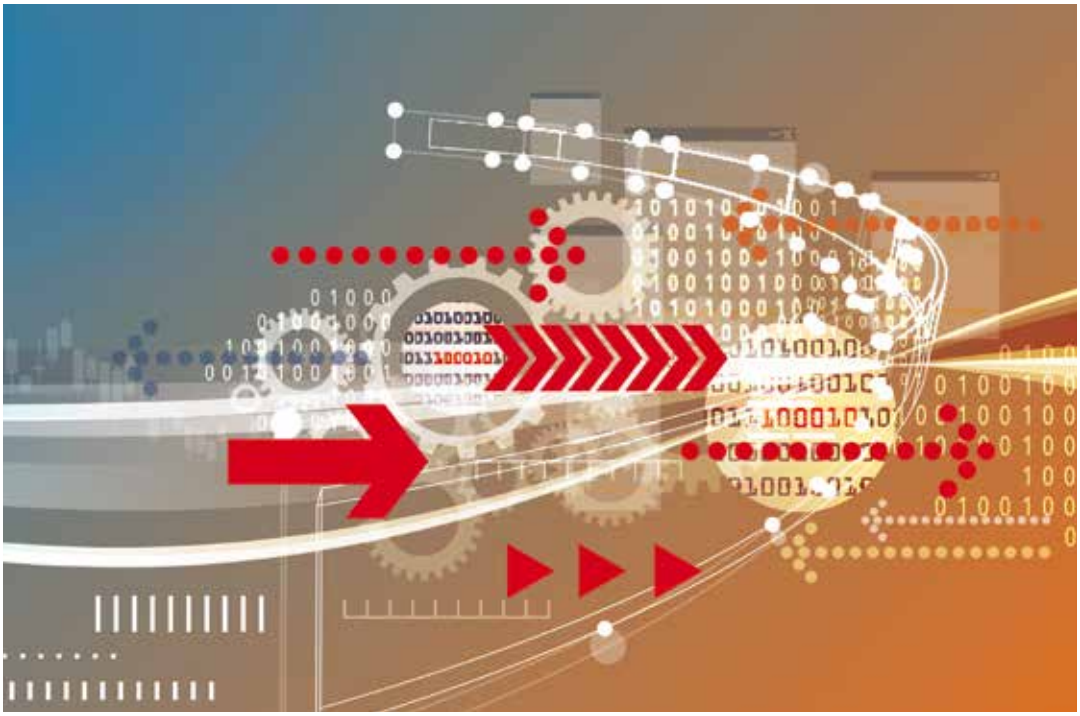
Europäisches Patentamt
European Patent Office
Office européen des brevets

Issue 1 | 2016

Patent Information *News*

CONTENT



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200 million legal status records

You could almost believe that the EPO had planned it that way, but in fact it was just a happy coincidence. Punctually, almost exactly on the 25th anniversary of the founding of the EPO's Vienna sub-office, the number of records in the worldwide legal status database reached the 200 million mark.

In 1991, when the EPO took over the Austrian company INPADOC, it accepted responsibility for two large patent databases: INPADOC's bibliographic database and its legal status database. At the time, it was the bibliographic database that was considered the more important, covering 42 countries and more than 20 million patents. The legal status database was still at an early stage of its development. Only twelve countries were on board and the data comprised a modest number of records.

Over the years, INPADOC's bibliographic data was merged into the EPO's own existing collection. Today the combined dataset covers over 90 countries and forms the backbone of many of the EPO's services, including Espacenet.

The legal status database has remained a discrete collection of data. It is unique and frequently seen by patent information experts as the real treasure in the legacy from INPADOC. Many commercial services available on the market rely

> "Reliable, comprehensive and up-to-date legal status data is a prerequisite for investment decisions, and INPADOC provides much of the essential data, excellently supervised by its team in Vienna. For the user community, INPADOC is a treasure."
>
> *Peter Kallas, BASF SE, Chairman of the PDG Working Group IMPACT*

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on the quality of this legal status data from the EPO.

Knowing whether particular patents are in force is often important for strategic business decisions. Over the years, the worldwide legal status database has provided the answers to an increasing number of questions in this field. The recent addition of data from China, Japan and Korea was a major achievement, turning the database into a truly global one for information on the legal status of patents.

With its worldwide coverage, the database is also the ideal resource for information on more complex procedural paths in the patent system, such as the PCT procedure and the transition of patent applications from the PCT into the national or regional procedures. This national phase entry data is valuable for tracking the potential territorial coverage of patent applications.

Top ten patent jurisdictions in the worldwide legal status database by no. of records

Country	Records	Records in %
EP	57 041 219	29.2%
JP	42 576 378	21.8%
US	25 157 880	12.9%
CN	21 360 693	10.9%
WO	15 972 667	8.2%
KR	12 771 998	6.5%
DE	9 308 661	4.8%
GB	1 800 815	0.9%
CA	1 442 271	0.7%
FR	1 139 951	0.6%

Supplementary protection certificates, as they are called in Europe, and their kindred forms of protection in other countries are a key feature of the IP system in areas of technology such as pharmaceuticals. Strictly speaking, these are not patents or part of the patent procedure, but follow on after the patent has expired. Nevertheless, the worldwide legal status database includes them for a large number of countries.

As the amount of data grows, users are finding that they need to perform statistical analyses on it. The EPO Worldwide Legal Status Database for PATSTAT is a special version of the legal status database, customised to make it suitable for statistical work.

Behind the scenes, the EPO team has been working on a complete modernisation of the legal status database over the past few years. Although it was largely invisible to users, this was a major undertaking. It will ensure that the EPO can continue to offer a high-quality service for the legal status data it collects, and that its systems will be able to function well into the future.

PRODUCT NEWS

More in GPI

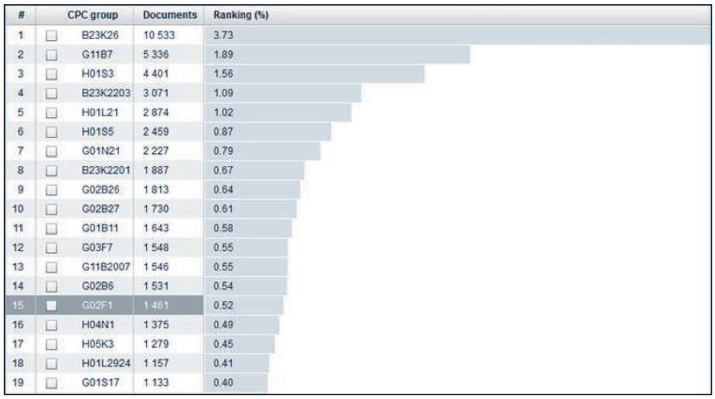
Global Patent Index – the EPO's advanced worldwide patent search tool – has just received an upgrade, leading to much faster searches, result list display, navigation and statistics.

The upgrade also includes an increase in the number of search results you can use the search filter on, from 10 000 to 1 000 000. This extension is especially interesting when you use GPI's statistical functions. You can use the search filter results, for example, to produce simple statistical analyses, and it will also soon be possible to produce cross-reference statistics (a two-dimensional chart showing the combined effect of two statistical criteria – for example, the top 20 technical fields over time).

GPI's database is updated with additional documents every week on Friday at 12.00 hrs CET. The GPI help menu item "Database weekly content" now gives you the opportunity to distinguish, in a given week and per country code, the number of publications added to GPI for the first time ("Documents created") and publications modified after their initial publication ("Documents amended"). Modifications can take any of a number of forms, such as changes to the bibliographic information or changes to the publication reference.

A useful tip is to use the search criterion STA=C ("Documents created") combined with WBIB=YES ("Bibliographic data of the current week"). This will retrieve only new publications when you do your weekly monitoring, i.e. searching on the most recent week. Note that it will also soon be possible to carry out monitoring on a monthly basis.

Search filters in GPI



Example of GPI's statistics feature, showing the top 20 CPC groups for a search

For more details, see www.epo.org/gpi.

EDITORIAL

Why patent information?

As we have seen on several occasions in the headlines in recent years, no company is "too big to fail". No matter who you are, if you want to continue in business, one thing you are likely to want to do is to minimise your risks.

We talk of "patent applicants" as if there were people in the world who answer to that title. In reality, of course, no one thinks of themselves primarily as a "patent applicant". Applying for a patent is simply one detail in a complex business strategy. Knowledgeable users of the patent system know that it is expensive and difficult to understand. They also know that it's like that for a reason and that they need to inform themselves properly when taking decisions that touch on IP, be it their own or other people's.

The patent system works when informed users and high-quality procedures can interact. Patent information is one key to achieving that. For 25 years, the EPO – at its sub-office in Vienna – has been a leading provider of patent information, supplying worldwide data to the world. And we will continue. More. Faster. Better. These three words sum up our goals for patent information in the future.

Patent information exists to support those who are active in the economy. We must not give in to the temptation simply to label everyone "a patent applicant", but must understand in a more holistic way the contribution that patent information makes to society. If we succeed, then I am confident that the EPO will remain a leader in this field for the next 25 years and beyond.

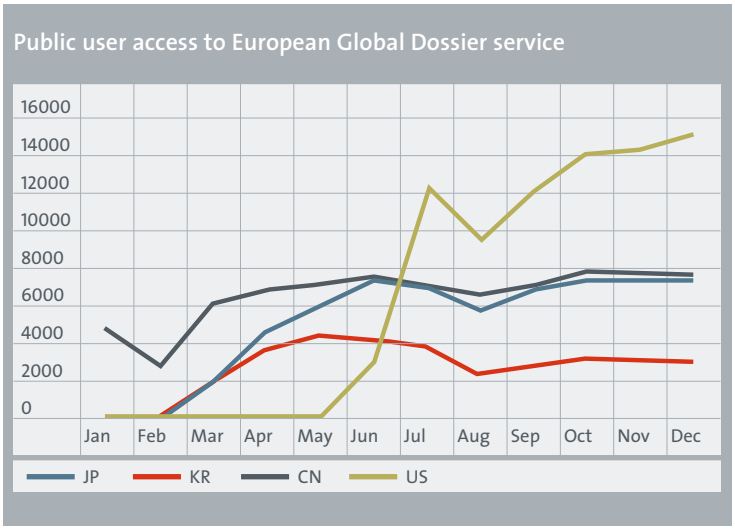
Richard Flammer
Principal Director Patent Information and European Patent Academy

IP5 COOPERATION

3rd Global Dossier Task Force meeting held in Washington

Progress made on defining the next steps towards achieving the GD vision

At the beginning of February the USPTO hosted the 3rd Global Dossier Task Force (GDTF) meeting in Washington. The GDTF comprises delegations from the IP5 offices as well as WIPO and five industry groups (BusinessEurope, JIPA, KINPA, PPAC, AIPPI/IPO) from the five IP5 regions. Its main activity is to identify and implement changes which can simplify the retrieval of patent information and streamline patent processing for patent portfolios spanning the IP5.



Accesses by unique visitor monthly 2015

At the previous (January 2015) meeting and the following May 2015 IP5 heads meeting, as reported in Patent Information News 3/2015, all parties agreed to a vision comprising five "priorities". Since then all offices have made concrete progress in the implementation of global dossier services. The EPO for example completed its IP5 global dossier file wrapper service with the addition of US applications in June last year. Currently about 40 000 users are accessing the service each month. At the GDTF meeting the EPO indicated that by the end of this year it intends to link the service to WIPO's CASE system, allowing users access to the PCT file wrappers and, with their agreement, those of CASE depositing offices.

At the meeting the five priorities were discussed. Overall, the industry delegations were very encouraged by the progress made by the offices. In the coming year the offices plan to align their approaches on the five priorities with the aim of defining concrete initiatives here too. On the topic of alerting, where the EPO is taking the lead, industry noted that the ability to get alerts for all the IP5 members of a family of applications would be extremely useful. The EPO will share the experience of its Register Alert and RSS feeds with the other IP5 offices and hopes that it will be possible to find a common approach in this area.

EPO gets ready for unitary patent

On 15 December 2015, EPO President Benoît Battistelli announced that the EPO was "legally, technically and operationally ready to deliver the unitary patent."

This good news came as a result of major progress in the work of the Select Committee, which represents the EU member states participating in the new unitary patent, and which had just succeeded in formalising a series of agreements into a complete secondary legal framework for the unitary patent. These agreements comprise the implementing rules, budgetary and financial rules, the level of the renewal fees and the rules for their distribution between the EPO and the participating member states.

A necessary pre-requisite for the unitary patent system to start will be the existence of the Unified Patent Court (UPC), in which any unitary patents can be challenged or enforced. Once thirteen states, including France, Germany and the UK, have ratified the Treaty establishing the UPC, both the court and the unitary patent system will come into life. So far nine states, including France, have ratified, with several more expected to ratify shortly.

As the unitary patent draws ever closer to becoming reality, the EPO will be working on ensuring that it meets patent information users' needs from the outset. These efforts are currently focusing on two main areas:

– making sure that European patents with unitary effect are easily identifiable as such in patent databases
– providing clear, up-to-date and complete information on unitary patents in a new online register

Finding unitary patents in the databases

Users have told the EPO that they will need to be able to identify unitary patents in the patent databases, and retrieve them easily. Some users, for example, will want to carry out statistical analyses on unitary patents, and this will only be possible if there is a way of filtering them electronically. The EPO has received input on this issue from a number of user groups and other experts, and is currently evaluating the options for achieving this goal.

Register for unitary patents

One of the new tasks that the EPO will have when the unitary patent comes into being will be to maintain a register of unitary patents. The following examples are indicative of the kind of information that the new register will include for each European patent with unitary effect:

– notice of the request for unitary effect
– registration of the unitary effect
– the countries covered by the unitary effect
– 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 thus in terms of features, and its look and feel, will be closely related to it.

States participating in the unitary patent regulation which have ratified the UPC Agreement as of mid-February 2016
States participating in the unitary patent regulation which have not yet ratified the agreement
EU members not participating in the unitary patent regulation
Other EPC parties (not eligible for participation)

Marjolaine Thulin of Awapatent in Sweden is a leading expert on patent register data. She presented her information needs with respect to the forthcoming changes at the EPO Patent Information Conference last November in Copenhagen[1]. Noting that the unitary patent would probably simplify things in the long term, she expected some difficulties for patent searchers to arise during the transitional period after launch. Specifically, she wanted to be able to find information on whether unitary patent protection had been requested and, if so, which countries were covered by the protection. The Office has already committed to providing this information in the unitary patent register (see the bullet list above).

New information on "classical" European patents

Accompanying the new unitary patent, there will be a new Unified Patent Court (UPC) for Europe. 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.

During the seven-year transitional period, applicants and owners of classical European patents will be permitted to opt out of the UPC and have any infringement or invalidity proceedings dealt with at national

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level, as in the past. The deadline for these opt-outs will be one month before the end of the transitional period. In cases where no opt-out has been filed, during the transitional period it will be the plaintiff who decides whether to file the action at the UPC or with the responsible national court(s). Once the transitional period has ended, the UPC 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.

Ms Thulin drew attention to the opt-out option in the presentation mentioned above, and noted that in cases where no unitary patent protection had been requested, patent searchers would need to know whether the patent holder had chosen to opt out of the UPC. Since the opt-out declarations concern European applications/patents and not unitary patents, they will be published in the European Patent Register.

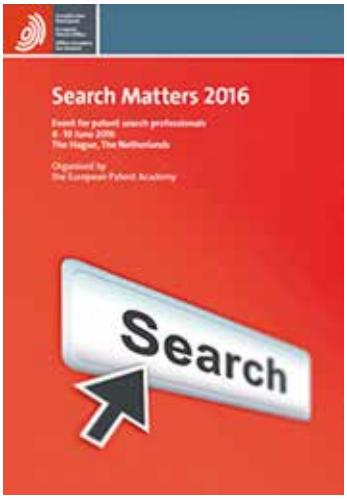
1) Marjolaine Thulin's presentation is available on the EPO's website at www.epo.org/pi-conference

EVENTS

Search Matters 2016: a must-attend event for patent search professionals

Search Matters is a unique seminar offering patent search professionals an unrivalled look behind the scenes at the EPO. This year's event will take place in The Hague, Netherlands, on 9 and 10 June. It will showcase the EPO's patent search strategies and techniques, and feature workshops on top issues run by experienced patent examiners. On 8 June, before the actual start of the event, a number of participants will get the chance to talk to individual EPO examiners one on one and question them about how they search in specific technical areas.

The Search Matters programme will offer 24 workshops in six sessions. In addition to general topics, there will be specialised workshops focusing on areas such as biotechnology, pharmaceuticals, medical devices and Asian prior art. The four plenary lectures will cover issues including searching the EPO's free databases, notorious knowledge and the latest developments in the Cooperative Patent Classification.



Another highlight will be a talk by keynote speaker Ben Murphy, a business builder for IP Group who specialises in new cleantech investments, looking for companies to fund and build up. His presentation will share insights into the world of early-stage investment, reflecting on how to maximise chances of success and minimise chances of failure. His particular focus will be on initial IP due diligence, analysing the crucial role of search.

For more information and to register, please see www.epo.org/search-matters.

PUBLICATIONS

IP5 Statistics Report 2014 Edition

Having published a limited selection of key IP5 statistical indicators in May 2015, the IP5 offices released final figures for 2014 in the full IP5 Statistics Report in December 2015.

The IP5 offices collate and publish their statistics in this comprehensive report, which gives a description of worldwide patenting activities, explains operations at the IP5 offices and provides information about patent grant procedures. The IP5 statistics reports supplement annual reports for each of the IP5 offices.

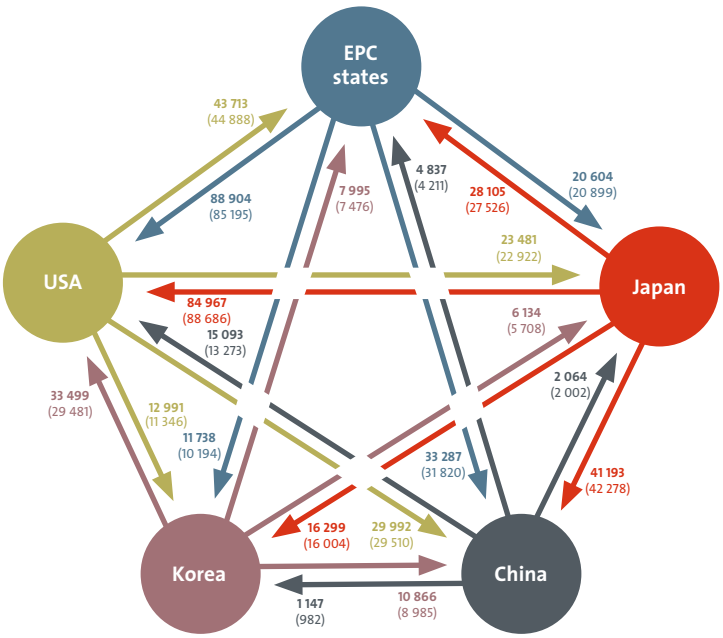
In addition to the IP5 Statistics Report, the IP5 offices on the IP5 website also provide detailed statistical data sheets for numbers of filings, grants broken down by IPC codes, fees and economic information relevant to filings.

The IP5 Statistics Report 2014 Edition and the updated statistical data resources for the IP5 offices up to the year 2014 are available at www.fiveipoffices.org/statistics.html.

Your feedback please!

An online survey for readers of the IP5 Statistics Report 2014 Edition was launched at the time of the report's publication: www.survey monkey.com/r/IP5StatsReportSurvey.

IP5 inter-bloc activity, by origin (residence of first-named applicants or inventors), of distinct patent applications entering a grant procedure in 2013 (2012 figures in parentheses).



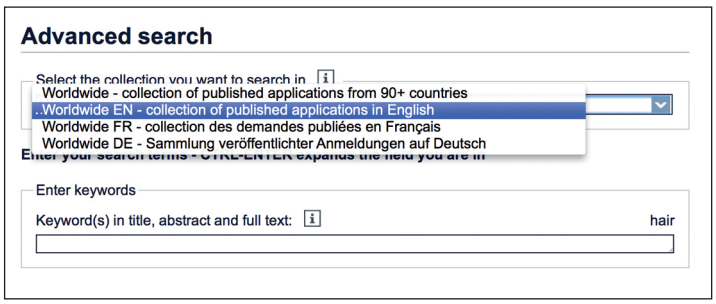
Full-text searching in Espacenet

Full-text searching in Espacenet went live on 15 March 2016. As reported in Patent Information News 4/2015, it is a powerful new feature that gives patent searchers new ways of improving their search results even more.

The first languages to be supported will be English, French and German, and the member states' languages will follow. You, as a user, will be able to choose which language you want to search in, and input search text in that language. This "user-asserted language" is an important concept in Espacenet full-text search. Full-text search will be available via the Advanced search mask and Smart search.

Advanced search mask

To perform a full-text search in the Advanced search mask, select the Worldwide EN (or FR or DE) database in the drop-down menu. This will automatically display the full-text search mask.



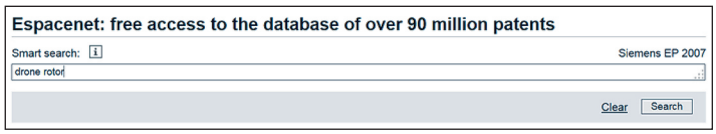
The full-text search mask contains most of the search fields familiar to users of the Advanced search option, but there is a new Keyword field in place of the "Title" and "Title or abstract" fields.

You can enter keywords in your chosen language here. If you have selected the worldwide EN (or FR or DE) database, you must enter keywords otherwise the search results will contain a lot of noise.

Of course, you may refine your search with other search elements such as the name of the inventor, the applicant, etc.

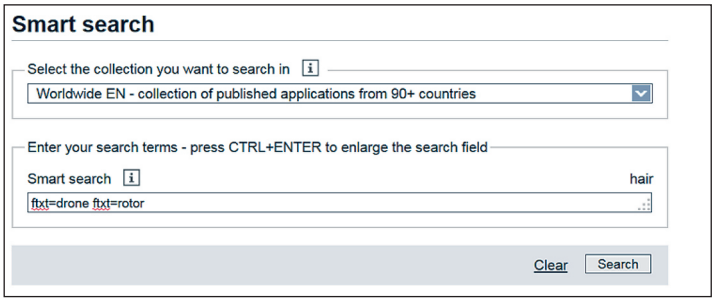
Smart search

In Smart search, begin by searching as usual with one or more keywords. This will search in title and abstract only



Then click on "Refine search", bringing you back to the Smart search screen, which this time will include a drop-down menu to choose your full-text database. Once you've selected a full-text database, you can perform your search using the field identifiers shown in the table.

Items appearing in your result list from a full text search in Espacenet may be due to text found in applications or granted patent documents. In cases where Espacenet has the full text of the granted patents, they will be available in HTML. This means that they can be translated into other languages using Patent Translate.



New search commands for full-text searching in Smart search on Espacenet

Command	Meaning	Example
ftxt =	retrieves keywords found anywhere in the document	ftxt = tetracyclin
desc =	retrieves keywords found in the description section of documents	desc = laser
claims =	retrieves keywords found in the claims	claims = volcanic

Why search in full text?

A "perfect search" will retrieve all the relevant documents, and no irrelevant documents. What full-text searching does, is to increase your chances of retrieving a high number of relevant documents. The downside is that you sometimes also increase the number of irrelevant documents in your result list. For important searches, this is a price that is well worth paying.

In the example shown in the screen shots, searching for "drone" and "rotor" produced 31 results in the title and abstract search, and 534 results in the full-text search. This shows the potential that full-text search has for retrieving documents you might otherwise miss. You can then use classification searching and other techniques to filter out some of the less relevant items.

Need to know more?

Check out announcements on the EPO website and the Espacenet landing page for forthcoming webinars giving you a full demonstration of the new full text search in Espacenet.

Common Citation Document – one of Espacenet's hidden gems

Simply put, the Common Citation Document (CCD) creates a list of patent applications which constitute a simple patent family, and a list of citations (from the search report and from the applicant) is arranged on screen together with their corresponding patent applications.

The CCD allows you to list the patent applications only, to show examiner citations only or to hide applications without citations.

The critical advantage of the CCD is that you can open any two of the documents listed in the CCD viewer (which shows the list of applications and citations) and compare them in two side-by-side windows called "Inspectors".

How to access the CCD

When you look at a record for an individual patent in Espacenet, you will see that the navigation menu includes the option "INPADOC patent family". If you select this option, you will then be able to access the CCD using a link in the horizontal menu at the top of the list of the patent family members (see Figure 1).

The CCD interface

When the CCD interface opens, you can see the list of citations for each member of the patent family in the panel on the left. The panel on the right shows the classification areas searched by the patent offices. If you click on a citation in the list, its details appear in the panel on the right, replacing the classification information – you can choose between the bibliographic data, the description, the claims and an image of the original document.

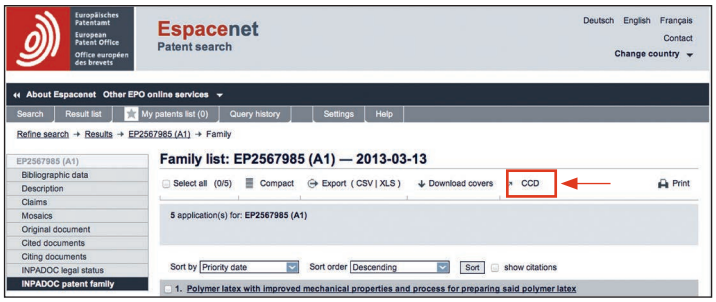
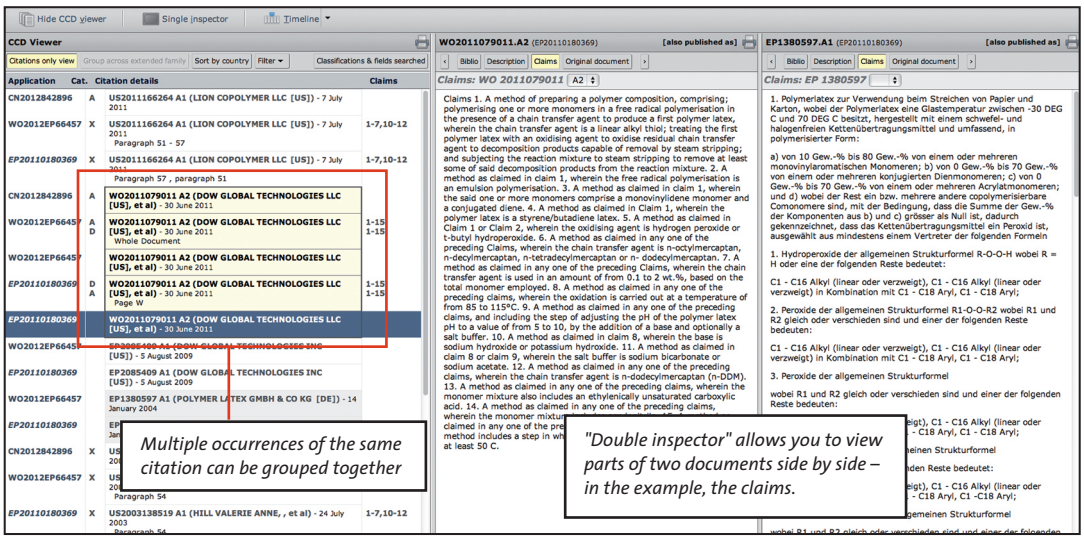


Figure 1: Click on "CCD" to open a new window with the CCD interface



If you want to see the details of two different citations side by side, first open the "Double inspector" by clicking on the button at the top of the window. Then do a right mouse click on the second citation you want to view and choose "Inspector 2" from the small pop-up menu that appears.

This provides opportunities for comparing, say, prior art cited by the examiner with the original application (Just why is that an X citation?), or comparing documents cited by one examiner for one family member with documents cited by another examiner for another family member.

If you choose the "Citations only view", multiple occurrences of the same citation are grouped together on the screen.

The CCD is based on the EPO's REFI database , which contains data from more than 30 IP authorities and comprises some 203 million citations against more than 25 million patent applications.

The EPO is considering a number of enhancements to CCD such as improved navigation, data downloading and improved online documentation.

Check out announcements on the EPO website and the eSPACENET landing page for forthcoming CCD webinars covering data and functions in greater depth.

1) Coverage information for REFI is available on the EPO website: www.epo.org/searching-for-patents/helpful-resources/raw-data/data/tables/regular.html

The man behind the legal status data: Georg Huber

Georg Huber has been responsible for the content of the European Patent Office's worldwide legal status database since 2003. On 1 June 2016, he will retire from professional life and the world of patent information. Patent Information News interviewed him to mark the occasion.

After studying informatics at the Technische Universität München, Georg began his career in program design at Siemens. On 1 October 1998, he started working for the EPO in Vienna, where his first big challenge was to modernise the original legal status database.

Georg's role in the evolution of the legal status database cannot be overstated. He receives legal status data from the national offices of over 60 countries around the globe at more or less regular intervals, be it from North and Latin America, from WIPO, the EPO and Rospatent or from Asia and Africa. He analyses new data to identify patent events and any additional information. He works out which algorithms to use in order to implement the data and briefs the programmers accordingly. Each year around five to ten new descriptions are added and 40 existing descriptions have to be adapted in order to reflect changes in data or the addition of new events. Using the algorithms provided by Georg, this information is then programmed in such a way that it can be entered into the database, i.e. it is converted into a uniform, prescribed format. After this, the program results are tested by Georg and, provided they are correct, approved.

Georg Huber

The worldwide legal status database currently contains over 200 million data sets, with an additional 25 million added each year on average.

One of the main problems when reading legal status data is recognising whether a patent that has already expired can be reactivated. "A patent can be dead, but it can still be brought back to life. It is only truly dead when all possibilities of revitalising it have been exhausted," says Georg.

Twice a year, Georg creates a categorisation table[1], a tool highly regarded the world over that aims to help users find their bearings in the otherwise impenetrable jungle of legal status data. The table classifies all event codes in 24 categories such as lapses, reinstatements, patent restrictions, opposition proceedings and treatment of supplementary protection certificates.

According to Georg, his love for his work stems from the fact that the legal status database is so important and almost certainly unrivalled. The database, unique in its significance, is used by almost all commercial providers and also forms the basis of numerous products within the EPO, e.g. for Espacenet, the European Patent Register, GPI and PATSTAT.

Every national patent office and every international organisation delivers different data at different intervals, in different quantities and of differing quality. Integrating this plethora of information into a uniform database, keeping it as up to date as possible as well as meeting the needs of the user is a huge challenge but equally a real motivating factor.

The data loses none of its importance over time and will need further development in the future. But this will have to happen without Georg Huber, who will be dedicating his time to challenges other than global legal status data. Georg intends to focus on his family and conquer new, uncharted territory: beekeeping. In fact, he has just taken delivery of his first four bee colonies!

1) https://www.epo.org/searching-for-patents/helpful-resources/raw-data/data/tables/regular.html

Bubbles of information

A good visualisation can reveal important details that you might not notice looking at the data as numbers and tables. The graph shown in Figure 1 is one such example.

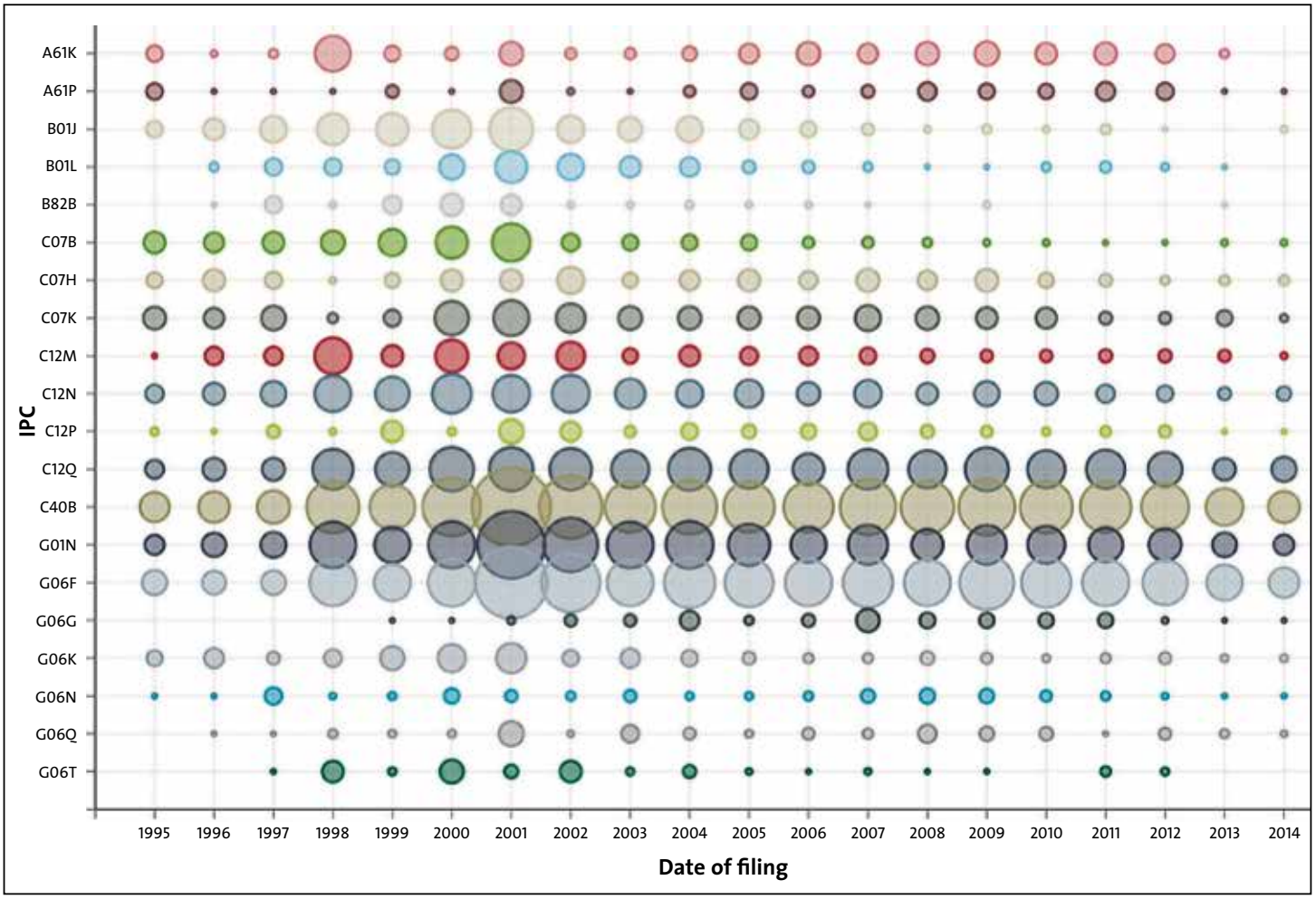


Figure 1: Patents filed in IPC subclass C40B (combinatorial chemistry) in 1995-2014 with a further classification in G06 (computing), the size of the circle indicating the number of patent applications

What you see in the graph are the top 20 IPC subclasses that occur for patent filings in the field of combinatorial chemistry which also have a classification symbol in the field of computing (see Figure 2). These are plotted on the Y-axis against time on the X-axis. The size of the circles indicates the number of patents filed.

We can see immediately that there was a peak about fifteen years ago and the number of patent filings has since tailed off. Considering the growing influence of computing in all fields of technology, this result will come as a surprise to some people.

You can see how this analysis was done using the EPO's new PATSTAT Online patent analysis tool on the following two pages.

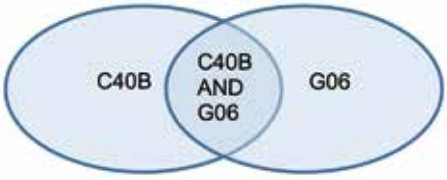


Figure 2: The pool of patents used to produce Figure 1 is defined by the central zone "C40B AND G06" here

PATSTAT Online – from an assertion to statistics to back it up in three easy steps

On a beautiful sunny winter's day in February, some EPO colleagues were pondering what impact computer-implemented technology (sometimes incorrectly referred to as "software patents") had on the field of combinatorial chemistry. To support the view that the combined fields were "hot" – i.e. there were many patent filings – and that computers were taking over an ever-growing part of the work in this area, they decided to use PATSTAT Online to produce the graph shown on the previous page and bring some clarity to the discussion.

Here is how they did it.

Step 1: Define the scope of the analysis

When working with larger sets of patent data, a good way to retrieve relevant patents in a certain technological field quickly is through combinations of appropriate classification codes. Combinatorial chemistry is classified in IPC subclass C40B; the "computing contribution" can be identified through IPC class G06. To translate this into an instruction understandable for PATSTAT Online, you need to write a short SQL query that finds the "intersection" of patent applications having both C40B and G06 classification symbols. An SQL query instructs a relational database to select a number of records (patent applications in this case) from a database. In its easiest form it contains the words SELECT, FROM and WHERE, indicating the columns, tables (two in this case, one for each CPC code) and conditions of the data you want to retrieve.

This is what it looks like in PATSTAT Online:

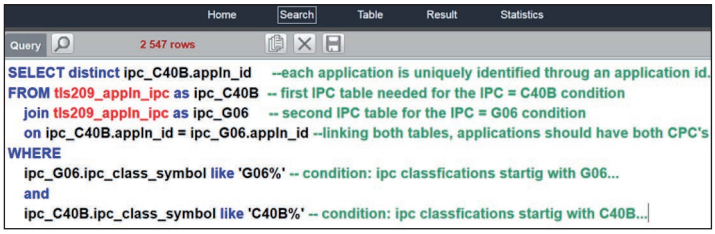


Figure 1

Step 2: Execute the query

Select the magnifying glass to execute the query, which then retrieves 2 547 "rows" from the database. These rows are in fact unique applications that have both G06 and C40B as IPC classification symbols. You can now use this set of patent applications for your statistics.

Step 3: Make a graph

Select the "Statistics" tab and you will get the option of selecting a "cross-reference" graph. A cross-reference graph only requires the user to define what data should be represented on the X and Y-axes. It is a bubble chart that shows the number of applications for each intersection, and provides a quick visualisation for a large number of patent applications. This graph can easily be tailored to the user's needs. The example on page 9 shows the trend in patents filed with the respective IPC codes over the years, taking the filing date for the X-axis and the top 20 IPC subclasses for the Y-axis. These are classes that appear most often on documents in the pool. The pool was defined as documents bearing classification symbols in both C40B and G06, so it is not surprising that these are among the top 20. Other types of analysis through combinations such as "applicant versus date of priority" or "applicant versus applicant" (showing co-applicants) are also possible (see Figure 2).

And the outcome?

Based on the graph you can clearly see that the beginning of the 21st century was the heyday for patent filings in the combined fields of computing and combinatorial chemistry.

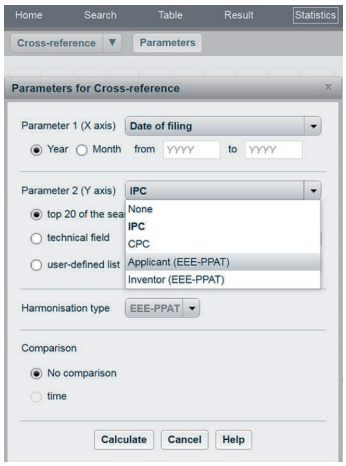


Figure 2

In 1994-95, there are first indications of the combined technologies: G06F (electrical data processing), G06K (digital marking by shape and sensing of data) and G06N (computational models), followed in 1996 by G06Q (management of medical, biological and scientific patient data). In 1997 we see the appearance of patents classified with G06T (imaging technology), followed in 1999 by G06G (analogue analysis of chemical processes). A small decline in 2002 is followed by a fairly constant stream of 150 patent appplications per year (hovering over the bubbles in PATSTAT Online shows the number of applications). A surprise was the absence of imaging technology patents in 2010, 2013 and 2014.

The graph, which is based on a specific (small) subset of patents, does not, of course, give a fully comprehensive picture of the trends in these fields. Looking at all applications filed in C40B (i.e. irrespective of whether they also bear a G06 classification symbol) shows that other co-classifications such as C12Q (measuring and testing processes involving micro-organisms) also have a substantial impact on the general trend (see figure 3). It is also interesting to note that patents in the combined technologies (Figure 1 on page 9) did not show the dip in 2005 that you can see in Figure 3, based only on C40B.

continued on page 11 >

1) Siehe http://www.epo.org/law-practice/legal-texts/html/epc/2013/d/ma2a.html

continued from page 10

The data is real, but the graph serves only as an example to illustrate how quickly PATSTAT Online users can create meaningful data and graphs to illustrate (or disprove) a statement. The time taken to create the graph? Half an hour discussing, ten minutes on PATSTAT Online.

If you want to try it out for yourself, you can register for a two-month free trial of PATSTAT Online via www.epo.org/patstat. More information and sample queries are available in the download section.

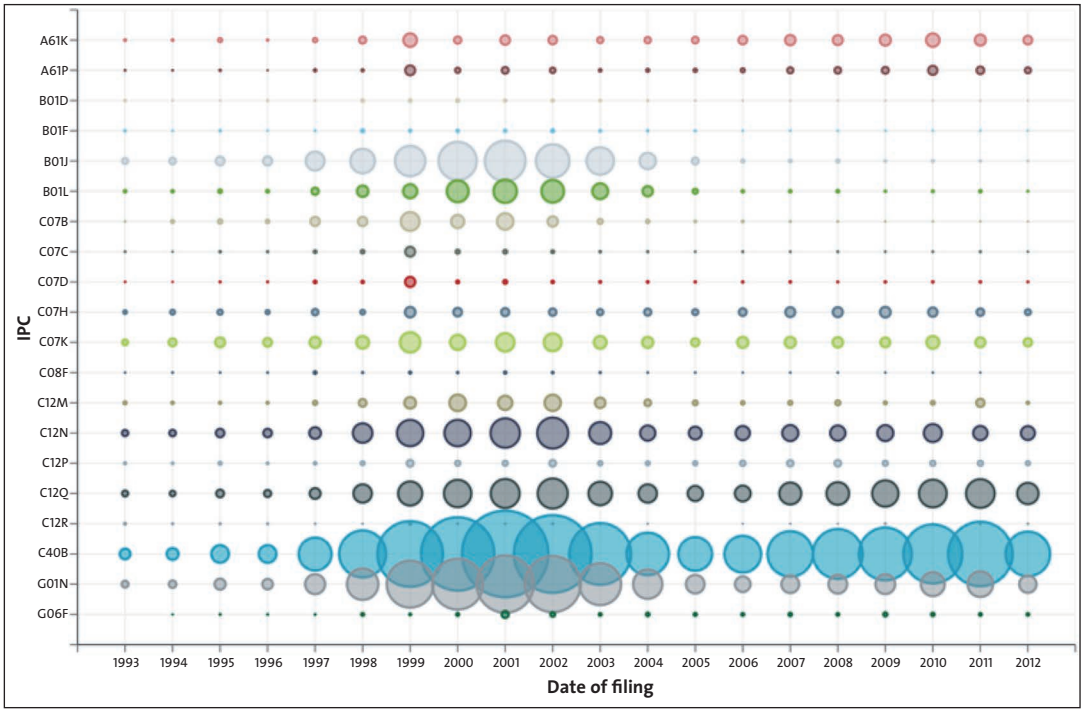


Figure 3: Patents filed in IPC subclass C40B (combinatorial chemistry) in 1995-2014, the size of the circle indicating the number of patent applications

EUROPEAN PATENT REGISTER

Austria, Greece and Switzerland join the Federated Register service

2015 drew to a close with the good news that the Czech Republic and Ireland had joined the Federated Register service, allowing easy access to information on the status of European patents validated in those countries (see Patent Information News 4/2015).

That good news has continued into 2016 with the joining of three further countries, Austria, Greece and Switzerland.

Ultimately, it is the goal of the Federated Register to offer access to the status of a granted European patent across all the designated states, as well as extension and validation states. Ten countries currently participate in the service. Patent Information News will keep you posted as more countries join.

The Federated Register is part of the European Patent Register, available at www.epo.org/register.

Status	Application No.	Publication No.	Proprietor	Invalidation date	Not in force since	Renewal fees last paid	Record last updated
AT Patent lapsed	EP09009004	EP2147890	Jungheinrich Aktiengesellschaft	12.08.2015	10.07.2014	---	---
CH Patent not in force	EP09009004	EP2147890	Jungheinrich Aktiengesellschaft	---	31.07.2013	---	19.02.2014
CZ Patent not in force	CZ2009-9004	EP2147890	Jungheinrich Aktiengesellschaft	15.05.2013	10.07.2009	---	15.05.2013
FI Patent not validated	---	2147890	Jungheinrich Aktiengesellschaft	---	31.10.2012	---	23.12.2015
GR *No data provided by the national patent office for this patent*							
IE Patent lapsed	EP09009004	EP2147890	Jungheinrich Aktiengesellschaft	04.04.2014	04.04.2014	---	04.04.2014
LU Patent lapsed	EP09009004	EP2147890	Jungheinrich Aktiengesellschaft	10.07.2013	10.07.2013	---	---
RO *No data provided by the national patent office for this patent*							
SI *No data provided by the national patent office for this patent*							

Your feedback please!

The EPO has updated the "Searching for patents" area of its website. The changes introduce a new structure to the area, grouping products according to their primary use: providing technical, legal or business information. A new section, called "Helpful resources", provides supporting materials useful to patent information specialists. To take a look, please go to www.epo.org/searching-for-patents.

Please send any comments you have to website@epo.org

FTO analysis: a king among patent searches

Developing and refining products and services is a complex and costly process. Mistakes become exponentially more expensive as this process progresses and can – if they occur at a late stage owing to problems with the production or sale of finished products – easily cost hundreds of thousands, or even millions, of euros.

It is therefore vital to determine whether certain devices, products or processes can be used without infringing third-party intellectual property (IP) rights, thus allowing potential problems and legal disputes to be identified at an early stage and avoided. This can also help with the development of workarounds and provide detailed insights into the market and competitive environment.

The tool used to assess these risks is a freedom-to-operate (FTO) analysis. It identifies and makes a detailed assessment of any IP rights or applications at risk of being infringed. Without it, companies put themselves at great financial and strategic risk: the cost of bans on the production or sale of important products owing to the existence of valid third-party IP rights can far exceed that of performing an FTO analysis.

The analysis should not be limited to the infringement risk posed by fully developed products or processes as problems can even arise in the R&D phase, e.g. with the use of protected processes, devices or products. Typical situations in which an FTO analysis is carried out include:

– Conceptual and design phase during product development
– Market launch of a new product
– Product upgrades
– Licensing negotiations

A sound FTO analysis depends on co-operation between individuals with in-depth specialist knowledge of, or access to patent information or searches in the technical field in question and individuals with patent and legal expertise. Another factor is an appreciation of the customer's overall situation and needs.

You begin by defining the subject-matter of the FTO analysis, i.e. the product or process features that are essential for the customer (this can take the form of a feature table), and the countries for which the analysis is to be carried out.

Then you carry out an FTO search based on a strategy developed to determine whether the subject-matter of the analysis falls under the scope of protection of any granted patents, patent applications or utility models. For this, you determine suitable keywords and potentially relevant patent classes in close co-operation with the customer, who can supply the names of key competitors, technical terms, synonyms, trade names, etc.

Key aspects of FTO searches

Objective	To identify IP rights that could hamper the commercialisation of a product or process
Search focus	Patents and utility patents in force in the region in question
Tools	Best possible databases providing broad coverage and legal status information and allowing searches in the claims and description
Take into account	Claims plus description; equivalents
Final report	Subject-matter of search; search strategy; databases used; list for patent attorney indicating the relevant documents and the relevant claims and text passages therein

FTO searches look for potential infringements of IP rights, so the focus is on the content of claims. However, as claims may change based on the description during the course of the patent granting procedure, you also have to analyse the content of the description.

Yet it is important to note that the scope of protection is not solely determined by the terms of the claims, interpreted on the basis of the description and any drawings. You also have to take account of equivalents (within the meaning of the Protocol on the Interpretation of Article 69 EPC)[1]. When choosing documents for further analysis, this means not only selecting documents with a technical content that corresponds exactly to the subject-matter of the FTO analysis, but also selecting documents that describe reasonably similar content.

FTO searches look for patents, patent applications and utility models in countries in which the subject-matter in question is intended for commercial use. You therefore have to consider supra-national documents like European patents and PCT applications in addition to national documents. PCT applications in particular can be unspecific and have a very broad scope of protection. You also do not know whether they will result in valid IP rights in the countries relevant for your search.

FTO searches are best carried out using high-quality patent databases covering a broad range of technologies as these will also cover related areas. They should also indicate the legal status of potentially relevant patent documents. Moreover, the selected databases must indicate any IP rights which are currently valid, or could be in the future. In order to do this, the databases must go back at least 20 years or considerably further into the past if supplementary protection certificates are granted for the technology in question.

continued on page 13 >

continued from page 12

In consultation with the customer, it may also be worth including non-patent documents and other free prior art in FTO searches in order to obtain more accurate reports on the validity of granted IP rights and on the freedom to operate. This means taking other IP rights into account as well, as a device or product could also be protected e.g. by a design right.

The higher the economic significance of an FTO analysis, e.g. in the case of particularly important products and high liability risks, the more important it is to support the analysis, e.g. through several FTO searches conducted by different, experienced patent searchers or through FTO searches in different databases.

At the end of the FTO search, the results must be suitably documented for further evaluation, usually by a patent attorney. This includes a well-structured search report defining the search subject-matter and describing in detail the search strategy and databases used, including their features and data coverage.

The IP rights and applications identified during the search can be listed in a table containing the most important bibliographic data including patent family members as well as information on any claims the subject-matter of the FTO analysis could infringe, passages in the description relevant for the evaluation and the legal status of the selected documents.

Even if the greatest care is taken, there will always be a degree of uncertainty with FTO search results. This is not only explained by the usually-incomplete coverage of the databases used and the equivalents problem mentioned above, but is sometimes attributable to the patent systems themselves, e.g. because patent applications are usually only published after 18 months. FTO searches should therefore be updated, at least for particularly important analyses. However, this uncertainty should not stand in the way of FTO analyses, which are often very important when it comes to making commercial decisions.

1) See www.epo.org/law-practice/legal-texts/html/epc/2013/d/ma2a.html

PUBLICATIONS

Official Journal of the EPO – editorial office in Vienna as of 2016

The OJ is your source of official information and general notices from the EPO and of other information relating to the EPC and its implementation. It also contains notices from the Administrative Council and boards of appeal, information about fees, the list of professional representatives before the EPO and notices from the member states.

The OJ editorial office, which was previously based in Munich, moved to the Vienna office in January 2016 and is now led by Walburga Bookjans.

Available in English, French and German, the OJ is published 12 times a year, always on the last day of the month. You can read it online as a PDF or HTML (print publication ceased in 2014).

www.epo.org/official-journal

Walburga Bookjans

News from Asia

SIPO's fee payment information now available in English

With the recent relaunch of the "China and Global Patent Examination Information Inquiry" (http://cpquery.sipo.gov.cn/), China's State Intellectual Property Office (SIPO) has also made fee payment information for Chinese patents, utility models and designs searchable online. While the file wrapper information in this online file inspection tool only covers applications from 10 February 2010 onwards, the fee payment data goes as far back as 1985. This is even more comprehensive than SIPO's Chinese-language fee payment database, which includes data from August 2005 onwards.
The fee payment information is updated on a weekly basis.

Step-by-step guides for searching fee payment information in both English and Chinese are available on the EPO's Asian patent information webpages at www.epo.org/asia.

Information of Paid Fee

Type of Payment	Paid Amount	Date of Payment	Payer	Receipt Number
annual fee of invention for the 15th year	6000	2014-01-03	BASF公司	34014920
annual fee of invention for the 14th year	6000	2012-12-19	北京三友知识产权代理有限公司	25185687
annual fee of invention for the 13th year	6000	2011-12-22	北京三友知识产权代理有限公司	22710933
annual fee of invention for the 12th year	4000	2010-12-17	北京三友知识产权代理有限公司	17864792
annual fee	4000	2009-12-16		14030599
annual fee	4000	2008-12-22		11347293
annual fee	2000	2007-12-21		09717017
annual fee	2000	2006-12-14		07339658
annual fee	2000	2005-12-20		05974410

JPO provides background information on trial and appeal procedures

Since the re-introduction of post-grant opposition in Japan on 1 April 2015, the Japan Patent Office (JPO) has received many questions about the different trial and appeal procedures. To answer these enquiries, the JPO has recently made a set of questions and answers in English available on its website (www.jpo.go.jp/torikumi_e/t_torikumi_e/appeal_trial_qanda.htm). Users may also send enquiries about trials and appeals direct to the JPO (at the e-mail address given on the website).

Furthermore, on 12 January 2016, JPO started to publish manual English translations of selected trial and appeal decisions on its website (www.jpo.go.jp/torikumi_e/t_torikumi_e/decisions.htm).

Major revision of Korean Patent Act under way

The Korean Patent Office (KIPO) is planning to revise a number of provisions of the Patent Act. These are expected to enter into force in late 2016 or early 2017. Major changes include the introduction of a post-grant opposition system and a reduction in the period for filing the request for examination from five to three years from the date of filing.

Apart from these provisions, further changes include the introduction of an ex officio re-examination system, new regulations for filing requests for correction trials in cases where an invalidation trial against the same patent is still pending, and new provisions for non-exclusive licences. For further information, please refer to the press releases on KIPO's website (Korean only): www.kipo.go.kr.

KIPO to implement various new regulations in mid-2016

In addition to the ongoing patent law revision, KIPO will implement new regulations for patents, designs and trade marks, aimed at increasing user convenience and services for applicants. These are scheduled to enter into force in May 2016.

Among other things, under the new provisions, appeal fees will be returned to the applicant if the board revokes the examiner's original decision of rejection. Under the current system, it was not possible for an applicant to recover any fee payment for appeal proceedings. With regard to designs, according to the new provisions, restoration will be permitted for all design rights, irrespective of a use requirement. Under the current law, a request for restoration is permitted only if the design right has been worked. For further information, please refer to the press releases on KIPO's website (Korean only): www.kipo.go.kr.

New version of information retrieval system released in Russia

At the end of January 2016, Russia's Federal Institute of Industrial Property (FIPS) launched a new version of its information retrieval system. Separate entry points for registered users and guests have now been merged into one, and a guest password is no longer required. The selection of the databases and the search mask are now provided completely in English, facilitating information retrieval for non-Russian speakers.

The system is available at: http://www1.fips.ru/wps/portal/IPS_En

For more news from Asia, see the Updates section on the EPO website at www.epo.org/asia.

New format for Indian patent applications filed on or after 1 January 2016

On New Year's Eve the Indian Patent Office (IPO) published an office order introducing a new patent application numbering format with effect from 1 January 2016. The new system will facilitate the identification of nine types of application, including divisional applications or patents of addition. The city code abbreviation of the responsible patent office is no longer part of the application number. Instead the code has been replaced by a single digit ranging from 1 to 4 corresponding to the four patent offices in India.

Patent applications filed on or after 1 January 2016 automatically receive a number according to the new numbering system. Moreover the IPO has announced its intention of re-keying applications filed before 1 January 2016 into the new system. Currently, both numbering systems exist in parallel. The question of how long the old and new formats will continue to exist side by side will be among the many Asian patent information topics addressed at the EPO's East meets West forum on 21 and 22 April 2016 in Vienna.

With the exception of requests for early publication, applications filed in 2016 will not yet have been published; however, you may find it useful to have a look at the new numbering system shown in the table.

Detailed information on the number formats used in India and other Asian countries can also be found in the "Numbering system" sections of the EPO's Asian patent information webpages at: www.epo.org/asia.

New application number formats (with effect from 1 January 2016)

yyyy/J/T/nnnnnn	
–	four digits for year of filing (yyyy)
–	one digit for the jurisdiction of the Indian Patent Offices (J)
–	one digit for type of application (T)
–	six digits for continuous running serial numbers for all Patent Offices in India (n)
J = jurisdictions of Indian Patent Offices:	
1 =	Delhi
2 =	Mumbai
3 =	Kolkata
4 =	Chennai
T = type of application:	
1 =	Ordinary application
2 =	Ordinary-divisional application
3 =	Ordinary-patent of addition application
4 =	Convention application
5 =	Convention-divisional application
6 =	Convention-patent of addition application
7 =	PCT national phase application
8 =	PCT national phase-divisional application
9 =	PCT national phase patent of addition application

Examination requests number formats (with effect from 1 January 2016)

R/yyyy/J/nnnnnn X/yyyy/J/nnnnnn	
–	one letter for type of application (R = regular examination request, X = express examination request)
–	four digits for year of filing (yyyy)
–	one digit for the jurisdiction of the Indian Patent Offices (J)
–	six digits for continuous serial numbers for all patent offices in India

1) www.ipindia.nic.in/OfficeCircular/officeOrder_31December2015.pdf

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 – March 2016

	Weekly average 2016	Total Jan–Mar 2016	Change vs. 2015
EP-A documents			
EP-A1	1 265	16 444	6.6%
EP-A2	111	1 439	–20.2%
Total EP-A1 + A2	1 376	17 883	3.8%
Percentage EP-A1 of total A1+A2		92.0%	
EP-A3	216	2 813	–28.1%
EP-B documents			
EP-B1+B2	1 558	20 251	19.1%

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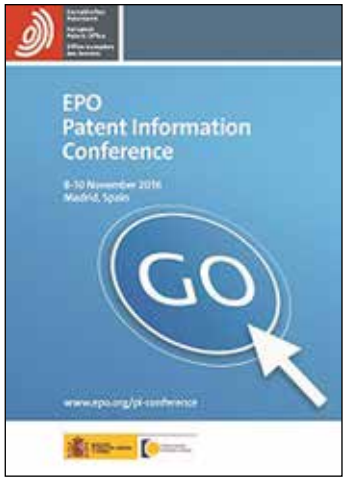

IP Statistics for Decision Makers

Sydney, Australia,
15–16 November 2016

This year's IP Statistics for Decision Makers (IPSDM) conference will be hosted by IP Australia and take place in Sydney on 15 and 16 November 2016. Registration is set to open before the end of March, with an early-bird rate until 30 May.

As in previous years, the conference will be preceded by the EPO's PATSTAT user day and an introductory session on the PATSTAT databases.

Keep an eye on the website for the launch of the call for papers: www.ipsdm2016.com.

OECD Blue Sky Forum on Science and Innovation Indicators

Ghent, 19–21 September 2016

The OECD's Blue Sky Forum takes place every ten years. It looks at data needs in science and innovation and helps the OECD develop long term strategies on science, technology and innovation data and indicators.

For more information, see www.oecd.org/science/blue-sky.htm

Save the date – EPO Patent Information Conference 2016

The EPO Patent Information Conference in Madrid will be the meeting place this autumn for anyone who deals with patent data in their work. It will take place at the Novotel Madrid Center from 8 to 10 November 2016 (with training courses on 7 November).

The conference will be organised in co-operation with the Spanish Patent and Trademark Office.

A full conference programme and information on how to register will be available in June 2016.

Go to www.epo.org/pi-conference to register for email alerts about this event.

PUBLICATION INFORMATION

Publisher: **Richard Flammer**
Editors: **D. Shalloe, K. Maes**
Contributors: **G. Boedt, N. Clarke, B. Hoyal, C. Kämmer, A. Lahaye, P. Le Gonidec, K. Maes, Y. Sanchéz García, I. Schellner, C. Soltmann, E. Straková**
Design: **Atelier 59**

Patent Information News is published by the
Principal Directorate Patent Information and European Patent Academy, European Patent Office
Rennweg 12
1030 Vienna, Austria
Tel.: +43 1 52126 0

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ISSN 1024-6673