES AND ADDRESSES

The EPO informed the participants that after having analysed the outcome of the current contract for the harmonisation of applicant names for the PATSTAT product line, the Office was preparing a new tender for future PATSTAT editions as of 2021. The new contract would reflect recent developments in the field of data harmonisation and would aim at improving the quality of applicant names further.

Harmonised data may also be made available via other EPO products and services, too.

13. PATENTS AND STANDARDS (SEP INFORMATION IN PATENT DATABASES)

13a. Cooperation between EPO and standardisation organisations (SDOs)

The EPO said that its cooperation with standardisation organisations had led to a steady increase of standard documents being cited in EP search reports (60% of search reports in key technical fields (e.g. wireless technology, digital video coding

and compression)). Studies showed that this had led to around 10% fewer patent grants in these areas (Bekkers et al, 2016). SEP declarations at SDOs were based on the unilateral assessment of essentiality by the patent holder and not reviewed or checked by the SDO.

The EPO stressed that the work done by the EC in this area might be of special interest to the PATCOM members.
(https://ec.europa.eu/growth/industry/policy/intellectual-property/patents/standards_en)

13b. ETSI and IEEE documents being cited: the data (example)

The EPO said that standards documents being cited in search reports would be labelled as NPL. Although products as Espacenet would allow the retrieval of "citing documents" for NPL documents, there was currently no search functionality to search specifically for NPL (or standards documents). A DOCDB-based product like PATSTAT, allowed for text searching on the NPL bibliographical data. Searching for "ETSI", "IEEE", would retrieve most of the relevant standard documents which in its turn would allow to look for all patent publications that had cited those standards documents.

13c. SEP database

The EPO stated that SEP databases of two major standard developing organisations (SDOs), the European Telecommunications Standards Institute (ETSI) and the International Telecommunications Union (ITU), both linked with the EPO's Espacenet product. This allowed users to access the INPADOC legal status of the declared SEPs and check the patent family members for geographical coverage of the invention. This enhanced patent transparency around SEPs.

Academic researchers had gone a step further by merging databases coming from 13 major SSOs into one (freely available) database – linkable to PATSTAT (and DOCDB / last updated 2016) (http://ssopatents.org/)

PatCom asked whether SEPs would actually be essential standard patents.

The EPO responded that this would depend on the IPR policy of the standards organisation concerned – ETSI, for example, would request a “timely” declaration of any IPR a participant might believe is or could become standards essential. Therefore most companies contributing technologies to the standard (e.g. 4G or 5G, etc) would declare their SEPs early.

ETSI looked for early information on who owned what IP, but early declarations would also be a bit premature and might not give a complete picture of what patents would be standards essential at the end of the day, as standards are often finalised much later, and patents may not be granted, or may be granted with a more limited scope of protection.

14. AI IN EPO OPERATIONS

The EPO informed the participants that AI appeared in a great number of projects under SP2023. Thus, it would need to understand where PatCom's interest lay.

PatCom responded that there would be a general interest to cover the following areas: assignment, pre-classification, search, examination. PatCom proposed to exchange information and address the point in more detail at the next meeting.

15. PATLIB 2.0 PLANS

The EPO said that PATLIB 2.0 was on track for official launch in May 2021. As part of that launch, the EPO would like to include measures that helped PATLIB centres improve their use of commercial patent search tools. These could include, for example:

- Price reductions for PATLIB centres
- Free access for certain centres for a limited period
- Vouchers distributed by the EPO as parts of the packages of benefits it is offering

An important consideration would be how to provide fairness and transparency for all commercial providers, and how to provide neutral information and support to the centres.

The EPO said that it would like to initiate discussions with PatCom in this area in time to reach a conclusion before the launch in May 2021.

16. VIRTUAL EPO PATENT INFORMATION CONFERENCE AND EAST MEETS WEST EVENTS (information provider participation opportunities)

The EPO informed the participants that the website for the Patent Information Conference was live now. The event would include a virtual exhibition. Every effort had been made to create a sense of space and human interaction. Attending the event should – as far as possible – feel like attending the physical event. There would be a three-dimensional interface with a visualisation of the exhibition and the stands. The EPO encouraged PatCom members to take part.

For East meets West, the EPO stated that there would be a networking lounge for all participants but no specific measures for commercial patent information providers.

17. AOB

18. DATE AND VENUE / FORMAT OF THE SPRING 2021 MEETING

16 March 2021

40th EPO - PatCom Meeting
Tuesday,19 October 2020, 16.00 hrs
MS teams meeting

Participants

PatCom:

- Ann Chapman, Minesoft, President
- Jane List, Extract Information, Secretary
- Jurjen Dijkstra, LexisNexis
- Paul Peters, ACS
- Robert Fokkema, Lighthouse Intellectual Property
- Lee Smith, RWS Information
- Armin Förderer, FIZ Karlsruhe
- Margit Hoehne, Patentgate
- Felix Coxwell, Questel
- Andrew Samm, Patently
- Christiane Emmerich, FIZ Karlsruhe
- Robert Adams, Clarivate

EPO:

- Richard Flammer, Principal Director
- Pierre Avedikian, Director Patent Data Management
- Marco Bravo, Director Patent Knowledge Promotion, PATLIB
- Christian Soltmann
- Roland Feinäugle
- Klaus Baumeister
- Geert Boedt
- Gerard Owens
- Daniel Shalloe
- Susanna Kernthaler