

Trilateral Roundtable Meeting Notes Summary

28 October 2008, 13: 00 - 15: 00
EPO Patent Information Conference 2008
Stockholm, Sweden

Participants:

PDG: Gerold Frers, Siemens
Werner Fröhling, Volvo
Peter Kallas, BASF

PatCom: Willem-Geert Lagemaat, Lighthouse IP, President of PatCom
Rob Willows, Thomson Reuters, Chair of PatCom Technical Working
Group
Pierre Buffet, Questel
Paul Peters, CAS

epi: Bart van Wezenbeek, Vereenigde

CEPIUG: Anne Gaëlle Darmont (FR)
Bettina de Jong (NL)
Michele Fattori (IT)
Aalt van de Kuilen (NL), President CEPIUG

Trilateral Offices:

JPO: Susumu BANI
USPTO: Kay Melvin
EPO: Pierre Avédikian (Chair)
Manuel Desantes
Richard Flammer
Günther Vacek
Ferdinand Rudolf
Irene Schellner
Keri Rowles (minutes)

Presentations

Each of the trilateral offices provided a short presentation on various aspects of patent information in their respective organizations. The main subjects covered being:

EPO: "Patent Information from the EPO"

- Policy
- Data
- Channels
- Future

JPO: "JPO Patent Information Policy":

- Patent Information Policy
- Current Activities of Patent Information
- Future Plan

USPTO: "The Changing World of Search and Information Access at the USPTO":

- Dissemination at the USPTO
- Strategic Challenges and Opportunities
- Improving access to Public PAIR information

Question / Answers

(Q.1) Participant question: What is the trilateral policy on cooperation in Patent Information?

(A.1) EPO clarified: Trilateral co-operation began with a focus on technical issues, tools, and data. The dominant challenge today is workload management, and trilateral collaboration in the area of patent information should be seen in this light. In particular, it is hoped that through supporting users with high quality patent information we can contribute to the avoidance of unnecessary workload.

(Q.2) Participant question: Despite the fact the patent information policies of all trilateral offices insist on the importance of having a commercial sector, the EPO is perceived by some commercial providers as being a more aggressive patent information distributor, how do offices see their role?

(A.2) USPTO clarified: Under US legislation (OMO??) the USPTO must make its data available to the public but must not compete with commercial providers of patent information.

(Q.3) Participant question: What is the position of the trilateral offices regarding the future of classification?

(A.3) EPO clarified: The EPO fully supports a harmonized approach within the framework of the IPC. The "Big 5" offices met the previous day in Korea and an output of that meeting is that the EPO will focus on the classification "Foundation Project" in 2009. The "Big 5" have agreed that action on the issue of re-classification of the same patent documents multiple times in multiple offices requires urgent attention.

(Q.4) Participant question: Users hope that the lessons learnt from the IPC reform will be applied during any renewed harmonization effort, and asked what impact they can expect?

(A.4) EPO clarified: Any progress on classification is constrained on 3 levels:

- (a) Any action must be taken within the WIPO framework.
- (b) As the offices processing the majority of patent applications, the "Big 5" must take the lead.
- (c) User Support is essential.

(Q.5) Participant question: If large offices were to use the same databases then perhaps this could help in harmonizing quality and increasing the predictability of results before the different authorities.

(A.5) EPO clarified: The EPO that this is the subject of another “Foundation Project” within the framework of the “Big 5” – The “Common Databases” project. There is additional an effort to reach a common understanding on machine translation. CIPO has informed us that they are moving towards to free use. KIPO has informed us that they are moving towards free machine translation access for NOs. Perhaps these actions could constitute a first step. The “Big 5” now has a window of opportunity and we should take it.

(Q.6) Participant question: There is a need to improve the quality of the system in three areas:

- (a) Search
- (b) Examiner evaluation
- (c) Harmonization of examination results

(A.6) EPO clarified: The main question today is – How can the “Big 5” address the future of quality together.

(Q.7) Participant: How can patent offices make their data collections available to users when they include commercial databases? Are the patent offices proposing to become vendors?

(A7) USPTO clarified: While it has been discussed that the databases used in the patent offices are also needed by the community at large, if access to these sources is made available to the public on the Internet, commercial databases would not be part of that offering. Some users have suggested the improved access to patent information could improve the quality of the applications files. Users have also indicated that patent offices need to:

- (a) Improve training for tools
 - (b) The foundation tools & data need to be identified.
- These are long term goals, and we need to define the road map to reach them.

(Q.8) Participant question: Quality is essential. A simple mechanism for reporting errors (e.g. missing classification) is needed. Further, a common scheme of classification is needed.

(A.8a) EPO clarified: The priority is not a common classification scheme per se, but rather enhanced governance of the process. The EPO does not intend to impose ECLA. The strategy would be to take the best from all existing systems and build on synergy.

(A.8b) JPO clarified: There is an effort to move in the direction of common classification and to provide more information in English in relation to the explanations of F terms.

(A.8c) USPTO clarified: We should aim to avoid classifying the same patent documents many times, but at the same time each office has advantages in given languages and technologies. Perhaps some sort of hybrid solution could be the way forward?

There is a need to approach the issue for the perspective of finding the best solution overall.

(Q.9) Participant question: Do the “Big 5” plan to restrict the complexity of applications within the framework of managing the workload?

(A.9) EPO clarified: No. After many years of approaching the substance of examination, the offices have now decided to address together the foundations of the patent system.

Remarks:

(REMARK.1a) Participant: SIPO is not moving towards free access for commercial providers. Even if moving towards free access for others, this is not a satisfactory solution.

(REMARK.1b) Participant: It is a problem for the commercials when large offices announce initiatives for patent information services which are then delayed. This blocks the market for the given service.

(REMARK.2a) Participant: Different Users have different needs. In general they will use everything available. It therefore hard to answer with specifics to the question “What do you want”? – The answer is always “Everything”. In general users want high quality, standardized data.

(REMARK.2b) Participant: Users need the same data as examiners. NPL is an issue as the patent office collections tend to be far more extensive than that available to applicants.

(REMARK.2c) Participant: Users need tools and data, but also skills. It is therefore important to harmonize skills in addition to the harmonization of tools and data.

(REMARK.3) Participant: All User groups should be invited to provide input when the roadmap is defined: Commercials, Public, Attorneys etc.

(REMARK.4) Participant: Users need more than the offices can offer. They do many types of analysis and not only state of the art searches e.g. freedom to operate searches, infringement, etc. There are often practical issues that need to be addressed and for such as the present roundtable, SCIT, and the like are very important. More such for initiatives would be appreciated.

(REMARK.5) Participant: There are at least two distinct groups of Users that includes: End Users, and Professional Users. They need different tools and support.

(REMARK.6) Participant: Quality differences in the outputs of different parts of the system can cause difficulties for end users. For example a harmonized approach to high quality Bibliographic information, Classifications, Titles and Abstracts would be helpful. The patent offices should co-operate in this area.

(REMARK.7) Participant: The patent offices should place priority on the things that they can do and are responsible for: Data quality, and Standards.

(REMARK.8a) Participant: A searchable database of decisions of Boards of Appeal as offered by the EPO is useful. An harmonized approach on the IP Case Law and on legal texts would be useful for the professionals.

(REMARK.8b) Participant: Users are concerned about acquiring machine translations of foreign language priority documents filed under EPC 2000.

(REMARK.9) Participant: The idea of a roadmap and advancing in small steps is a good one. Now the goals and the route must be set. Users need access to small / interactive groups in order to provide their input.