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## Getting the databases ready for the unitary patent

Rarely has there been so much discussion about a change in patent law in Europe – the unitary patent is without doubt this year's hot IP topic. A quick internet search for "unitary patent" yields over three million hits, including blogs, tweets, Facebook discussions, academic papers, newspaper reports and a plethora of official announcements.

Currently, it's looking as though it'll be in 2015 that patent applicants will first have the opportunity to opt for "unitary effect" when their European patent is granted.<sup>1</sup> This will probably not immediately cover the full 25 countries that participate in enhanced co-operation concerning unitary patent protection, as the coverage will depend on which countries have ratified the Agreement on a Unified Patent Court by then. The minimum number of countries is 13 and this must include

France, Germany and the UK. More countries will certainly join over time, as the ratifications proceed. So a patent granted in 2015 may have fewer countries covered by the unitary effect than, say, a patent granted in 2017. This is just one example of why it will be crucial for the public to have clear and accurate information on European patents with unitary effect, or "unitary patents".

### A register for European patents with unitary effect

For patent information users, the burning question will be where they can find the information they need on unitary patents. In this area, the responsibility will lie with the European Patent Office, where first reflections are taking place on an information platform for the unitary patent – a unitary patent register. The details of the new unitary patent register will not be

### Legend:

- Participating in enhanced patent co-operation and the Unified Patent Court
- Participating in the Unified Patent Court only
- Participating in enhanced patent co-operation only
- Non-participating countries
- EPC contracting states for whom participation is not possible

*continued on page 2 >*

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clear for some time yet, but the following examples are indicative of the kind of information that users are likely to want to see included for each European patent where the owner opts for unitary effect:

- notice of the request for unitary effect
- registration of the unitary effect
- the countries covered by the unitary effect
- registration of the filing of translations (during the transitional period)
- payment of renewal fees
- assignment, transfer, lapse, licensing, limitation or revocation of unitary patents

This new unitary patent register will be part of the European Patent Register and will thus – in terms of its features and its look and feel – be closely related to it. The data will be presented so that users can easily identify what they need.

#### New information on "classical" European patents

Accompanying the new unitary patent, there will be a new Unified Patent Court for Europe which will be established by the agreement

mentioned above. It will have jurisdiction for litigation relating not only to unitary patents, but also to European patents validated in EPO member states in the "classical" way, including the approximately three million European patents in force today.

When the Unified Patent Court starts work, there will be a transition period of seven years, which can be extended by a further seven years if it becomes clear through a user consultation process that this is what the users want.

During the transition period, applicants for and owners of classical European patents will be permitted to opt out of the Unified Patent Court and have any infringement or invalidity proceedings dealt with at national level, as in the past. The deadline for these opt-outs will be one month before the end of the transition period. In cases where no opt-out has been filed, during the transition period it will be the plaintiff who decides whether to file the action at the Unified Patent Court or with the responsible national court or courts. Once the transition period has ended, the Unified Patent Court will have exclusive jurisdiction to

deal with infringement and revocation actions in its contracting states regarding classical European patents, with the exception of those where an opt-out has been filed.

Decisions of the Unified Patent Court on classical European patents will have a different geographical impact from case to case, depending on which countries were validated by the owner for the patent and the state of the ratifications at the time. One example of this could be an action which resulted in amended claims for a patent that had been validated in, say, seven member states. The user would then have to work out which of those seven states had ratified the Unified Patent Court Agreement at the time to understand where the amended claims applied. This could get rather complicated, so the EPO will be working on ensuring that unambiguous information is available at all times. Since these cases will concern classical European patents, they will not show up in the unitary patent register, and therefore another channel will be necessary for presenting this information. The European Patent Register is one of the options under consideration.

#### Using the time available to achieve the best result

Since the first unitary patents are not expected until 2015, there is still time to analyse the changes that will occur and to prepare everything well. Patent information users will have an opportunity to express their needs on several occasions, starting with the EPO Patent Information Conference 2013<sup>2</sup> this October in Bologna.

There will be plenty to discuss, as this article has shown. The EPO is keen to consult with users and gather feedback so that people will have all the information they need at their fingertips when the first unitary patent is registered.

1) Note: Unitary protection will only be available for patents granted with the same set of claims for all participating member states, so applicants interested in requesting unitary protection should be careful not to withdraw designations during the grant procedure.  
2) [www.epo.org/pi-conference](http://www.epo.org/pi-conference)

## ESPACENET

# Espacenet comes out top in study

In a recent study, three independent, external review teams were asked to compare the features and functions of Espacenet with DepatisNet, Freepatentsonline, Google Patent and the Public Search Facility at the USPTO.

The study, which was aimed at identifying potential technical developments and/or market repositioning options for Espacenet, consisted of a 40-question survey on usability, data coverage, search

functions, data display, downloads, translations, analytics, citations and so on.

The results from the three teams were aggregated and then analysed for coherence and consensus. Not surprisingly, Espacenet scored highest for data coverage. It also received the highest score for customer support.

In marketing terms, other unique selling points (USPs) for Espacenet included Patent Translate, links and access to legal status data, and

forward and backward citations. Of the different features offered by the other services, some involve "more of the same", such as more allowed hits in the result list. Other features which Espacenet does not currently offer as identified in the study include left-hand truncation and search fields such as legal representative.

On the whole, though, Espacenet received the best overall rating from the aggregate scores of the three teams. The Espacenet team cannot, however, afford to be complacent!

The price of success is eternal vigilance, but that does not mean slavishly copying what others do. What the team will do is listen carefully to users and develop Espacenet such that it continues to deliver the best possible service for the budget available.

# Legal status in focus

I wrote last year in this publication that the EPO's role as guardian of worldwide patent data is a special responsibility. Current developments only confirm the view I took then, as the Office begins its reflections on how to provide the necessary tools and services to users when the unitary patent takes effect, and as we progress towards a truly federated European Patent Register.

We know that some big decisions hang on the outcome of patent searches, and that the completeness, timeliness and correctness of our data are key to the reliability of those searches. There are many changes going on in the patent world today. The law changes range from the America Invents Act to the unitary patent. In addition, technological advances enable us to do new things with the data, such as formatting it so that it can be used for patent statistics. Technology is

also making it possible to offer new services, such as the deep linking from the European Patent Register. Political changes too are creating new openings for better data exchange and new opportunities for partnerships.

All in all, this means that legal and procedural information on patents is higher up the agenda than it ever has been. That is why I was delighted when I saw participants' feedback from last year's Patent

Information Conference asking for more on legal and procedural issues. And it is why I decided that this year's conference in Bologna should put a strong focus on legal status and its future over the coming years.

Have a look at the programme for the Patent Information Conference ([www.epo.org/pi-conference](http://www.epo.org/pi-conference)). As it says on page 5 of this issue, it is a unique opportunity and I encourage you not to miss it.



Richard Flammer



Richard Flammer  
Principal Director Patent Information and European Patent Academy

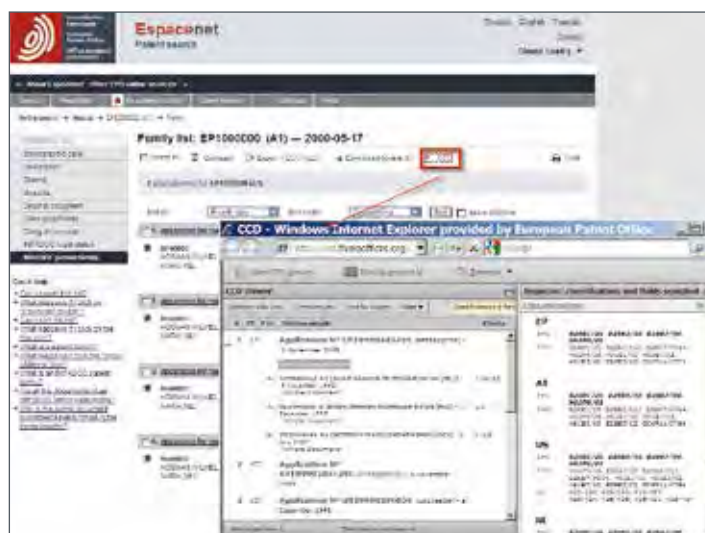
## ESPACENET

# Common citation document now on Espacenet

Voted by Intellogist as one of the top two new patent tools of 2012<sup>1</sup>, the Common Citation Document (CCD) application provides single-point access to citation data for the patent applications of the five IP offices (IP5).

It consolidates the prior art cited by all participating offices for the family members of a patent application, thus enabling the search results for the same invention produced by several offices to be viewed on a single page.

The common citation document tool is now available via Espacenet.



When searching in Espacenet, a link to the CCD tool is available from the INPADOC patent family view. The link takes you straight to the overview of the search results of the document you are currently viewing.



## New language for Patent Translate – Japanese

The Patent Translate project, which provides machine translations of patent documents, was further extended in 5 June 2013 to include translations between English and Japanese.

For users who just want a quick overview of the citations of all family members without opening the CCD window, there is a new check-box in Espacenet on the INPADOC patent family screen. This adds some key citation data to the family display.

1) <http://intellogist.wordpress.com/2012/12/26/my-favorite-patent-search-tool-updates-of-2012/>

# Offering more reliable legal status information with a single click

Ever since the EPO granted its first patent, users have needed to find the legal status of European patents in the post-grant or "national" phase.

The European Patent Register already provides some information on the post-grant phase ("Legal status" section - INPADOC), but this data must be used with care, and the EPO has always advised its users to consult the national patent office concerned before taking any business-critical decisions. This double-check in the national registers is not always easy. For



As this last data is retrieved direct from the national offices, it is the most up-to-date official data available from the respective authority for the selected patent.

Designated contracting states offering this service will be displayed in alphabetical order.

Hyperlinks from the countries will offer the user direct access to the national registers (as in the current "deep linking" implementation).

If you have any comments on the federated register, please write to register@epo.org.

Status	Application No.	Publication No.	Proprietor	Invalidation date	Not in force since	Renewal fees last paid	Register last updated
DE The application has been withdrawn	69934528	1499210	Proprietor_name	21.03.2007	30.11.2013	00.00.0000	23.01.2013
ES The application is deemed to be withdrawn	E99968004	EP1499210	Proprietor_name	30.08.2011	---	27.06.2010 English txt renewfee	23.01.2005
FR Examination is in progress	EP99968004	EP1499210	Proprietor_name	01.01.2013	20.12.2006	06.01.2013	23.01.2013

a European patent validated in several member states, it involves consulting each national patent register individually, i.e. navigating to the homepage of each national office, finding the link to the register, entering search terms in a search mask and finally retrieving and downloading the required information, which might be in a language that you don't understand.

The EPO is working on a project which will create a single point of access to legal status information in Europe. The project consists of two phases. Phase 1 involves deep linking and phase 2 the development of a federated European Patent Register.

## Phase I: Deep linking

As reported in previous issues, deep linking in the European Patent Register is already available for a number of countries. With just

one click users can go straight to the information for a particular European patent document in the designated contracting state they are interested in.

A total of 25 countries are available today, and work continues on adding the remaining 13 member states as speedily as possible.

## Phase II: Federated European Patent Register – Federated retrieval

At the end of March, a new "federated register" section appeared in the European Patent Register. Currently greyed out, it will become active once the service goes live, hopefully by the autumn of this year. From then on, the service will collect data from participating offices' registers on the fly and assemble it in a single display on the user's screen, giving an overview of the status of the patent across the member states.

One important question is what information the new overview will include. The screenshot on this page shows one possible answer to that.

In the screenshot, the upper section corresponds to information from the European Patent Register (title, application number, publication number, applicant, IPC). The lower part will provide the federated information, in other words the basic bibliographic and legal status data retrieved from the national offices. Based on input provided by users and feedback from the national offices, the data items per document and country will be limited to:

- status
- national application number
- national publication number
- proprietor
- invalidation date
- not in force since
- renewal fees last paid
- register last updated.

### One more office deep-linked from Register

Greece has recently joined the list of countries whose national patents can be accessed direct by deep-links from the European Patent Register. This brings the total number of patent offices deeplinked in this way to 25.

### Deep links from Espacenet

As reported in the last issue of Patent Information News, deep links to the national patent registers of some countries are now also available from Espacenet. At the time of writing (May 2013), these countries are Belgium, Denmark, Estonia, France and the United Kingdom.

# A unique opportunity

This year's EPO Patent Information Conference spotlights legal status data.



"To the best of our knowledge, this is the first time that a conference has focused so strongly on the legal status aspects of patent information," says Daniel Shalloe, project manager for the EPO Patent Information Conference. "It really is a unique opportunity," he says, "and one not to be missed for anyone who uses patent data in their work."

## Core to decisions

Legal status data is core to decision-making processes in innovative companies. It is essential to know whether a particular technology is protected by rights before investing in it. The knowledge that a competitor's patent is in force can impact the direction that research and development takes, or influence decisions on new product lines or manufacturing strategies.

Taking place in Bologna, Italy, the Patent Information Conference is in its 23rd year and enjoys a reputation as THE event where all the players in the patent information industry are present. The choice to focus on legal status in 2013 reflects feedback from previous participants and comes as a result of the significant changes that will have an impact



on the information that patent searchers use, including:

- the unitary patent
- the plans for a federated European Patent Register
- modernisation of the EPO's worldwide legal status database
- new products, such as legal status for statistical analyses

## Understanding legal status data

Classically, people use legal status information to identify whether a particular patent is in force or not. In this area, the programme will address issues such as understanding the information available in the legal status databases, and practical

## Key data on the EPO Patent Information Conference

Date:	22-24 October 2013 (pre-conference events on 21 October 2013, including seminar on China)
Venue:	Palazzo della cultura e dei congressi, Bologna, Italy
Organisers:	European Patent Office and the Directorate General for the Fight against Counterfeiting - Italian Patent and Trademark Office
Website:	<a href="http://www.epo.org/pi-conference">www.epo.org/pi-conference</a>

tips on identifying whether a patent is alive or dead. The conference will also take a close look at users' information needs when the first unitary patents come into existence. Finally, there will be a session dedicated to patent information from Italy.

## Legal status data for statistics

Legal status data is increasingly useful for statistical work, such as monitoring competitors' behaviour, studying patent holders' tactics in terms of when and where they pay annual renewal fees, or observing trends in opposition filings. The EPO's new legal status database for statistical analysis will be in focus for this part of the conference programme.

## Centralisation vs. decentralisation

The eternal debate of whether centralisation or decentralisation is better elicits emotion in many walks of life, and it looks like the time has come to put legal status data under scrutiny in this respect. It will be in Bologna that the public gets its first chance for a close look at the federated European Patent Register (see article on page 4).

The Federated Register will change the way legal status information is made available, gathering it on the fly from a multitude of databases around Europe to present the consolidated results on a single screen. The launch of the Federated Register will be a landmark event as it will be the first truly decentralised patent information service from the EPO. In parallel, the centralised worldwide legal status database will continue to play an important role. Just how these two services can co-exist and bring the maximum benefit to users is surely one of the most important questions of the conference.

The full programme is already available and registration is open.

[www.epo.org/pi-conference](http://www.epo.org/pi-conference)

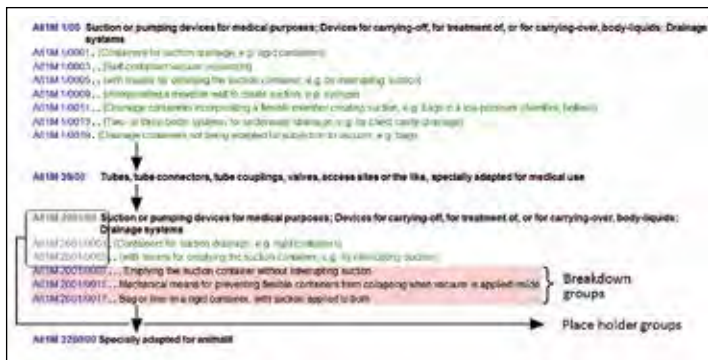
# Original vs interleaved – understanding the CPC "breakdown" indexing codes of the 2000 series

The CPC scheme is available in two views: the "original" presentation and the "interleaved" presentation. The information in both views is the same; what is different is the way the groups are ordered.

## Original vs interleaved

The EPO and USPTO agreed that in the "original" presentation of the scheme, the 2000 series would be offered after the main trunk for each subclass. To reproduce the correct hierarchical line (parent group, grand-parent group ... main group) when displaying a breakdown code, some "dummy" codes were inserted above the breakdown code in question. For example, in the original presentation the breakdown code A61M 2001/0007 (3 dots) needs a dummy parent 2001/0005 (2 dots), a dummy grandparent 2001/0001 (1 dot) and a main group 2001/00 (0 dots).

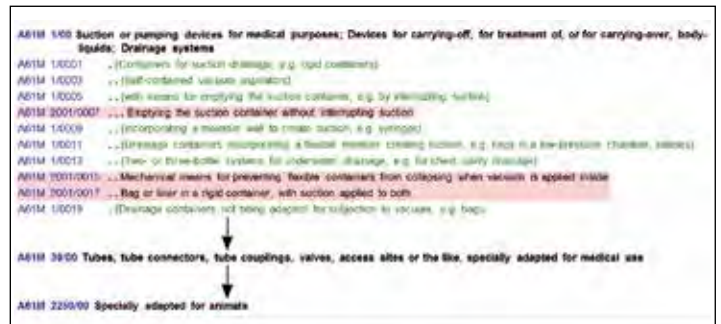
The sole purpose of the dummy codes is to present a correct hierarchy. They cannot be used for classification or search.



Some users prefer to consult the scheme by reading the titles of the breakdown codes contextually, i.e. with breakdown codes displayed immediately below the main trunk symbols they relate to. Here, no dummy codes are necessary.

This alternative presentation is known as the interleaved presentation, because the breakdown codes are "interleaved" with the main trunk symbols.

In the interleaved presentation, for example, the breakdown code A61M 2001/0007 (3 dots) is a child of the main trunk symbol 1/0005 (2 dots), which is a child of the main trunk symbol 1/0001 (1 dot), which in turn is a child of the main trunk group 1/00 (0 dots).



You can view these two versions on the CPC website at [www.cpcinfo.org](http://www.cpcinfo.org). The CPC browser in Espacenet currently uses the original presentation, but work is progressing on adding an option soon to view the symbols using the interleaved presentation.

## CPC scheme and CPC definitions

A		B	
Scheme	Def	Scheme	Def
A	≡ A	B	≡ B
A01B	≡ A01B	B01B	≡ B01B
A01C	≡ A01C	B01D	≡ B01D
A01D	≡ A01D	B01F	≡ B01F

Click on the left to display the original presentation of the classification structure

Click on the = symbol to display the interleaved presentation of the classification structure

Click on the right to display the CPC definitions

## Background

As explained in Patent Information News 1/2013, ECLA, which was the EPO's primary classification scheme until it was superseded by the CPC in January 2013, included ICO indexing codes. These came in three different flavours:

- mirror: entries with the same scope as the corresponding ECLA entry, used for "additional information" (as opposed to "invention information" when the ECLA entry applied). Example: So2F 1/01C was the mirror of Go2F 1/01C.
- (further) breakdown: entries available as ICO only, i.e. not available in ECLA, which offered a refinement of the hierarchically superior ECLA/ICO groups. Example: So2F 1/01C4 was a breakdown code for So2F 1/01C.
- orthogonal: entries offering further dimensions to the classification, orthogonal to the classification main line of the ECLA scheme. Example: So2F 201/00 was orthogonal to Go2F main groups.

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When the CPC superseded ECLA, the ECLA and ICO schemes were flattened into one scheme, and all the breakdown and orthogonal codes were migrated to the 2000 series, by adding 2000 to the original main group digits.

The table explains the conversion processes.

#### Conversion from ECLA/ICO to CPC

ECLA / ICO	CPC	Remarks
Go2F 1/01C	Go2F 1/011	main trunk
So2F 1/01C mirror	Go2F 1/011	main trunk
So2F 1/01C4 breakdown	Go2F 2001/0113	2000 series
So2F 201/00 orthogonal	Go2F 2201/00	2000 series
Go2F 1/01C	Go2F 1/011	value: invention information
So2F 1/01C	Go2F 1/011	value: additional information
So2F 1/01C4	Go2F 2001/0113	value: additional information
So2F 201/00	Go2F 2201/00	value: additional information

As a result, the CPC schemes consists of:

- a "main trunk" of symbols available for both "invention information" and "additional information", stemming from former ECLA symbols plus their mirror codes, and
- a 2000 series of indexing codes for "additional information" only, stemming from former "breakdown" and "orthogonal" codes

## Other CPC news

An additional batch of CPC definitions is now available in PDF and XML formats. They relate to the following subclasses:

B05D, B23F, B24C, B41L, B62D, C10G, D04B, E01C, E04C, E04F, E21B, E21D, F02F, F02M, F03D, F16B, F16S, F23R, F25C, F28G, G01D, G01H, G03D, G05G, G07C, G09B, G06G, G06N, H04H.

The April version (2013.04) of the CPC scheme is now available.

No revisions (leading to the creation or deletion of symbols) have been implemented since the last (2013.01) version. However, an initial large number of automatic corrections have been executed, affecting most subclasses in the scheme. About 600 corrupted Notes and Warnings were regenerated, almost 700 references containing ECLA symbols updated, more than 5 000 missing class and subclass hyperlinks introduced and the remaining ECLA version indicators removed.

For more information, see [www.cpcinfo.org](http://www.cpcinfo.org).

## Webinar on the CPC

A special one-hour online seminar on the CPC will take place on 4 October. It will take a close look at main trunk symbols and indexing codes in the CPC. Participation is free. To register, go to <http://epo.webex.com>.

## OPS

# Open Patent Services (OPS)

## Compulsory registration

Since 2003, the EPO's data collection has been available for automated access via the Open Patent Services (OPS). OPS offer production-stable, high-quality, raw patent data 24 hours a day, seven days a week. They were developed to ensure that our Espacenet services would remain accessible to human users and that "robots" could access the information direct and without a user interface. In the ten years since their launch, use of the services and demand for data have steadily increased. New services and data types have been added as they became available. The switch in 2011 to RESTful web services made access to the data even easier, and the number of users and volume of data delivered increased further.

### Who uses OPS?

Machines and software programs are the "real" OPS users, but behind the machines might be a large patent applicant fetching the documents for current awareness, a PhD student gathering a data collection for analysis, a patent attorney's office collecting legal status information, a database provider complementing its services by picking up certain data, or a national patent office fetching documents to provide to its customers.

### Changes to OPS with the introduction of version 3.1 expected in September 2013

The EPO is committed to its policy of giving the broadest access possible for promoting the use of patent information. However, a small number of users put a load on the system that goes beyond the limits set by our Fair Use Charter.<sup>1</sup> This leads to a reduction in performance for many other users. So, to reinforce our fair use policy, the Office is taking measures to reduce the overload that is currently generated by robotic access.

The launch of OPS version 3.1 will see the introduction of compulsory registration, so that the conditions of the fair use charter can be applied.

Watch the EPO website for more information on the new procedure and on new EPO terms and conditions for use of the OPS. Users will be able to find out more about all these changes on the OPS webpages and in the OPS forum.

For more information about OPS, go to [www.epo.org/ops](http://www.epo.org/ops).

<sup>1</sup>) <http://www.epo.org/searching/free/fair-use.html>

# Tight bonds between East and West

East meets West forum on Asian patent information, 18/19 April 2013

"We know that on a day like today, when the East meets the West, we can make changes as we have done for the past decade!" It was with these inspiring words that keynote speaker Yoo-chan Choi paid tribute to the importance of the annual East meets West forum. This year marked a special milestone in the history of East meets West as we celebrated the tenth anniversary of an event that has given experts and users from all over the world a forum for sharing their ideas on Asian patent information.

With 136 attendees from 21 countries, this year's event was a huge success. The participation of experts from seven Asian patent offices was testament to the close co-operation that has been built up over the years. Once again, the event focused on a number of regions with less familiar patent systems, this time looking particularly at the Gulf States and the ASEAN countries.



association have already featured a number of times. This year however the focus was broadened to include the ASEAN region as a whole. In her presentation, Sharmaine Wu from the Intellectual Property Office of Singapore (IPOS) highlighted a number of examples of regional co-operation in patent matters, including the ASEAN Patent Examination Cooperation (ASPEC) system for exchanging examination results between member states. She

## China from three perspectives

The plenary session had China firmly in the spotlight with a series of three presentations exploring important aspects of the Chinese patent system from completely different angles. The first was given by Hongliang Sun of the Chinese Patent Office (SIPO), who presented the latest developments in SIPO's English online databases. The second, by Cindy Bian from Huawei, also attracted great interest. Speaking from the standpoint of a Chinese industrial company, she highlighted some of the special challenges facing a patent searcher looking for Chinese prior art. The third speaker, Simon Cheetham, offered an entirely different perspective. He presented the China IPR SME Helpdesk, an EU-funded project to help European companies in all matters relating to intellectual property in China. Drawing on a number of case studies, he described some of the typical problems facing Western companies in the field of intellectual property.

## Korea: new features of the KIPRIS database

A new version of the KIPRIS search system has been available to Korean patent information users since early 2013. In her presentation, Hyun-ju Hwang of the Korean Patent Office (KIPO) showcased a number of the system's most important developments, including new search options for beginners and a redesigned search interface. Her announcement that Korean machine translations will be available free of charge in KIPRIS as from next year was very well received.

## South East Asia and the Gulf States — the new patent hot spots

For the first time, East meets West attendees had the opportunity to engage with two experts from the Gulf Cooperation Council (GCC) Patent Office. The audience listened intently to the presentation



by Mizael Al-Harbi and Hussam Al-Muqhim, which included a comprehensive view of the office's structure and grant procedure, as well as search options for GCC protection rights.

In addition to the Gulf States, the ASEAN countries featured centre stage at this year's event. Individual countries from the ten South East Asian nations that make up this

also mentioned the ASEAN IP Portal as being of particular interest to Western users; this is a brand new resource offering comprehensive information on the patent systems of all ASEAN countries.





### Close-knit network between East and West

East meets West has always been a forum for personal contacts between users and experts from all over the world. It provides an excellent occasion for networking, particularly in the poster session which gives users a chance to find out about what is on offer from commercial providers. A total of 22 exhibitors – many of whom were from Asia – presented their Asian patent information products and services. A number of exhibitors also took the opportunity to showcase their services in ten-minute product presentations.

The round-table sessions provided a platform for informal exchanges on a wide range of topics. Particular attention was given also here to China, the ASEAN region and the Gulf States. With rolled-up sleeves and brows glistening with the odd bead of sweat, the attendees threw themselves wholeheartedly into this intensive debate, their efforts doubtless rewarded with vital stimulus for change and improvement.

After the round-table sessions, a series of experts gave brief presentations ("streams") on topics such as searches, patent examination or important legal points to provide a glimpse into the daily work of a patent examiner or patent attorney.

### A big wheel treat and lots of Wiener schnitzel

What's so special about East meets West? Yoo-chan Choi from the Korea Institute of Patent Information used his closing address to re-visit the successes, high points and unforgettable moments in ten years of East meets West. Above all, however, he highlighted the strong ties this event has forged over the years between users and experts on different continents. "Despite the 8 632 km that separate us, every year East meets West brings us a little bit closer together". For Yoo-chan, this was his seventh time attending the event. "I've eaten a lot of Wiener schnitzel in the last ten years", he mused, tongue firmly in cheek. As the event drew to a close, there was one last treat for participants: a goodie bag featuring a tasty souvenir of Vienna – a cookie in the shape of Vienna's Giant Ferris Wheel – and a matching cookie cutter to use at home!

## Patent Statistics for Decision Makers Conference

Rio de Janeiro, 12-13 November 2013



To enable economies to adjust to today's challenges, policy-makers need reliable statistics. And patent statistics are a unique source of information that can be used to address a wide range of policy issues in the fields of science and technology, R&D and innovation, entrepreneurship and enterprise dynamics, development and economic growth. They also reveal important facts about how patent systems themselves are performing, and thus support evidence-based decision-making.

The Patent Statistics for Decision Makers conference is the leading event worldwide for discussions on patent analysis in the decision-making process. Moving to the southern hemisphere for the first time, and expanding its focus to include emerging economies and the role of technology transfer, the conference will take place in Rio de Janeiro on 12 and 13 November 2013, to be preceded by a PATSTAT user day on 11 November.

A call for papers is currently underway, with the focus on the following topics:

- the development of new technology fields and the role of IP in attracting R&D
- patent 'quality' and the use of patents as indicators of research productivity
- IP, knowledge markets and technology transfer
- patenting trends, patent policies and innovation policies
- IP and societal challenges (e.g. environment, health, aging)
- the financing of innovative enterprises and the role of IP as collateral
- patenting, IP activities and the strategies of global firms
- the IP "bundle": the combined use of different IP rights (e.g. patents and trade marks).

Papers on emerging economies or cross-country analysis are particularly welcome.

The event is aimed at decision-makers, academics, analysts, practitioners and other experts dealing with innovation, intangible assets, academic entrepreneurship, enterprise dynamics and science and technology-related issues.

This year the conference is being organised by the OECD, the EPO, the Brazilian National Institute of Industrial Property and WIPO, in co-operation with Eurostat, the Japan Patent Office, the Korean Intellectual Property Office, the National Science Foundation and the USPTO.

[www.epo.org/stat](http://www.epo.org/stat)

# News from Asia

## Recent developments in the ASEAN region

A new ASEAN IPR SME helpdesk was launched in March 2013, providing free information and services for European businesses and helping them to protect and enforce their intellectual property rights in the ASEAN countries. The helpdesk website offers country fact sheets, guides, e-learning modules, webinars and training events. Users can sign up for regular newsletters. There is also a free helpline for enquiries.

The ASEAN IPR SME helpdesk is at [www.asean-iprhelpdesk.eu/](http://www.asean-iprhelpdesk.eu/).



[www.asean-iprhelpdesk.eu/](http://www.asean-iprhelpdesk.eu/)

An official ASEAN intellectual property portal (currently under development) will offer comprehensive information on intellectual property from the ten member states via a single website at [www.aseanip.org](http://www.aseanip.org).

On 2 February 2013, the Lao People's Democratic Republic became a member of the World Trade Organisation (WTO). As a WTO member, Laos accepts the TRIPS agreement. For more information, see WIPO's PCT Newsletter No. 02/2013 at [www.wipo.int/pct/en/newslett](http://www.wipo.int/pct/en/newslett).

## Optional search under consideration for Chinese utility models and designs

The State Intellectual Property Office of China (SIPO) published proposed amendments to its Examination Guidelines (2010) for public comment in February 2013. The amendments concern the possible introduction of an optional search element in the formalities examination of utility models and designs. According to SIPO, the aim is to further improve the quality of these two types of right.

A version of the draft amendments and further explanations can be found (in Chinese only) on SIPO's website at [www.sipo.gov.cn/tz/gz/201302/t20130206\\_785294.html](http://www.sipo.gov.cn/tz/gz/201302/t20130206_785294.html).

## Reports and statistics from Saudi Arabia and the GCC Patent Office

In February 2013, the King Abdulaziz City for Science and Technology (KACST) released its annual report for 2011. KACST is an independent scientific organisation in Saudi Arabia, which administratively reports to the Prime Minister and includes services such as the patent office. According to the report, 984 patent applications were filed and 253 patents were granted in 2011. See [www.kacst.edu.sa/en/about/publications/Pages/annualreports.aspx](http://www.kacst.edu.sa/en/about/publications/Pages/annualreports.aspx).

In May 2013, the Patent Office of the Gulf Cooperation Council made a number of official statistics available on its English website. The statistics include the annual filing and grant figures from 1998 to date and a breakdown of the figures according to residents vs non-residents or IPC classes: [www.gccpo.org/DefaultEn.aspx](http://www.gccpo.org/DefaultEn.aspx).

## Indian Patent Office publishes examination guidelines for biotech applications

The Indian Patent Office published its Guidelines for Examination of Biotechnology Applications for Patents on 25 March 2013. The guidelines regulate the examination of patent applications for biotechnology-related inventions and will help to establish a harmonised and consistent practice. They are available in PDF format at [www.ipindia.nic.in/whats\\_new/biotech\\_Guidelines\\_25March2013.pdf](http://www.ipindia.nic.in/whats_new/biotech_Guidelines_25March2013.pdf).

## Report of advisory committee for reform of Hong Kong patent system

The Hong Kong government issued a consultation paper on the revision of the patent system in October 2011. An advisory committee reviewed the comments received from the public and published its report on 7 February 2013.

In its report, the committee recommends retaining the current patent re-registration system and introducing a substantive examination system in parallel. Initially, substantive examination should be outsourced to other patent offices, while local examining capacity is developed. The committee also suggests maintaining the existing short-term patent system with a few refinements. Other recommendations include the implementation of a regulatory regime for patent agency services.

The report is available on the Hong Kong Intellectual Property Department's website at [www.ipd.gov.hk/eng/whats\\_new/press\\_releases.htm](http://www.ipd.gov.hk/eng/whats_new/press_releases.htm).

## Japan Patent Office reviews options for challenging granted patents

After the abolition of post-grant opposition in 2003, invalidation is currently the only possibility for third parties to challenge a granted patent under the Japanese patent system. However, according to a survey among industry, this change to the patent law did not have the expected outcome. Whereas, previously, several thousand opposition cases were filed annually, only a few hundred invalidation requests are submitted today.

Possible reasons for this development might be a steady trend towards filing third party observations instead, or the high costs and long duration of invalidation suits.

The JPO is therefore looking into reviewing the invalidation system and re-introducing post-grant opposition, possibly in the course of 2014. The re-introduced system is likely to be similar to the previous one, abolished nearly ten years ago.

Background information (in Japanese only) can be found at:

[www.jpo.go.jp/shiryu/toushin/shingikai/tokkyo\\_seido\\_menu.htm](http://www.jpo.go.jp/shiryu/toushin/shingikai/tokkyo_seido_menu.htm)  
[www.jpo.go.jp/shiryu/toushin/shingikai/pdf/tokkyo\\_shiry-ouo38/02.pdf](http://www.jpo.go.jp/shiryu/toushin/shingikai/pdf/tokkyo_shiry-ouo38/02.pdf)

For more news from Asia, see the Updates section on the EPO website at [www.epo.org/asia](http://www.epo.org/asia).

## European Patent Register for PATSTAT

Many PATSTAT users have been asking for the European Patent Register in PATSTAT format so that they can create more advanced statistical analysis on European patent applications. Based on feedback from a pre-release edition, a beta version for large-scale testing is now available that includes all the tables, but is limited to events for applications filed between 2000 and 2005.

Unlike the EPO worldwide legal status database for PATSTAT ([www.epo.org/searching/subscription/raw/product-14-24-1.html](http://www.epo.org/searching/subscription/raw/product-14-24-1.html)), this new European Patent Register for PATSTAT database can be used as a separate stand-alone database.

Most of the key bibliographic data elements, such as the application number, dates, inventors, applicants, IPC codes, etc, have been duplicated so that a link to PATSTAT is not strictly necessary to do statistical analyses with this data. In addition to the bibliographic data, the database also contains procedural and event data.

So what kind of "intelligence" can you extract from this data set? Here are some examples:

- Get a list of all the opponents against company XYZ for patents classified in IPC A61 ...
- Create a table with all Belgian professional representatives who represent filings in wind-energy technology.
- Find the percentage of patents in the field of genetic engineering (IPC C12N15) that have been revoked.

You will have your own ideas on what other intelligence to extract.

To test the European Patent Register for PATSTAT, write to [patstat@epo.org](mailto:patstat@epo.org) for information on how to download the data set and get started.

Please keep in mind that this is a raw data set and not a database application. You will need your own database platform to create the database, create the tables (105 of them!) and then load the data. Sample scripts and documentation are provided for MS SQL (MS Access is not sufficient).

The official release of the European Patent Register for PATSTAT is scheduled for November 2013.

### OTHER NEWS

## World Patent Information

The latest issue (Volume 35, Issue 2, 2013) of this international peer-reviewed journal has recently been published in electronic form, with articles on the following topics:

- Integration of software tools in patent analysis
- Supporting invention and innovation in Central Finland: inspiring IP awareness

- Toxicity data of therapeutic nanoparticles in patent documents
- Applicability and application of machine translation quality metrics in the patent field
- Successful European oppositions: analysis for the patent information professional

- Optimisation of prediction methods for patents and trade marks in Spain through the use of exogenous variables

The editor, Mike Blackman, is always pleased to receive articles to be considered for publication in the journal. He can be contacted at [mblackmanwpi@tiscali.co.uk](mailto:mblackmanwpi@tiscali.co.uk).

The latest articles can be found in the 'Articles in Press' section of the journal's site on ScienceDirect at [www.sciencedirect.com/science/journal/aip/01722190](http://www.sciencedirect.com/science/journal/aip/01722190).

More information about the journal, including sample contents list, abstracts and articles, is available at [www.elsevier.com/locate/worpatin](http://www.elsevier.com/locate/worpatin).

### PUBLICATIONS CORNER

"Publications corner" presents the latest statistics on EPO publications.

- EP-A1: European patent applications published with search report
- EP-A2: European patent applications published without search report
- EP-A3: European search reports
- EP-B1: European patent specifications
- EP-B2: revised European patent specifications

*Note: The table does not include statistics on European patent applications filed via the PCT route (Euro-PCT applications). These are published by WIPO and are not made available by the EPO unless they are in a language other than English, French or German. Currently about 60% of all European patent applications are Euro-PCT filings.*

European patent publications January – June 2013			
	Weekly average 2013	Total Jan–June 2013	Change vs. 2012
<b>EP-A documents</b>			
EP-A1	1 030	26 767	3.0%
EP-A2	377	9 794	1.3%
Total EP-A1 + A2	1 406	36 561	2.6%
Percentage EP-A1 of total A1+A2		73.2%	0.5%
EP-A3	337	8 762	–4.9%
<b>EP-B documents</b>			
EP-B1+B2	1 325	34 450	3.5%

## OTHER NEWS

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e-mail: info@epo.org

\*or +49 89 2399-4500 from  
countries where the freephone  
number is not available

## Patent searching for advanced users



A four-day advanced course on patent searching will be held in Vienna from 7 to 10 October. Write to [pittraining@epo.org](mailto:pittraining@epo.org) for more details.

## Webinars on searching Asian patents

Online seminars from the EPO focussing on Asian patent documentation will start on 25 June with a general introduction, followed by seminars on Japan (26 June), China (16 July) and Korea (18 July). Participation is free.



To register, go to <http://epo.webex.com>.

## PATENTSCOPE gains US documents

In April WIPO announced the addition of over ten million patent documents from the USPTO, dating from 1790 to the present day, expanding

its PATENTSCOPE service to over 28 million searchable patent documents. This compares with 80 million records in Espacenet.

## Seminar on patent valuation

A three-day course on patent valuation, including the use of the IPscore software will be held in Vienna from 23 to 25 September. Write to [pittraining@epo.org](mailto:pittraining@epo.org) for more details.

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**40** EUROPEAN  
PATENT  
CONVENTION  
YEARS 1973-2013  
Innovation matters

## SIPO and KIPO to classify using the CPC

Under the terms of a Memorandum of Understanding signed on 4 June by the EPO and SIPO, in January 2014 SIPO will start using the CPC to classify newly published patent applications in a limited range of

technical fields. SIPO plans to gradually extend the number of fields to cover all areas by January 2016.

On 5 June, the USPTO and KIPO announced the launch of a new pilot in which KIPO will apply the CPC to patent documents in technical fields with higher levels of filing activity.