Report: Super-workshop for expert users

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Chair: Peter Kallas, BASF SE
EPO experts: Richard Flammer, Pierre Avédikian, Heiko Wongel, Davide Lingua, Paul Schwander

1. OPENING REMARKS

Welcoming the participants, the chairman thanked the EPO for providing expert users a dedicated platform to exchange views and to discuss strategic issues beyond the Patent Information Conference. Based on suggestions from the users, he had identified four topics of particular interest, and put them on the super-workshop agenda. He encouraged the participants to address exclusively new items and not to repeat what had already been discussed during the conference. The goal of the super-workshop was to give input on the strategy and patent information policy as guidance for the future.

2. LEGAL STATUS DATA – EFFECT OF A NEW STANDARD ST. 27 ON THE IP5 ACTIVITIES, INPADOC AND WIPO INITIATIVES

Introducing the topic, the chairman reported that during the Committee of Standards Meeting at WIPO in May/June 2017 a new WIPO Standard ST.27 “Recommendation for the exchange of patent legal status data” had been adopted. He asked about the expectations of different stakeholders, namely patent offices like the EPO, commercial providers and patent information users.

INPADOC was a key product for legal status information; it was therefore essential to understand what the effects on this database were and how a success could be made of the new standard. The impact on IP5 initiatives was equally interesting for the users.

The Office explained that it planned to apply the categories (a group of events which are of particular importance to the prosecution of a patent or SPC and share a common theme) defined in ST.27 to the codes in INPADOC. As INPADOC had used categories already before the implementation of the new standard, the EPO had to be compliant by re-classifying its codes according to the new standard so that the users could benefit. Once the national offices started to deliver data according to ST.27, this information would be added in the database, complementing the present information (INPADOC code and category). ST.27 was an
achievement and would be discussed with the national offices with the aim to improve the data. Answering a participant’s question as to whether the EPO planned to apply the categories to the whole database, the Office said that the INPADOC classification would be applied to all the INPADOC codes actively used in the past 20 years (approximately 2700 codes).

The representative from the German Patent and Trademark Office stated that they intended to discuss with the EPO when they would start to deliver ST.27 data. The EPO confirmed that the ST.27 status event codes provided by national patent offices would be stored in the database as delivered. The processes regarding currently used codes should be tackled first, leaving the possibility to deal with codes used in the past for a later stage. The users stressed that it was important to use the standard consistently through all jurisdictions.

At this point, the Office referred to the example of the IPC classification practice where differences existed between offices. Nevertheless, with the introduction of the new standard, data were more standardised than without. In any case, knowledge transfer was essential.

Users underlined that there were no expectations of the world to become ideal. Original codes would still be present, no information would be missing.

Answering a question regarding the time schedule for the implementation, the EPO explained that the availability of the newly attributed categories was not yet precisely scheduled but the topic was first on the list.

The chairman enquired what the priorities in IP5 were. The introduction of ST.27 was part of the IP5 Legal Status initiative, the EPO said. First standardisation had to be applied, then the data exchange procedure had to be agreed.

Users hoped for a side effect to encourage other offices to deliver data.

Turning to the users’ viewpoints regarding potential challenges or opportunities, there was a consensus that users relied on the presently available categorisation systems (as available via commercial tools). Consequently, everything available in the current systems should be kept.

Repeating to a question as to whether the EPO would keep the old codes, the Office stated that the standard left room for a national code besides the ST 27. The discussion on detailed codes had not yet been finalised.
In general, users felt that understanding the new scheme was essential and asked the EPO to provide an explanatory document. The EPO referred to Annex 2 of the standard, and said it planned to elaborate that with examples and concrete cases. A report in Patent Information News was in preparation.

One participant underlined that legal events were different in different jurisdictions and asked whether there would be any harmonisation through ST.27. It was explained that intensive discussion had taken place but no final solution had been found so far.

3. PATENT INFORMATION AND INNOVATION – WHAT IS USED, WHAT IS NECESSARY, WHAT IS THE EFFECT?

Introducing to the topic, the chairman referred to the results of a recent survey of the EPO regarding the use of patent information in the innovation process. The survey revealed that 70% of the innovators taking part used patent information as a source of information.

What could national offices and other providers do so that patent information was used more in innovation processes?

Several workshop participants thought that raising awareness in universities was essential and that the EPO, and also other stakeholders, could play a role. Teaching and information material had to be tailored to different target groups.

There was consensus, that a lack of receptiveness for IP issues in the innovator community was a problem. Therefore, IP should be a mandatory element in scientific and technical studies. This was not necessarily a task for the EPO but rather a political task. Industry could also take an initiative. The UK was mentioned as a good example for awareness activities.

The EPO shared the view that lobbying at many levels was necessary. Respective focus groups on how to recognise IP as a criterion for classification as an innovative company could be helpful. Patent information should possibly be separated from the IP system as such and should rather be part of the global information system. Companies should be made aware of the need of an IP department.

The users proposed that the EPO could update its training material and focus on patent information aspect.
In the course of the discussion, several proposals were made to improve awareness and the use of patent information:

- Horizon 2020, and the IPR helpdesk were mentioned as multipliers
- Also very young people (pupils at elementary and secondary level) should be addressed with suitable material
- WIPO initiatives in developing countries could serve as a model
- IP searches should be mandatory for research projects
- Training of searchers should be improved

Finally, several obstacles were identified that possibly hindered the use of patent information: patents were not as easily readable as other publications and some tools on the market were quite in-transparent regarding algorithms used and output quality.

4. THE DIGITISATION IMPACT AND INTERNET OF THINGS – ROLES, COMPETENCES, TOOLS AND PERCEPTION

In his introduction to the topic, the chairman posed several questions addressing the role of patent searchers, the suitability of present tools and the appropriate qualification for Industry 4.0. A debate was currently ongoing on the impact of digitalisation on patent information and the patent searching profession. He cited colleagues who believed that information professionals were the bridge to digitalisation.

Some participants shared the view that every new technology coming up had been perceived as a threat, but changes also provided opportunities. Buzzwords used in the public debate often did not have a clear definition. Clarification was needed on what the changes were precisely and the discussions produced a lot of noise.

The EPO took the position that change was normal. The Office had the task of examining and granting European patents and providing accurate data. New technologies were there to help with this task.

A participant mentioned that he did not see that “digitisation” was just a buzzword. He expected that digitisation and Industry 4.0 meant a complete transformation of industries, especially producing industries, putting data into the centre. And – computing power now was the enabler! This led to new business models.

The participants agreed that new technologies changed the ways of working. Patent searchers needed to qualify to work with new technologies. Also lifecycles were shorter and new tools could help to cope with that. Job profiles were expected to change, but patent
searchers were not in a weak position. Specific activities might disappear due to artificial intelligence, but not the role of the patent searcher. New technologies might even improve the patent information system.

Diverging opinions were expressed regarding the question of whether patent searchers were in a driver's position for the changes.

The EPO supported the view that in Industry 4.0 all was about processing of information. IP searchers were information specialists and able to cope with processing information.

5. WHAT IS OPEN? INDIAN PATENT DATA AND UNITARY PATENT

The last item of the discussion focused on open issues, namely Indian patent data and the future of the Unitary Patent.

Regarding Indian data, no news were to report. Although test data were available, no sustainable, regular delivery had been established so far. As Indian data are still high on the users' agenda, the EPO confirmed that it would continue efforts to improve the situation.

For the Unitary Patent, the EPO reassured that it was technically ready for the start. Regarding the legal situation, the participants shared the view that it would be decisive whether the Constitutional Court in Karlsruhe took a decision before or after Brexit.

6. CLOSING REMARKS

The chairman noted that the EPO Patent Information Conference in Sofia had provided an excellent platform for exchange of views and discussion. He thanked the workshop participants for their contributions and the lively discussion.