Trilateral Roundtable – Meeting Notes Summary
2008 Patent Information Fair & Conference in Tokyo, Japan

Date: November 5, 2008 (Wednesday)
Time: From 14:00 to 17:00
Location: The Science Museum, Special Conference Room
              2-1 Kitanomaru Park, Chiyoda-ku, Tokyo

Participants (Total 22):

1. Hiroyuki Aizawa   DIC Corporation
2. Yasushi Iida   TERUMO CORPORATION
3. Yurie Iino   Lion Corporation
4. Tetsuo Itou   JSR Corporation
5. Hideki Ito   NIPPON SHOKUBAI CO., LTD.
6. Hitoshi Imazu   Noritake Co., Limited
7. Kyoko Ueno   Japan Association for International Chemical Information
8. Atsuko Kawamoto   TOSHIBA CORPORATION
9. Seiji Takano   NRI Cyber Patent, Ltd.
10. Toru Takeuchi   NRI Cyber Patent, Ltd.
11. Takeo Teraoka   FUJITSU LIMITED
12. Hiroyuki Todo   Chuo Kogaku Shuppan Co.,Ltd
13. Masatoshi Nakada   Japan Patent Data Service Co.
14. Yoji Narui   NOF CORPORATION
15. Sadao Nishii   CHISSO CORPORATION
16. Kazuhiro Nishiyama   Hitachi Techno-Information Services, Ltd.
17. Kazuhiko Hamaoka   Nissan Motor Co., Ltd.
18. Nobuyuki Bando   KURARAY CO., LTD.
19. Takao Hirose   Patolis Corporation
20. Masahiro Fukasawa   Hatsumei-Tsushin Co.,Ltd
21. Setsuko Horikoshi   NEC Patent Service, Ltd.
22. Takami Matsutani   NIPPON KAYAKU CO.,LTD

Panel (Trilateral Offices):

Japan Patent Office (JPO), hosts:
1. Yoichi Gotani (Chair)   Director, Patent Information Policy Planning Office
2. Shigeki Kamiyama   Deputy Director, Patent Information Policy Planning Office (presenter)
3. Ichiro Kohara   Deputy Director, Patent Information Policy Planning Office

European Patent Office (EPO):
1. Richard Flammer   Principal Director Patent Information, EPO Vienna
2. Gunther Vacek   Director Product Distribution & Specialised Services, EPO, Vienna (presenter)

United States Patent and Trademark Office (USPTO):
1. Judy J. Swann   Division Manager,
        Special Projects, Reports and Knowledge Managing Division (presenter)

1.   Presentations:

Each of the Trilateral Offices made a short presentation on the subject of Patent Information. The Followings were main topics of each presentation: see attached materials.

(1) EPO: Patent Information from the EPO
- EPO Patent Information Policy
- EPO data and non-EPO data
- Channels
- Future Plan

(2) USPTO: United States Patent and Trademark Office (USPTO) Information
- Overview of IP in the US – Patent eCommerce Development
- Patent Application Infromation retrieval (PAIR)
- Electronic Information Products & Services

(3) JPO: JPO Patent Information Policy
- Basic Policies for IP Information Dissemination
- Industrial Property Digital Library (IPDL)
- Optimization Plan: Information Dissemination

2.   Discussion (Requests, Questions & Reponses) :

(1) General Usage of Patent Information

The end-users of the participants are interested in not only patent information in Japan but also Europe and the US. It was found that their general use of patent information service depends on its purpose. To access to information of individual application such as legal status, services by the Trilateral Patent Offices such as epoline and PAIR are used. With regard to search and access to published documents, some participants use commercial services for advanced search or/and in-house DB (mainly JP and US patent documents) in addition to services by the Offices such as esp@cenet.

(2) Trilateral Offices (EPO, USPTO and JPO)

T1. The importance of IPC was underlined. Currently, the Offices assign IPC by using IPC-internal classification concordance. However, it seems to be quality problem in the concordance which results in occasionally causing zero-result of IPC search. This seems because relevant patent documents are classified under the improper classification. It was suggested that the Offices review its own concordance to improve the quality and accuracy of the classification system in each office.

> *EPO response:* Quality and correctness of classification data is an issue of highest importance. EPO is making high efforts to deliver classification data correctly and in time. The users comments with respect to IPC data will be taken to the Office in order to refine practice and improve accuracy.

> *USPTO response:* The IPC is very important. First, USPTO is focusing on quality of IPC classifications assigned by the PGPub outsourcing contractor. Secondly, zero result of IPC search may be a result of improper search syntax.   In any event, USPTO is reviewing the IPC search field on the WWW patent search site.

➢ **JPO response:** The JPO recognizes the importance of IPC. And we appreciate if the participants of this discussion to provide us with specific examples of the documents classified under wrong classification symbols at a later date.

(3) EPO and USPTO

E&U1. There are approximately 15 major commercial patent information service providers in Japan. What is the situation in Europe and the US?

➢ **EPO response:** In Europe, there is an organization called PatCom which is an association of 10 to 15 major commercial patent information providers which are based mainly in Europe. In the new patent information policy of the EPO (introduced in June 2007) there is no special treatment foreseen for different types of users of the information. In other words, all users, namely the public users and the commercial providers are treated equally under this new policy. One of the key principles is to provide information barrier-free. The policy of providing patent information at marginal cost remains untouched.

➢ **USPTO response:** There are companies which provide commercial database for patent information in the US. Majority of the bulk data of published patent applications and granted patent publications of the USPTO are provided to them. The USPTO currently provides patent data directly to 15 paying customers in the U.S. Those 15 customers may or may not provide patent information to others; if they do, the secondary customers may, under some circumstances, also provide patent information. The total number of providers, therefore, is difficult to determine.

E&U2: There are commercial patent information providers and its organization in the US and Europe. What is a general relationship between the Office and commercial providers?

➢ **EPO response:** It is very difficult for the EPO to answer precisely questions relating to issues to what extent and how the patent information products and data are used by which users or user groups in Europe. As we have established in Europe a three-layer structure for provision of patent information which includes the EPO, the EPO member states and the commercial providers, information is flowing via all these channels and it is not easy to identify to what extent which source is used. EPO and the commercial providers (PatCom) are meeting regularly in order to exchange information on coming developments in the patent information area. In general, it can be said that under the newly formulated patent information policy the existing positive and fruitful relationship between the commercial providers on the one side and the EPO and its member states on the other side remains unchanged.

➢ **USPTO response:** The USPTO provides data to the commercial providers while the USPTO is using their databases, so we have a two-way relationship. Essentially, the USPTO offers patent information as data products. Commercial patent information providers (as primary or secondary customers) who purchase our data are not restricted from reselling it as aggregated or value-added products or providing other related information services. Our Terms & Conditions document describes the relationship between the USPTO and the bulk data customers/subscribers. A reverse relationship is also a factor: to benefit patent examiners and classification specialists, the USPTO also purchases some value-added information services from commercial providers who originally purchased USPTO data.

(4) EPO

E1. It was indicated that "Barrier Free Service" of patent information was mentioned in the

EPO presentation; although key word search in title and abstract is currently available at the esp@cenet, it would be wonderful to have search using full-text available in the future.

> ***Response:*** In our plans for further development of esp@cenet, EPO is also considering to provide full text search functionality for esp@cenet. At the moment it cannot yet be said precisely when this functionality will be available, but this functionality will also include text search in claims.

E2. As for legal status of the EPO, it was indicated that issues concerning time lag and coverage need to be improved. It was also indicated that DOCDB is highly appreciated and expected further improvement of it.

> ***Response:*** Legal status information is very useful and important information. EPO receives similar requests on further development of the legal status information at various occasions. We are in continuous contact with our member states and other patent offices in order to improve data quality and coverage.

E3. Participants stated that machine translation is one of their interests. According to the comparison conducted by one of the participants of the translation result of esp@cenet with that of other commercial database in Europe for German to English translation, the translation accuracy of esp@cenet turned out to be much higher than that of commercial database, especially in the translation of compound words. It was mentioned that the dictionary used in esp@cenet is highly appreciated among vendors in Europe and the vendors hope for the dictionary to be provided. Possibility of providing the dictionary to the public was asked by participants.

> ***Response:*** Although quality of translations is becoming better and better, in the opinion of the experts in the EPO the actually existing dictionaries have not yet reached a sufficient level of completeness. The EPO expects to provide the dictionaries to the public as soon as the technical content has reached a sufficient level and the legal framework has been clarified. The EPO recognizes the importance of the machine translation and the dictionaries used therein, so the EPO hopes to be able to bring positive answers to the next round table discussion in Japan.

E4. It was indicated that re-classified documents by the EPO does not have First Indicator therein. The re-classification of the EPO is so important that it needs to be improved. Reasons for this issue were asked by participants.

> ***Response:*** It is impossible for us to identify here immediately any specific reason for this issue. The same question has been addressed at the occasion of the round table discussion in Stockholm, too. The information has been forwarded to the units in charge of classification. We are confident that results/improvements can be seen in very near future.

E5. It was asked if there is a possibility of establishing and providing database or a platform by the EPO where the users can find the information of annual maintenance fee and SPC after entering into the phase of each member state.

> ***Response:*** The EPO has a very good relationship with its member states and - where available-, the EPO tries to gather such information from the member states and provides them to the public. Depending on the individual situation in some states, such an information is not available or cannot be provided due to technical or other reasons by the member state to the EPO. The EPO is in continuous contact with these offices and tries to support them in order to be able to provide that information to the public.

E6. According to the analysis conducted by one of the participants, out of 1,456,577 EPO unexamined patent applications, abstract data were found missing in 31,632 applications. It was suggested that the EPO implements some kind of mechanical checking procedure before shipping data in order to improve the quality.

> ➢ *Response:* This means that according to this analysis some 2% of all the data seem to be missing. Before coming to deeper conclusions, first it has to be analyzed what could be the reason for such missing abstract data, If data inaccuracy should be the reason we will deal immediately with the problem. On the other hand, some kind of legal issues might be involved, such that applications are withdrawn or revoked or not disclosed for other reasons. Anyway, we will examine the issue and - if necessary - will take the appropriate steps to improve the quality and completeness.

(5) <u>USPTO</u>

U1. It was indicated that the timely and precise information would be appreciated in the service of PAIR. It was suggested that the USPTO considers providing raw (source) bulk data of PAIR including legal status information, annual maintenance fee information and right extension information.

> ➢ *Response:* The USPTO has investigated a solution to bring published application bulk metadata to the public as a data dissemination product. The current priority of the Information Technology team at the USPTO is to build up its aging infrastructure before adding new services or functionality that cannot be supported. As the infrastructure improves the priorities will change. The goal of the USPTO is to offer all the data, all the time to Intellectual Property community. At this time, no decisions on fees for the data have been finalized.

U2. It was indicated that searching assignment information through the assignment database of the USPTO is very difficult because only one condition can be put at a time.

> ➢ *Response:* The online search capability for the patents assignment database offers search capabilities based on a choice of eight fields, but it is limited to searching a single field at a time (an exception is the ability to search for an entity appearing in either assignee or assignor field). The USPTO also makes available for purchase other subscription-based resources that may benefit advanced researchers: the Patents ASSIGN optical disc product, and downloadable files of daily patent assignment activity. See the USPTO Web site for details on these products or contact the Electronic Information Products Division at ipd@uspto.gov.

U3. It was indicated that information of both the right transfer of inventor to enterprise and the right transfer between enterprises are provided together in the search results of the assignment database. It was suggested that the USPTO considers providing searches only targeting at the right transfer between enterprises.

> ➢ *Response:* The online search capability does not make a distinction between enterprise and individual – it is intended only to display the recorded assignment activity. Please note that not all transfers of ownership are recorded; only those assignments specifically filed for recordation with the USPTO are represented in the online database.

U4. It was pointed out that the assignee information is not stated in many of the PGPubs. The participant attributes this problem to the USPTO patent system. It was asked to the USPTO if

it can be improved.

> *Response:* It is impossible under the current patent system. The assignee information shown on published/issued patent documents is not associated with or derived from the separate assignment system. At the time of issue applicants have an opportunity to specify the name of the assignee to whom the patent will issue. This information comes from an entry on the base issue fee transmittal letter (a patent form), and not any type of cross verification with the assignment records. Assignment recordation is not a requirement—it is strongly recommended. The Assignment Recordation process is ministerial and a distinct transaction taken separate and apart from patent processing. The assignment records reflect only those documents for which a specific request is made to record an assignment of a specific patent application number or an issued patent number.

U5. It was indicated that many errors can be found in the assignment information, for example, error in writing names in documents submitted by the applicants. It was suggested that the USPTO considers modifying the data or trying to standardize the format.

> *Response:* The responsibility for assignment data accuracy rests with the submitting party - the USPTO does not review submitted documents for legality, authenticity, completeness, etc. Data related to an assignment is taken from the mandatory cover sheet submitted along with the transfer document, and entered into the system in one of two ways: (1) submitted in paper and transcribed by USPTO data entry staff; or (2) prepared and submitted electronically by document submitter. If the data from the cover sheet is erroneously entered by the USPTO, it will be corrected upon request. If, however, the data on the cover sheet was improperly entered electronically by the submitter, or if the paper document submitted contained errors, corrections must be resubmitted by the original submitter.

U6. Although the ratio of misclassification of the IPC and the US classification has been improved, misclassification still exists. It was suggested that the ratio of classification error be decreased by merely introducing a matching system before shipping data.

> *Response:* A process exists to validate the classifications assigned to US patent documents. On the public USPTO patent search site, the search retrieves the current classifications assigned to the US patent documents, which may differ from the classifications assigned to the documents at the time of publication, e.g. as a result of reclassification. We will continue to analyze this issue and determine if there are additional changes that can be made.

U7. As for the concordance between the IPC and the US classification, the concordance for the US classification to the IPC is provided at present, but a reverse concordance is not. It was suggested that the USPTO considers preparing the concordance for the IPC to the US classification.

> *Response:* A participant kindly provided the information in the USPTO web site, available at:

【**USPC-to-IPC Reverse Concordance**】
www.uspto.gov/go/classification/international/ipc/ipc8/ipc_concordance/ipcsel.htm

(6) JPO

J1: Trilateral databases are used mainly in searches for data that can not be obtained from commercial databases, such as legal status data, examination results. PAIR by the USPTO and epoline by the EPO are very useful. It was suggested that the JPO provides the service equivalent to the USPTO and the EPO.

> ➢ ***Response:*** As a result of release of the JPO management infrastructure system in 2012, more convenient data service will be available.

Patent Information from the EPO

Günther Vacek

October 2008

Patent information

- Official EPO policy since 1988 (reformulated in 2007)
- Key elements
  - raw data and products available
  - EPO data
  - non-EPO data from EPO data collections included
  - dissemination via EPO member states
  - marginal cost (a trilateral initiative!)
  - new: barrier-free

EPO data

- Publication server
  - A1, A2, A3 (~2500 docs per week)
  - B1, B2, B3 (~1100 docs per week)
  - A8, A9, B8, B9 documents
  - new docs online every Wednesday, 1400 hrs CET
- European Patent Register
  - all procedural steps after publication of the application
  - online file inspection ("file wrapper")
  - alert service
- Legal material
  - Board of appeal decisions
  - legal texts (EPC, Guidelines for Examination, Case Law, etc)

non-EPO data

- bibliographic and family data (80 patent authorities)

- legal status data (45 patent authorities)

- citation data

- IPC data (the "MCD" Master Classification Database)

- full text (currently DE, FR, GB ...)

channels

- esp@cenet
- ESPACE (CD-ROM, DVD, online)
- OPS ("Open Patent Services")
- raw data delivery

- dissemination via the EPO member states ...
- ... and internet ("fair use policy")

future

A barrier free access to Patent Information

- With regards to user-friendliness and ease of use
- With regards to languages
- With regards to technical possibilities (online instead of physical carriers)
- With regards to the pricing policy (free of charge or marginal cost)
- With regards to international access
- With regards to the data covered (no separate treatment of full texts etc.)
- With regards to the tools necessary to use the data

United States Patent and Trademark Office (USPTO) Information

JUDY SWANN
Manager of USPTO Special Projects & Reports
2008 Patent Information Roundtable
November 2008

Overview of IP in the U.S. – Patents e-Commerce Development

- Develop systems with customer involvement.
  - Understand their problems and environments.
  - Understand the hurdles for adoption.
- Promote electronic data exchange within the IP community.
- Build scalable solution on non-proprietary platforms.

Patent Application Information Retrieval (PAIR)

- Patent Application Information Retrieval (PAIR)

  – Provides secure access to status and history information for patents and patent applications via the Web.

  – Public PAIR: published applications and issued patents

  – Private PAIR: pending applications, published applications, and issued patents

Electronic Information Products & Services

Products (http://www.uspto.gov/web/offices/ac/ido/oeip/catalog/products/pp-a2n-1.htm)

- **Patents CLASS: Current Classifications of US Patent Grant Publications 1790 to Present**
- **Index to the US Patent Classification System (Class. Index)**
- **Patents and Trademarks ASSIGN: US Patents and US Trademarks Assignments Recorded at the USPTO**
- **Attorneys and Agents Registered to Practice Before the USPTO**
- **Patents ASSIST: Full Text of Patent Search Tools**

Services (http://www.uspto.gov/web/offices/ac/ido/oeip/catalog/services/patserv1.htm)

- **Inventors Assistance Center (IAC)** http://www.uspto.gov/web/offices/pac/dapp/pacmain.html
- **Trademark Assistance Center** http://www.uspto.gov/teas/contactUs.htm

For more information on products and services, please visit: http://www.uspto.gov/web/offices/ac/ido/oeip/catalog/index.html

For More Information…

- Guides on the USPTO's patent e-Commerce systems and other informational brochures are available free of charge at: http://www.uspto.gov/ebc/portal/tools-pair.htm.

- Full technical support is available for PAIR through the Patent Electronic Business Center (EBC) at 866-217-9197 from 6 a.m. to 12 Midnight Eastern Time, Monday – Friday, or send an e-mail to ebc@uspto.gov.

特許庁の情報普及施策

Trilateral Round Table
November 5, 2008

Japan Patent Office

第19回工業所有権審議会情報部会 (1997年6月)

現在の特許情報普及施策の基本

1. <u>インターネットを通じた産業財産権情報の積極的提供</u>

   特許庁が産業財産権情報をインターネットを利用して無料で提供

   →研究開発の活性化、海外諸国への情報発信等

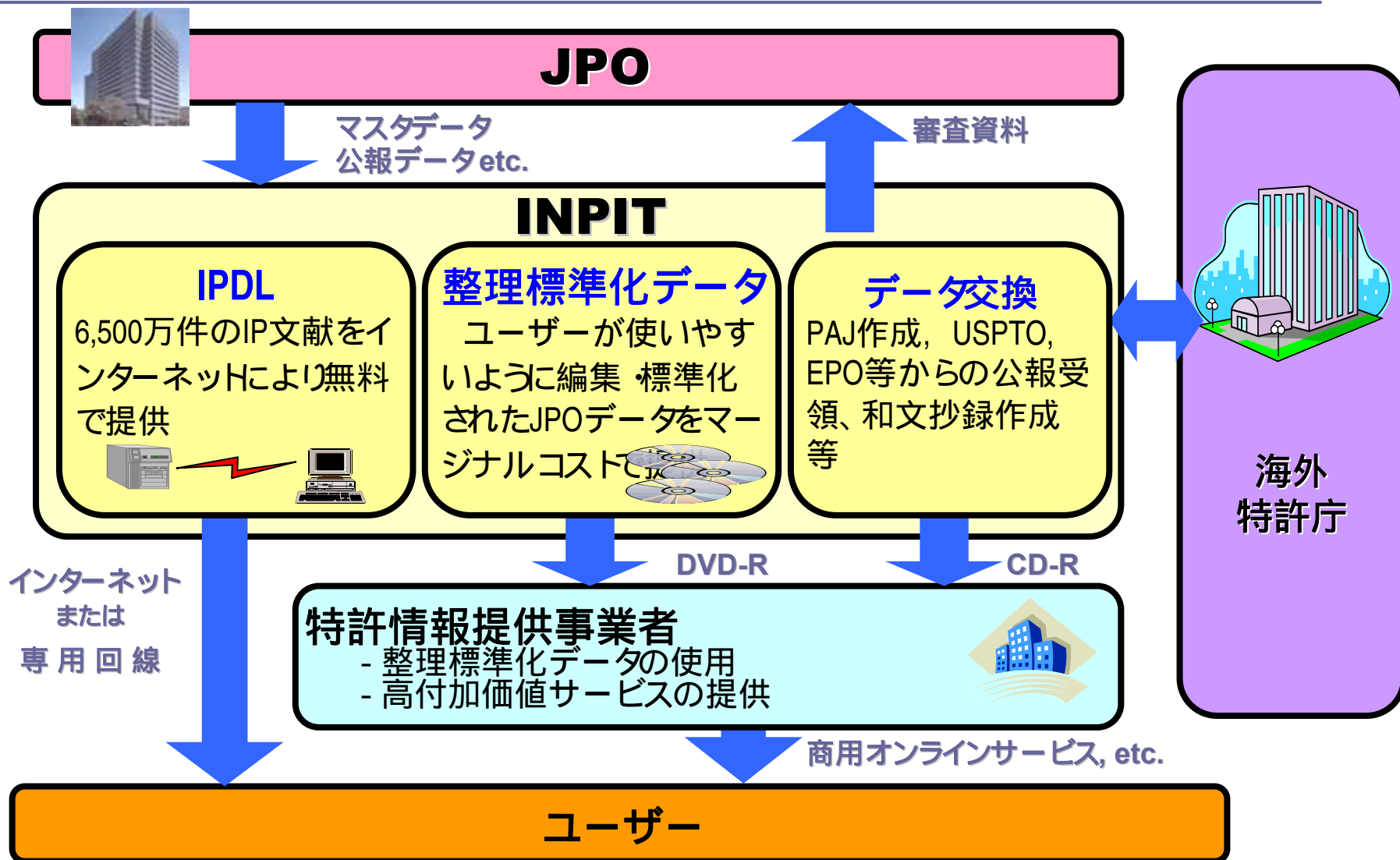2. <u>産業財産権情報の提供条件見直し</u>

   特許庁が保有するデータベースを一括してマージナルコストで提供

   →低廉な価格でのデータ(整理・標準化データ)提供により民間情報サービス事業者による多様なサービスが展開

3. <u>海外諸国との協力の一層の促進</u>

   特許公開公報の英文抄録の提供

   →海外特許庁の審査および日本人出願人の海外における特許保護

特許情報普及活動の概要

JPO

マスタデータ
公報データetc.

審査資料

INPIT

IPDL
6,500万件のIP文献をインターネットにより無料で提供

整理標準化データ
ユーザーが使いやすいように編集 標準化されたJPOデータをマージナルコストで提供

データ交換
PAJ作成，USPTO，EPO等からの公報受領、和文抄録作成等

海外
特許庁

インターネット
または
専用回線

DVD-R

CD-R

特許情報提供事業者
　- 整理標準化データの使用
　- 高付加価値サービスの提供

商用オンラインサービス, etc.

ユーザー

特許電子図書館 (IPDL) 　　　機能強化

研究者や出願者等が先行技術情報を迅速に検索することができるよう特許電子図書館（IPDL）の機能を強化。

最近の機能強化：

- 1. 経過情報検索への侵害訴訟情報、分割出願情報追加 (2005)

- 2. 公報と審査経過情報との相互リンク (2006)

- 3. IPCとFI・Fターム検索統合 (2006)

- 4. 審査書類照会サービス (2006)

- 5. 全文テキスト検索 (2008)

特許電子図書館 (PDL)　　　　利用者拡充

【特許電子図書館年度検索回数の推移】
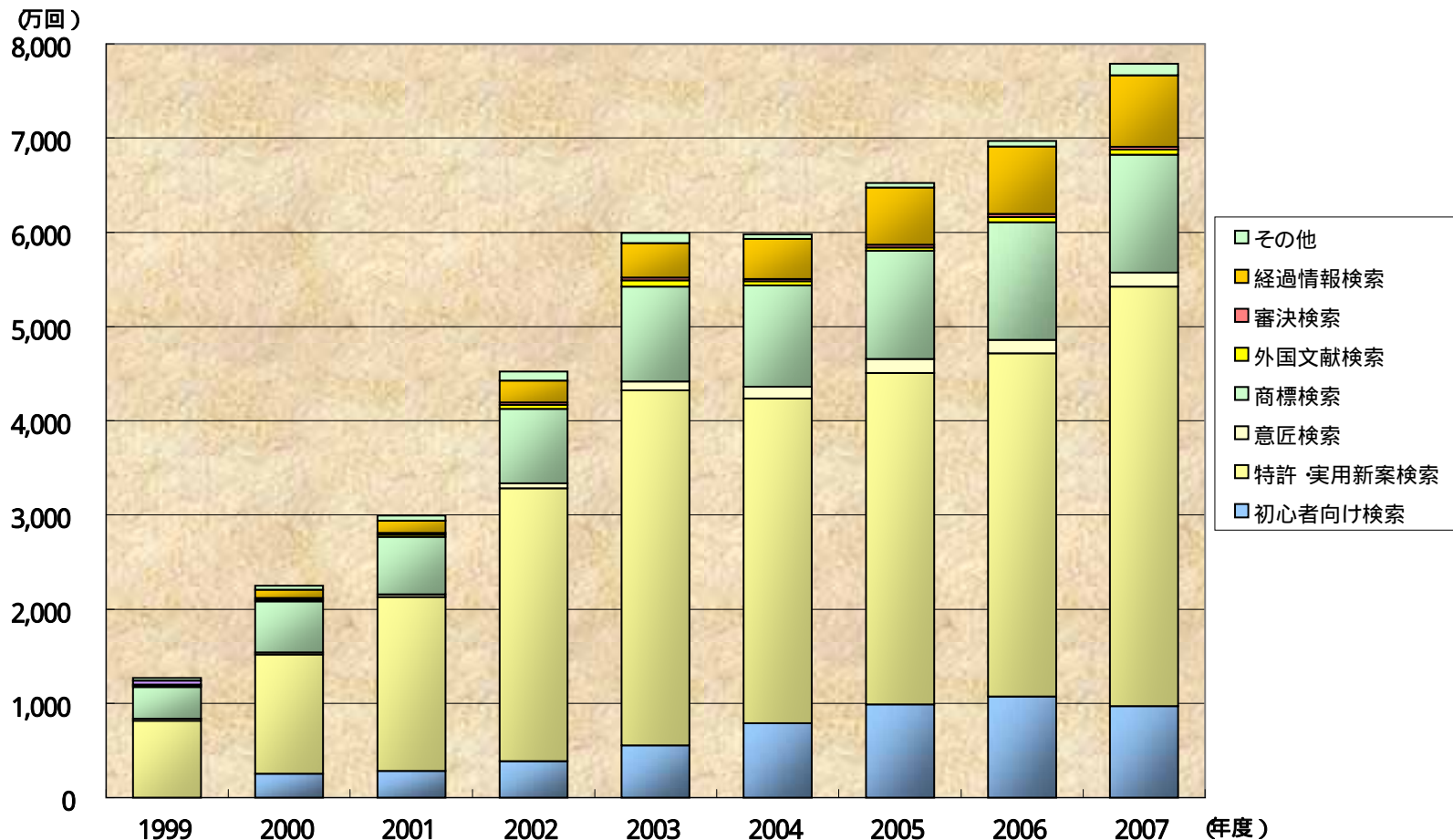
出典 独立行政法人 工業所有権情報 ·研修館(INPIT)作成

特許庁業務最適化計画

特許情報提供の将来像を提示

- インターネット公報の推進
  → 商標・特許にインターネット公報を導入 (実用新案・意匠導入済)

- データ提供のリアルタイム化
  → 公報の早期発行、IPDLの早期更新

- 包袋情報の無料提供の推進
  → 包袋情報を公衆に無料提供

- 検索機能の提供の拡大
  → 審査官と同様のサーチツール機能の提供

- 快適なレスポンスの維持
  → 通常のユーザーが快適に使用できる環境を維持

Thank You !