



Patent Information *News*

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Yes, yes and no

First results from large-scale survey of European industry

The EPO has recently carried out thousands of telephone interviews across all the EPC contracting states and in the USA. The interviews, which were held in a total of 23 different languages, were aimed at ascertaining the level of awareness of patent information among technology-based industries, research organisations and universities, and establishing just who does – or rather, doesn't – use it, and why.

A similar study was carried out in 2003, the results of which painted a rather bleak picture. The latest study was done to see if the situation has changed since then, and to find out additional information from the target sector. For example, is there a demand for patent information to support business decisions? Is there a need for additional services going beyond the basic provision and retrieval of patent information, serv-

ices which help users to understand and apply patent information for targeted results? Is the innovative, technology-based community aware of the support available from the national patent offices and patent information centres?

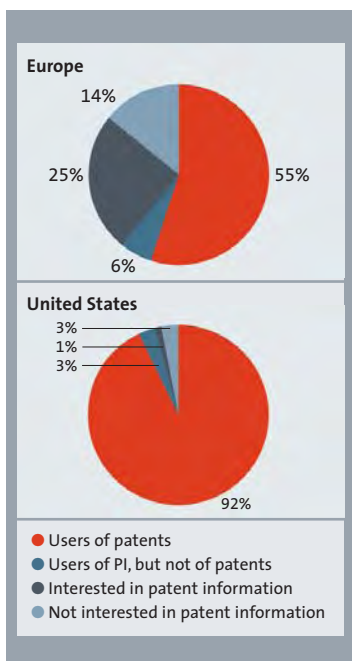
Raw results just in indicate that the answers to the last three questions are "yes", "yes" and "no", in that order. It is too early to draw definite conclusions from the mass of data collected – it will have to be carefully analysed and studied first – but it is encouraging that the EPO's online products, including *esp@cenet* and Register Plus, are much better known than they were seven years ago.

One important message is that there is indeed a demand from the community for enhanced patent information products and services.

Yet at the same time the results seem to indicate that users in member states do not always know where to go to get these products and services.

Within the member states, there is a richness of services and products to support innovation, but it seems that innovative organisations are not aware of them. Even before the detailed analysis has been done, it is evident that the national offices and the EPO will have to work together to match supply and demand in this area.

The EPO will be publishing further details of the results of the survey in the near future.



Use of patents and patent information in technology-based industries

A new classification system for clean energy technologies

The role of patents in the development of clean energy technologies designed to address the problem of climate change has been a topic of hot debate within the context of the United Nations Framework Convention on Climate Change (UNFCCC).

Despite much research in the field, there is still too little empirical data available for informed and objective decision-making. To help bridge the gap between evidence and policy, the United Nations Environment Programme (UNEP), the EPO and the International Centre for Trade and Sustainable Development (ICTSD) have conducted a joint study with a view to feeding the findings into ongoing international talks. The results of the study will be revealed in early October.

In parallel, the EPO has also developed a new classification scheme for selected technologies and their application in the energy field. The scheme, based on special tags, includes the classes Yo2C (carbon capture and storage) and Yo2E (energy sector), and comprises more than 200 categories. The EPO has already classified its worldwide patent data accordingly. The data, which was released through *esp@cenet* on 9 June during a side event of a UNFCCC meeting in Bonn,

will be included in the next PATSTAT version (September 2010).

By using the features of the patent system to provide structured access to detailed information relating to specific sectors of clean energy technologies, the EPO is contributing to the fight against climate change and sending a strong signal that the Office is ready to assume broader responsibility in a societal context.



Richard Flammer



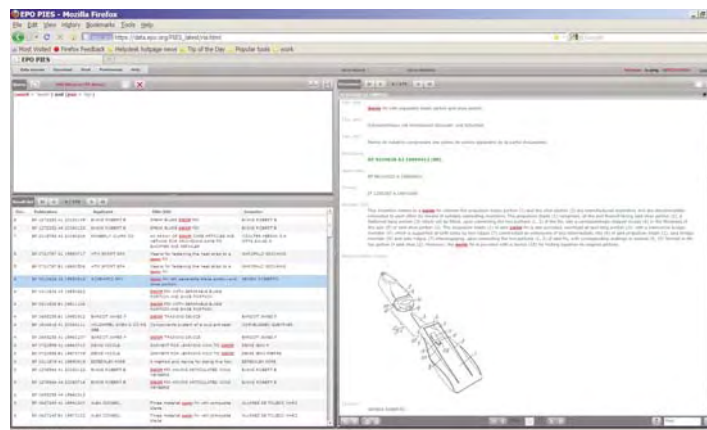
Richard Flammer
Principal Director
Patent Information and
European Co-operation

ESPACE EP

ESPACE EP 4 weeks database available soon in your browser

In 2008, the EPO launched its free database containing the most recent four weeks of European patent applications and granted European patents, running on its well-established MIMOSA platform. As the first free source of full-text searchable European A and B documents, the new service attracted a lot of interest from a wide group of patent information users. A subsequent survey of those who registered for the new service sent a clear message to the EPO that users needed it to work in a browser. And so, the project to deliver browser-based access to the EPO's MIMOSA-type databases was launched.

Testing by selected external users started early in 2010 and development work continues, based on feedback from the EPO and the test



users. Today, the system is sufficiently developed to allow us to open the test phase to a wider public.

Q: What is it?

A: Access to MIMOSA-type databases by means of a Rich Internet Application currently based on Adobe FLEX technology

as the Global Patent Index can also access the database via the browser interface.

Q: How do I get access?

A: You can register for the free ESPACE EP 4 weeks database by going to www.epo.org/patents/patent-information/free.html and entering your e-mail address in the ESPACE EP section. You will receive instructions on how to access the database by return e-mail.

epal@epo.org welcomes your comments and suggestions.

Q: What do I need?

A: Just a browser and Adobe Flash Player version 10 or higher

Q: What can I do with it?

A: You can run saved searches on the most recent A and B publications from the EPO, including full-text searching and the usual printing and downloading features. Subscribers to some other services such

Tips for esp@cenet users

In this regular column, experts from the EPO's esp@cenet helpdesk teams pass on useful tips based on questions received from users. In this issue, the focus is on knowing whether you are looking at the data for an A or a B document, and on using wildcards with ECLA classification symbols.

Data displayed in tabs referring to A/B documents

esp@cenet was designed to offer access to the technical content of patent applications, and its main purpose is to allow technical prior

art searches. For this reason, the information shown under the description and claims tabs is usually that for the A document (the patent application), even if the original document you are viewing is the B document (the patent specification) or its bibliographic data. You can view the description and/or claims of a B document by opening the corresponding facsimile (PDF) under the heading "Also published as".

While the EPO includes B documents in esp@cenet and its other databases whenever they are avail-

able, users should note that esp@cenet does not cover all patent publication levels systematically and that the priority for the EPO is to collect the earliest publication available, which in most cases is the patent application.

European Classification (ECLA) - using wildcards

ECLA symbols usually follow the structure of the current IPC. In most cases, up to IPC subgroup level, the ECLA and IPC classification symbols are identical. At the more detailed level, the ECLA classification scheme may be further sub-divided beyond IPC level by ECLA subgroups represented by a letter, which may

in turn be followed by a digit and a letter (e.g. B65D81/20B2A).

If you want to search globally below IPC subgroup level, you should use the * wildcard. For example, if you enter B65D81/20* in the ECLA field, you will get a lot of hits, including ECLA groups such as B65D81/20B2A, B3, D, F1, etc. Whereas if you only enter B65D81/20, you will get far fewer hits, confined to that particular subgroup.

It is important to remember that the European Classification system is dynamic, and that (new) classifications are continuously being assigned, modified and/or deleted.

TRAINING

Patent information training

Classroom training

Patent information from Asia

The EPO is offering two courses this September which are suitable for anyone involved with Asian patent information:

- P109-2010 - Asian patent systems and free databases (6 - 7 September 2010) and
- P110-2010 - Understanding the world's major patent classification schemes (8 September 2010).

Both of these courses were originally going to be held at this year's East Meets West event, which had to be cancelled due to travel disruptions. Details and registration information for the re-scheduled dates can be found in the searchable IP calendar at www.epo.org/topics/ip-events/patent-event-search.html, for example using the reference codes.

Special topics at the EPO Patent Information Conference

Specially designed training courses at the EPO Patent Information

Conference in Lausanne this October will include a number of new topics to reflect the themes of the conference programme. Training dates at the conference are 18 and 21 October 2010 and details can be found at www.epo.org/pi-conference.

Virtual classroom training and newflashes live

The second half of 2010 will see a range of online events relating to patent information. In addition to the monthly online patent information newflash - a half-hour update session scheduled to take place every last Thursday of the month (except August and December) - there will be a number of virtual seminars on both new and existing topics. Check out the searchable calendar on the EPO website for updates (filter virtual live events by selecting "Online training" in the medium field).

EPO patent information training events September - December 2010

PI09-2010	Asian patent systems and free databases	6-7 Sept. 2010	Vienna
PI10-2010	Understanding the world's major patent classification schemes	8 Sept. 2010	Vienna
PI05-2010	Patent portfolio management with IPscore	13-14 Sept. 2010	Vienna
PI06-2010	16th EPO patent information beginners seminar	20-23 Sept. 2010	Vienna
VC19-2010	Monthly online patent information newflash	30 Sept. 2010	Online
PI13-2010 - PI22-2010	Training at the Patent Information Conference 2010	18 & 21 Oct. 2010	Lausanne
VC20-2010	Monthly online patent information newflash	28 Oct. 2010	Online
PI08-2010	4th EPO patent information advanced seminar	8-11 Nov. 2010	Vienna
VC21-2010	Monthly online patent information newflash	25 Nov. 2010	Online
VCxx-2010	Further online seminars under preparation	Sept. - Dec. 2010	Online

For more details of these and other events, visit www.epo.org/learning or contact Roland Feinäugle at Patent Information Training at pittraining@epo.org.

To sign up for e-mail alerts about patent information training, use the online form at <https://secure.epo.org/patents/email/pi-training/index.en.php>.

Divisional applications at the EPO

The witticism "England and America are two countries divided by a common language" is variously attributed to Winston Churchill, George Bernard Shaw and Oscar Wilde.

This cynical yet charming quote demonstrates that - as in the Latin expression "divide et impera" - division is often not seen as a good thing. Patent applicants, however, divide all the time, and for a number of reasons. This article, by EPO examiner Peter Watchorn, explains the legal framework relating to the filing of divisional patent applications at the EPO, some of the strategies in which they are used, and recent changes to the formalities governing the filing of divisional applications under the European Patent Convention which entered into force on 1 April 2010.

What is a divisional application?

A divisional application is an application which derives from an earlier application. It is filed after the earlier application (usually some years later), but keeps the same filing and priority dates as the earlier application. That way the divisional is not affected in terms of its patentability by any publications which occur between the filing of the earlier application and the filing of the divisional. The earlier application is often referred to as the "parent". For example:

GB1 filed 26.03.2007
EP1 filed 25.03.2008 (claims priority from GB1)
 published 25.09.2008
EP2 filed 11.05.2010 (divisional of EP1)

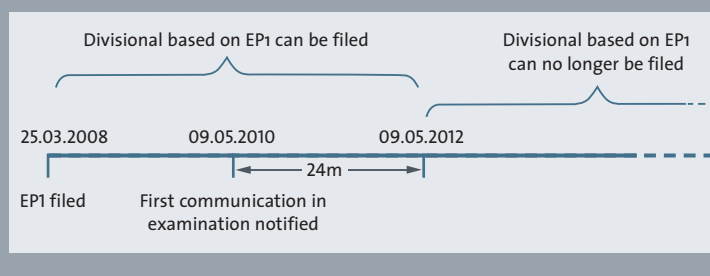
EP2 is a divisional of EP1 and so, although filed on 11.05.2010, its filing date is 25.03.2008 and its priority date is 26.03.2007. EP1 is the "parent" of EP2. It is also possible to file a "second generation" divisional application, i.e. a divisional of a divisional. This article does not cover such cases, which can be highly complex, and is limited to "first generation" divisional applications only.

Why are divisional applications filed?

Often, the filing of a divisional application follows a lack of unity objection in respect of the parent. In other words, the EPO finds that the parent application claims more than one invention. In this case, the applicant must limit his claims to one invention only and remove all others. The applicant may then pursue the excised inventions in one or more divisional applications. This is what is known as "mandatory division".

Furthermore, divisionals may be filed where the applicant cannot pursue matter in respect of the parent application for other reasons, but still wishes to gain protection for it, for example, where the applicant is required to delete independent claims excluded from the search. This is what is known as "voluntary division". Since 1 April 2010, applicants may not amend claims as freely as in the past. A divisional application is also a way of seeking protection for subject-matter present only in the description of the parent application and which cannot be introduced into the claims of the parent.

Figure 1: Twenty-four month period for voluntary division



What requirements must a divisional application fulfil?

Substantive requirements

The divisional application must not contain any subject-matter not present in the parent. If the EPO finds that this requirement is not met, the offending matter must be removed from the divisional application or it will be refused.

Formal requirements

The divisional application must satisfy the following formal requirements:

- it must be filed by the same applicant as the parent
- it must be filed direct with the EPO
- it must be in, or have been translated into, the same EPO language as the parent
- a declaration must be provided that the application is a divisional
- the parent application must be identified

When can divisionals be filed?

Rule 36(1) EPC governs when a divisional application may be filed.

The filing must take place:

- while the parent application is still pending, and
- before the end of a 24-month period calculated from a communication in the examination of the parent (this is a new requirement as of 1 April 2010)

"Pending" means that the parent applicant is neither withdrawn, refused, deemed to be withdrawn (lapsed) nor granted on the date when the divisional is filed. If the parent has lapsed but is subsequently revived by further processing or re-establishment of rights (which allow the reversal of the lapse if certain requirements are met), then filing the divisional is still possible. If the parent has already been refused when the divisional is filed, but the refusal is subsequently appealed, then filing a divisional is also possible.

The starting date for the 24-month period for filing a divisional is the later of:

- the first communication sent in examination in respect of the parent, or
- any communication sent in examination in respect of the parent, which raises a unity objection for the first time

The search opinion and communications sent under the PCT do not count for the calculation of either period.

The first period is the period for "voluntary division" because it is not related to a unity objection. Where unity is raised in the first communication in examination, then the two periods will start and end on the same dates (see Figure 1).

The second period is for "mandatory division" and exists to guarantee the applicant 24 months to file a divisional application in cases where he must remove subject-matter from the parent application due to an objection of lack of unity (see Figure 2).

This may also have the result that the period for voluntary division ends (such that a divisional can no longer be filed), and a unity objection is raised in a communication sent afterwards, such that filing a divisional becomes possible again (see Figure 3).

The amendments to Rule 36 EPC described above apply new time limits to the filing of divisionals at the EPO. In the past, divisionals could appear many years after the original filing and their filing was limited only by the time it took to grant or refuse the parent. Patent searchers will see these in the databases and in the patent families they find in searches. They should, however, dwindle in number as the amended rule takes effect.

Figure 2: Twenty-four month period for mandatory division #1

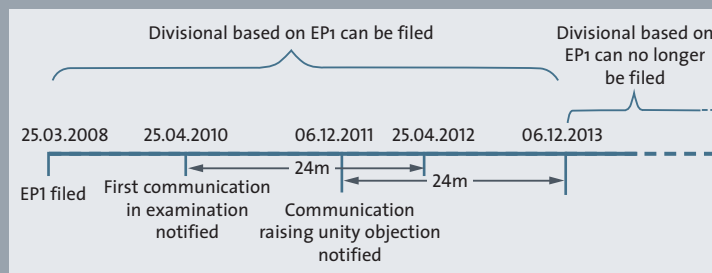
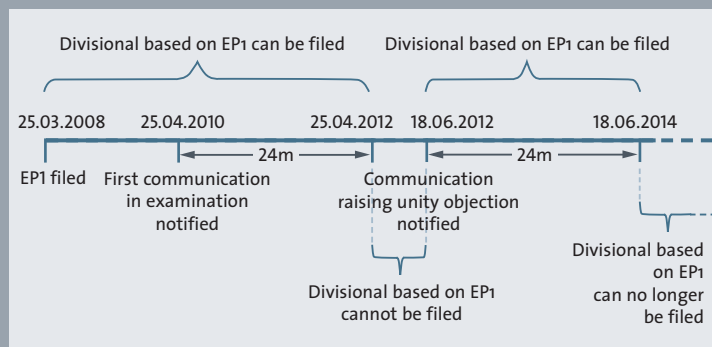


Figure 3: Twenty-four month period for mandatory division #2



Divisional applications in *esp@cenet* and Register Plus

The article on pages 4 and 5 describes how the EPO deals with divisional applications. One way of identifying where a divisional application has been filed is to look at the European Patent Register on Register Plus¹.

Register Plus

In Register Plus, divisional applications are listed as part of the information displayed for the parent. The example below shows the case of two divisional applications ("daughters") for the parent EP1205043.

Divisional application(s)	EP20040000528/EP1424792
	EP20040000531/EP1424793

Clicking on the links will take the user to the relevant record in *esp@cenet*, from where there is a further link back to the Register entry for the divisional application itself.

In the Register entry for the divisional application, there is a line to show that it belongs to a parent. This is the indicator that it is a divisional application.

Parent application(s)	EP20010943911/EP1205043
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¹ www.epo.org/register

EUROPEAN PATENT SYSTEM (CONT.)

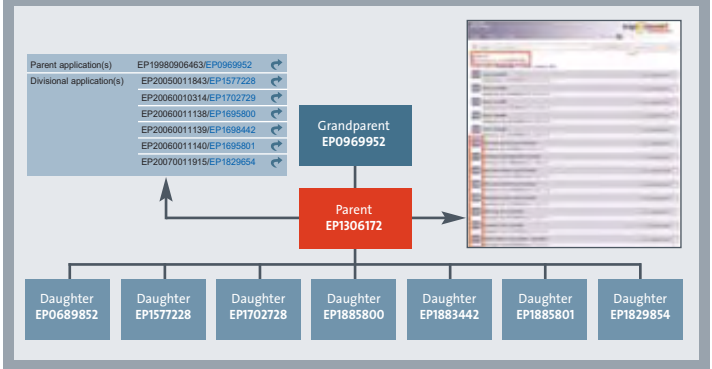
esp@cenet

The divisional applications in *esp@cenet* can be viewed by clicking on "View INPADOC patent family" link on the bibliographic data screen:

The screenshot shows the 'Family list' for application EP1205043 (A1). It lists 15 applications, including the parent and several daughters. Red arrows on the left point to the parent and daughter applications.

Application No.	Title	Inventor	Applicant	IPC Class.	Priority Date
1	Apparatus and method for gating transmission of a data rate control channel in an HDR mobile communication system	YUN YU-SUK; YOON SOON-YOUNG (+7)	SAMSUNG ELECTRONICS CO LTD	H04B7/26; H04Q7/38; H04B7/26; (+2)	2000-06-21
2	Apparatus and method for gating transmission of a data rate control channel in an HDR mobile communication system	YUN YU-SUK; YOON SOON-YOUNG (+7)	SAMSUNG ELECTRONICS CO LTD	H04B7/26; H04Q7/38; H04B7/26; (+2)	2000-06-21
12	APPARATUS AND METHOD FOR GATING TRANSMISSION OF A DATA RATE CONTROL CHANNEL IN AN HDR MOBILE COMMUNICATION SYSTEM	YUN YU-SUK [KR]; YOON SOON-YOUNG [KR] (+7)	SAMSUNG ELECTRONICS CO LTD [KR]	H04B7/26; H04Q7/38; H04B7/26; (+2)	2000-06-21
13	Apparatus and method for gating transmission of a data rate control channel in an HDR mobile communication system	YUN YU-SUK [KR]; YOON SOON-YOUNG [KR] (+7)	SAMSUNG ELECTRONICS CO LTD [KR]	H04B7/26; H04Q7/38; (IPC-7); H04B7/26; (+1)	2000-06-21
14	Apparatus and method for gating transmission of a data rate control channel in an HDR mobile communication system	YUN YU-SUK [KR]; YOON SOON-YOUNG [KR] (+7)	SAMSUNG ELECTRONICS CO LTD [KR]	H04B7/26; H04Q7/38; (IPC-7); H04B7/26; (+1)	2000-06-21
15	APPARATUS AND METHOD FOR GATING TRANSMISSION OF A DATA RATE CONTROL CHANNEL IN AN HDR MOBILE COMMUNICATION SYSTEM	YUN YU-SUK [KR]; YOON SOON-YOUNG [KR] (+7)	SAMSUNG ELECTRONICS CO LTD [KR]	H04B7/26; H04Q7/38; H04B7/26; (+2)	2000-06-21

Register Plus – When an application is both a parent and a daughter



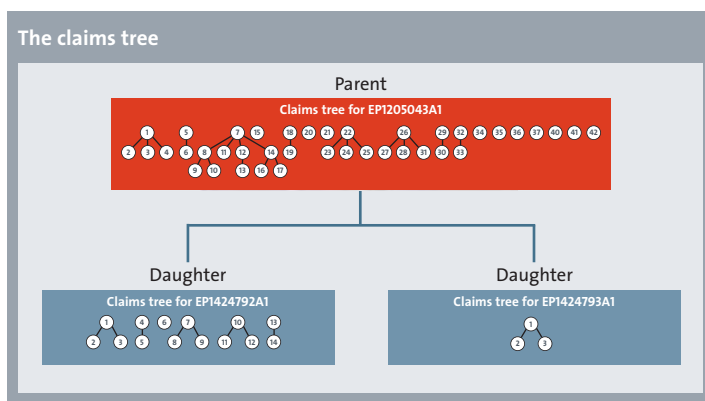
Divisional application with multiple parents

An application can in reality only have one parent, but that parent can have a parent, and that grandparent can have a parent, and so on.

One example of this is European application EP1829654, with parent EP1695801, grandparent EP1306172, and great-grandparent EP0969952.

Parent application(s)	EP20060011140 / EP1695801
	EP20030000263 / EP1306172
	EP19980906463 / EP0969952

A recent new feature in *esp@cenet* is the claims tree. The claims tree does not directly state whether divisional applications have been filed or not. However, by looking at the number and set-up of the claims, it is sometimes possible to identify likely divisional applications. Here you can view the claims for the parent (EP1205043) and its two daughters.



When an application is both a parent and a daughter

With the changes to the time limits that entered into force on 1 April 2010 (see the article on pages 4 and 5), it is unlikely that there will be many cases of divisional applications spawning further divisional applications, i.e. granddaughters of the original parent. This was, however, a common occurrence in the past and users will find numerous such examples in the databases.

EP1710943 is a further example of multiple older generations.

Parent application(s)	EP20050020658/EP1630994
	EP20040022691/EP1494384
	EP20030016200/EP1385290
	EP20000401119/EP1047219

New version of the Guide for applicants, Part I



The "Guide for applicants" provides inventors, companies and their representatives with an outline of the procedure involved in applying for a European patent, offering practical advice to smooth the way through the various stages.

A new and updated version is now available as a PDF file at www.epo.org/patents/Grant-procedure/Filing-an-application/European-applications/Guide-for-applicants.html.

It can also be ordered in hard copy by writing to csc@epo.org.

Patent information events – a blossoming industry

Economic crisis or not, the patent information industry seems to have developed a healthy appetite for get-togethers.

The number of conferences, trade fairs, training events and meetings targeted at patent information specialists has been growing steadily. The well-established items in the calendar include the EPO's Patent Information Conference, now in its 20th year, the PATLIB Conference, which is a year older, and the International Chemical Information Conference (ICIC).

In addition to these three cornerstones of the patent information year, users' choice has been enriched over the last decade or so with the emergence of the PIUG conference in the USA, East meets West, IPI-ConfEx, and Search Matters. More recently, we have witnessed the launch of the IRF Symposium in Vienna, and EAPIC in Singapore, as well as PATINEX in Korea.

The following table, which may not be complete, is our attempt to list the most important events for patent information specialists around the world.

Patent information events			
Event name	Place	Date	Website
EPO events			
Patent information beginners seminar	Vienna	Sept / June	www.epo.org/patents/learning.html
EPO patent information conference	Europe	Oct / Nov	www.epo.org/pi-conference
Patent information advanced seminar	Vienna	November	www.epo.org/about-us/events/archive/patent-information-training/PI08-2010.html
Patent statistics for decision-makers	Vienna	November	www.epo.org/events
Search matters	The Hague	March/ April	www.epo.org/events
East meets West	Vienna	April	www.epo.org/events
PATLIB conference	Europe	May	www.epo.org/events
Non-EPO events			
IRF symposium	Vienna	May/June	www.ir-facility.org/symposium
PATINFO	Ilmenau	June	www.paton.tu-ilmenau.de/aktuell/#patinfo
EAPIC	Singapore	September	
ICIC	Vienna	October	www.haxel.com/icic/2010/meeting
PATINEX	Seoul	November	http://eng.patinex.org/mainK.jsp
Patent information fair	Tokyo	November	www.business-i.net/event/pif/english/index.html
Online information	London	December	www.online-information.co.uk
Online information Asia Pacific	Hong Kong	March	www.online-information.co.uk/online2010/asia-pacific.html
IPI-ConfEx	Southern Europe	March	www.ipi-confex.com
II-SDV	Bangkok	March	www.infonortics.com/II-IDV/
PIUG conference	USA	May	www.piug.org

MACHINE TRANSLATION

PLuTO: Patent Language Translations Online

Improving access to multilingual digital patent libraries is the idea behind the new EU-funded project PLUTO ('Patent language translations online'). The project consortium of five partners started their three-year project on 1 April 2010, with the aim of creating a rapid and efficient online translation service. The system will be tailored specifically to the needs of those looking

for information on existing patents and other intellectual property (IP) related matters.

The online patent search and translation tool to be developed in the framework of PLuTO will make use of existing web content and the latest machine translation tools. Specially developed for the patent field, it will be more reliable than general-purpose machine transla-

tion tools and will cover all 23 official EU languages. Among the first languages to be addressed will be EN, DE, FR, ES, RU, NL and SE.

The consortium will co-operate closely with the European Patent Office (EPO).

More information is available on the CORDIS website at http://cordis.europa.eu/fp7/ict/language-technologies/project-pluto_en.html

News from Asia

Amendments to Chinese copyright law effective April 2010

Article 4 of the Chinese copyright law has been amended following a panel decision in a WTO dispute settlement which determined that the article was incompatible with TRIPS and the Berne Convention. In addition, a new Article 26 has been added.

For details, including the new wording of these two articles, go to: www.chinaipr.gov.cn/news/headlines/623789.shtml

Details of the WTO dispute settlement can be found here: www.wto.org/english/tratop_e/dispu_e/cases_e/ds362_e.htm

The amended copyright law is available (in Chinese only) on the National Copyright Association's website at: www.ncac.gov.cn/cms/html/205/1872/201004/698032.html

Taiwan Patent Office (TIPO) reduces renewal fees

TIPO's new patent fee schedule, in force since 1 January 2010, includes reduced renewal fees for patents, utility models and designs. Furthermore, new provisions apply to the calculation of examination fees and to the refund of fees if an application is withdrawn.

The new fee schedule and further information (currently in Chinese only) can be found at www.tipo.gov.tw/ch/News_NewsContent.aspx?NewsID=4222

KIPO's Intellectual Property Tribunal set to expand super-speed judgment system

At present, green technology is the only category that benefits from accelerated judgments, where a ruling is made by the Intellectual Property Tribunal (IPT) within just

four months. However, according to a press release from the Korean Patent Office (KIPO) dated 5 February 2010, the super-speed judgment system will be extended to two more categories as from 2010. These are trials involving the scope of rights in connection with infringement lawsuits ("confirmation trials") and trials involving invalidation proceedings.

Source: KIPO News (736) of 5 February 2010. Click "Public relations" – "news" and choose article No. 736.

Register of trade mark agents now available on TIPO's English website

The register is an alphabetical list which can also be searched by individual names, company names and addresses: www.tipo.gov.tw/en/Dealer_ContentList.aspx?DealerCategory=1&path=3594

SIPO launches electronic system for patent examination

On 2 February 2010, the Chinese Patent Office (SIPO) officially introduced its electronic patent examination system ("E system"), which is designed to centralise all the steps relating to the examination procedure, from application through to grant and beyond, including re-examination and invalidation procedures. Patent applications and other documents are scanned and digitised, dispensing with the need for paper documents in the procedure. SIPO's electronic filing system (www.cponline.gov.cn) has also been upgraded.

See also: www.sipo.gov.cn/sipo_English/news/official/201003/t20100312_506276.html. More information is available at: www.sipo.gov.cn/sipo2008/yw/2010/201002/t20100225_498501.html (Chinese only).

www.ipthailand.go.th/ipthailand/index.php?lang=en

Indian Patent Office now provides copies of relevant documents after publication of patent applications

According to an office instruction issued by the Controller General on 14 April 2010, once a patent application has been published, the Indian Patent Office is now obliged, upon request, to provide copies of all the relevant documents related to it. This applies to the application, full and provisional specifications, with drawings, and all letters/correspondence between the Office and the applicant. The text of the office instruction can be found at www.patentoffice.nic.in/iponew/OfficeInstruction_15April2010.pdf

PCT applications now possible in Thailand

The Kingdom of Thailand acceded to the Patent Cooperation Treaty (PCT) on 24 December 2009, and the Department of Intellectual Property (DIP) of Thailand has already received international applications from residents and non-residents. The Japan Patent Office – which has been active in helping Thailand to develop its intellectual property system – started acting as International Searching Authority (ISA) and International Preliminary

Examining Authority (IPEA) for international applications filed in Thailand on or after 15 April 2010.

Sources: www.jpo.go.jp/torikumi_e/kokusai_e/IPEA_thailand.htm and www.wipo.int/pressroom/en/article/2009/article_0040.html

The English website of the DIP can be accessed here: www.ipthailand.go.th/ipthailand/index.php?lang=en

JPO ceases to accept applications via ISDN

From 1 April 2010 onwards, the internet will be the only channel available for filing patent, utility model, design and trade mark applications with the Japan Patent Office.

Source: www.jpo.go.jp/cgi/link.cgi?url=/tetuzuki/t_tokyo/shutsugan/internet_syutugan_ipponnka.htm (Japanese only)

For more news from Asia, go to <http://eastmeetswest.european-patent-office.org/news>

iPairs – the gateway to Indian patent information

New Indian patent information retrieval system launched

With filing numbers exceeding 30 000 patent applications each year, India's rising economy has moved into the focus of interest for patent information users around the world.

Readers who have had to retrieve Indian patent information in the past will be familiar with the limitations as to what they could obtain in electronic format, the waiting times and the cumbersome ordering procedures. Recently, however, the Indian Patent Office (IPO) has enhanced the free databases available on its website and re-launched them as "iPairs", the Indian patent information retrieval system.

The iPairs website

Introduced at the beginning of 2010, iPairs brings together the various options for free patent searching provided by the IPO. Users can search for published patent applications and granted patents using the "Quick" or "Advanced" search screens. The decisions of the IPO's controllers in opposition cases are also available. An entirely new search option is the "Application Status" search, which provides legal status information on Indian patents.

The advanced search interface allows keyword searches in titles and abstracts, name searches (inventor, applicant) and searches with IPC symbols. It is also possible to combine search criteria using the Boolean operators AND, OR and NOT. Users can search in all Indian publications or limit their search to the publications of one of India's four patent offices at Delhi, Mumbai, Kolkata and Chennai.

Full specifications of Indian patents

iPairs includes the full specifications of granted Indian patents, which previously had to be ordered from the IPO for a fee. Today, the full text of more recently published specifications of granted patents is available in HTML. For older patent publications, PDF versions can be found.

Legal status and register information

iPairs offers basic legal status information free of charge. The new "Application Status" search provides the applicant's name, filing, priority and publication dates, the latest status of the application and information on pre-grant opposition (where applicable). The search is by application number. There is a link from the legal status display to the full specification of the document in question and, wherever applicable, to the register information providing details of the payment of renewal fees. The legal status search function is currently in a test phase, so to be on the safe side users are advised to check back with one of India's four patent offices.

Other search possibilities on the IP India website

Patent Office Journal

Since January 2005, the IPO been publishing its "Patent Office Journal" weekly in electronic form. This publication replaces the "Gazette of India". Its publication day is Friday, and it can be downloaded in PDF from the IP India website. A simple text search is possible within each issue of the journal using the Adobe Acrobat search function. All the issues of the current year are listed in a table, and older issues can be retrieved from an archive. The Patent Office Journal announces early publications, laid-open publications, grants, withdrawals, lapses and other information on proceedings before the IPO. The official journals for trade marks and geographical indications (GIs) have also recently switched to electronic publication.

The IPO's official journals can be accessed at <http://ipindia.nic.in/> (next to "Journal" click on "Patent", "Trademark" or "GI" in the "Our publications" section in the left-hand navigation).

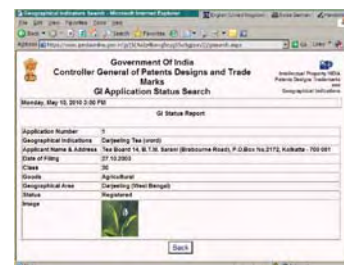
Useful links

Indian Patent Office website:

<http://ipindia.nic.in/>

iPairs search system: <http://ipindia.nic.in/ipirs/patentsearch.htm>

Background information on Indian patent documentation: www.epo.org/patents/patent-information/east-asian/helpdesk/india.html



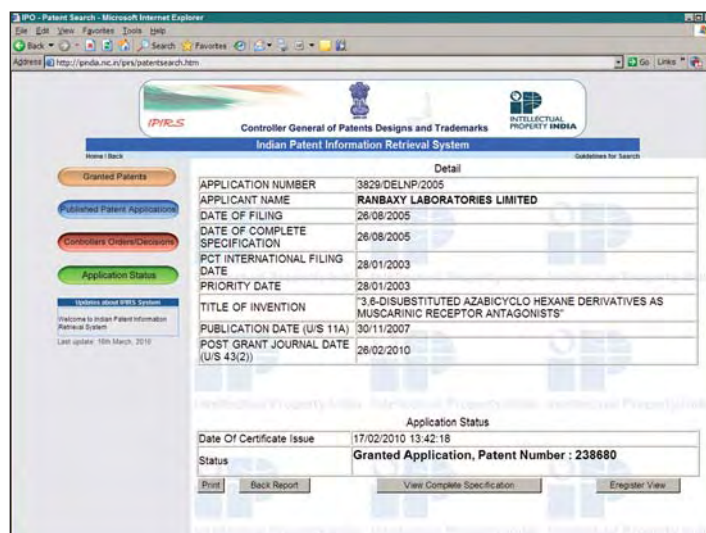
Example of legal status display for a GI application (source: <http://ipindia.nic.in/>)

Status search for trade marks and GIs

In the second half of 2009, a new search was added to the IP India website which allows users to check the status of Indian trade marks and GIs. The search is by application number, and the result given includes the name of the trade mark or GI, basic status information (registered, withdrawn, opposed, etc.) and details of the applicant/ proprietor, class and description of goods, and information on opposition (where applicable). For GIs, the geographical area is indicated and images may also be included.

The search interfaces can be accessed at <http://ipindia.nic.in/> (in "Status of application" click on "Trademark" or "GI" in the left-hand navigation).

For more information contact the EPO's Asian patent information services on +43 1 52126 4545 or asiainfo@epo.org.



Example of legal status display (source: <http://ipindia.nic.in/ipirs/patentsearch.htm>)

China: new document types and kind codes introduced in April 2010

Chinese granted patents with a publication date of 7 April 2010 or later appear with a "B" kind code, replacing the former kind code "C", which was used from 1993 to April 2010. Registered utility models now have the kind code "U" (instead of

"Y") and designs are registered with "S" (instead of "D"). A list of the new kind codes and document types is shown in the table below.

With effect from 7 April 2010, the Chinese Patent Office (SIPO) will use the same publication number for published applications (A) and granted patents (B); only their kind code will differ. In August 2007, SIPO changed the format of publication numbers by extending them from seven to nine digits. Thus, for applications published before August 2007, the seven-digit number format will be kept for the publication of the granted patent. Consequently, for a transitional period, granted patents will appear with either seven- or nine-digit publication numbers.

Examples of numbers currently used for Chinese patents:

- a) **Publication of A document after August 2007 (new format)**
CN-A 101164163 (published on 16 April 2008) and corresponding CN-B 101164163 (granted on 7 April 2010)
- b) **Publication of A document before August 2007 (old format)**
CN-A 1819591 (published on 16 August 2006) and corresponding CN-B 1819591 (granted on 7 April 2010)

New document types and kind codes in China¹

Type of right	Kind code	Document type
Invention patent	A	Publication of application
	A8	Re-issue of front page of application
	A9	Re-issue of complete application
	B	Granted patent
	B8	Re-issue of front page of granted patent
	B9	Re-issue of complete patent specification
	C1–C7	Amended patent document after partial invalidation
Utility models	U	Registered utility model
	U8	Re-issue of front page of utility model
	U9	Re-issue of complete utility model
	Y1–Y7	Amended utility model document after partial invalidation
Designs	S	Registered design
	S9	Corrected design
	S1–S7	Amended design publication after partial invalidation

¹) For a summary of all document types and kind codes – including old formats no longer in use – see the updated "Numbering system – China" section on the EPO's Asian patent information virtual helpdesk at: www.epo.org/patents/patent-information/east-asian/helpdesk/china/numbering.html?update.

As in the past, the first digit of the publication number indicates the type of right (1 = invention patent, 2 = utility model, 3 = design), followed by a six- or eight-digit serial number.

This and other standards are also published on SIPO's Chinese website (Chinese only) at: www.sipo.gov.cn/sipo2008/wxfw/zwlxxyxbz/

PUBLICATIONS

World Patent Information

The latest issue (Volume 32, Issue 2, 2010) of this international peer-reviewed journal has recently been published in electronic form, with articles and short communications on the following topics:

- Mirror, Mirror on the Wall, Squishy and Soggy, 2 Nanos Tall: Strategies, Methods and Tools for Searching Homogeneous Catalysts – an EPO Perspective (Part 2. Non-patent literature and conclusions)
- Towards Content-based Patent Image Retrieval; A Framework Perspective

- The text, the full text and nothing but the text: Part 2 – The main specification, searching challenges and survey of availability
- Conjoint analysis for intellectual property education
- Analysis of patenting trends of anti-fungal drugs in the product patent regime in India
- The Patent Information Users Group – collaborating via the PIUG wiki and discussion forums
- CFIB, the French Speaking Patent Information User Group

– Towards a Definitive Catalogue of the Patents of Nikola Tesla

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.

The latest articles can be found in the 'Articles in Press' section of the journal's website.

More information about the journal, including contents lists and abstracts, is available at www.elsevier.com/locate/worpatin.

DATA

Global patent data coverage – new version available

"Global patent data coverage" provides detailed information on exactly what data is available in the EPO's worldwide patent database, on a country-by-country basis. The latest version is available at www.epo.org/gpdc.

European patents after national phase entry

The EPO receives a share of all the renewal fees paid in the member states on patents it has granted. In this context it receives regular information from the member states' national patent offices. Since 2008 it has been feeding this data into the INPADOC legal status database. In this article, Peter Paris of the EPO describes how this is done.

The situation with European patents after national phase entry is comparable with that of PCT applications entering the national phase: as a rule, the national registers are the only place to look for information on national phase entry and any subsequent changes to the status of a patent or application. For patent searchers that takes a lot of time and effort.

For the European system though there is an additional source of information in the form of the renewal fee administration system, as the member states are obliged to supply the EPO with both a share of the fees and the numbers of the associated patents.

The EPO approach

Since late 2007 the EPO has been using the renewal fee database to enhance the legal status service. Of course it is also continuing to use legal status information on European patents from national patent gazettes, at the risk of the occasional data duplication.

Factors affecting data import delays

The payment date is compared according to the rules for the country in question. In most countries it's the last day of the month of application filing that counts, but in some it is the actual date of filing. Plus there are different regulations governing surcharges for late payment and fee reductions.

Most of the member states transfer the EPO's share of the fees once per quarter, but France, Luxembourg and the Netherlands prefer monthly invoicing. Fee data can be delayed by as much as four months. For lapses the delay is also dependent on member states' late-payment tolerance – as a rule, this is six months.

Fee administration status

This table shows the current status, including payment data for April 2010.

Country	Code PG25	Code PGFP	Code PGRI
AL	0	0	0
AT	348768	216532	44
BE	373529	257988	25
BG	77395	4007	4
CH/LI	372834	279660	217
CY	132090	10013	0
CZ	74346	11856	0
DE	467482	852303	365
DK	251639	93672	0
EE	81073	3748	0
ES	303567	269973	0
FI	196362	45047	13
FR	497601	750496	569
GB	527684	747790	26
GR	206562	64803	0
HU	19081	6759	11
IE	194644	70011	32
IS	32433	752	0
IT	375910	288512	5156
LT	32548	1058	0
LU	234761	100715	0
LV	18163	476	0
MC	193472	25107	0
MK	0	0	0
MT	0	0	0
NL	454345	337190	0
NO	406	11	0
PL	32163	7043	0
PT	227323	56258	189
RO	62207	4893	0
SE	408733	253886	78
SI	69815	4108	1
SK	71274	5785	2
SM	0	0	0
TR	56129	17194	0

PG25: deemed to have lapsed
PGFP: annual fee paid
PGRI: reinstated

Data reliability

The small number of corrections required is testimony to good co-operation with the member states. Discrepancies are clarified within a few weeks and mostly relate to borderline cases. Here for example are the figures for corrections in the first quarter of 2008.

Country	Number of corrections
AT	18
BE	43
CH	1
DE	34
FI	13
FR	312
IE	31
LU	1
PT	2
SE	4

Deduplication of fee data

Every month the EPO does a clean-up, retaining only the last fee payment for each country. The deduplication of "deemed withdrawn" was tackled right at the start of the project, with the deletion of the EP25 codes superseded by EP PG25, as they related only to withdrawals dating from within the opposition period and so were less informative.

36 years in patent information

Interview with Peter Paris – a key figure in patent information takes his leave

It's no exaggeration to describe Peter as one of the pillars of the legal status service. After 36 years working in patent information, he retired from professional life at the end of May, and Patent Information News interviewed him to mark the occasion.

After working for Siemens in telephone systems development, Peter joined the budding Austrian company INPADOC in 1974. The first patent information products were developed there in 1973/74, groundbreaking work done with rudimentary tools but a very strong sense of purpose.

INPADOC was integrated into the European Patent Office in 1991.

Peter, you've played a major part in shaping the world of patent information. Looking back as you retire into private life, how would you describe your importance for patent information?

There are many other people working on legal status development, both inhouse - Georg Huber and Sofie Leplae have been particularly committed recently - and outside the Office, like Stephen Adams or Peter Kallas, all making their own contribution to patent information and the less familiar legal status service.

I was primarily a networker: wherever I came across ideas, I took them up and tried to put them together in a usable shape. For me it was also important to have contacts with private industry, at companies like Siemens, BASF and Chemical Abstracts.

I also see myself as a campaigner for patent information and legal status data, of course; but the really big ideas in the development of patent information certainly did not come from me. The legal status service was an industry initiative, and we just tried to shape it in the best possible way for the good of society. I was not the driving force; I was responsible for implementation.

What difference did integration into the EPO make to your job, and to you personally?

My job did not change too much; I carried on doing what I'd done at INPADOC. But obviously there were new opportunities too. The European Patent Organisation offered far better, well-organised and legally secured contacts with the member states, which put the INPADOC services on a stronger footing. Later I took on more duties at the EPO, with the addition of the European Patent Register and post-grant information. Towards the end I went back to focusing on legal status issues.

Peter Paris, speaking at the EPO Patent Information Conference 2009, in Biarritz, France.



For me personally, the move to the EPO made a big difference, as a European civil servant has a completely different status to an Austrian private employee. Partly it was a culture shock too: there were things that took some getting used to - for example at INPADOC it was quite normal to invite guests in, at least for lunch. It was a bit of an eye-opener to find out that at the very least you then have to pay for the food yourself.

What was the mood like among INPADOC staff at the time? Euphoria over the opening towards Europe and the new prospects that it opened up?

Not everyone was euphoric over integration. For the old INPADOC managers it was a very difficult time, as they dropped from the first tier to the fourth. For me it was less of an issue. On the contrary, my work probably gained in value. The INPADOC databases, which were the reason for integration in the first place, were supported in every way by President Braendli.

For most people it was a very positive move. Job security played a major part, as we knew that competition was tough for a company that made a living from patent information. The urgent need to make a profit then disappeared. As INPADOC, we could never have managed to make patent information a largely free product.

Looking back nineteen years on, do you think integration was a good move? Do you think INPADOC could have continued to exist?

I have my doubts. There was a huge worldwide concentration among patent information providers. I don't think Austria would have kept INPADOC if the financial burden had grown too great. By integrating with the EPO we retained an important task, that of building up a worldwide patent information service. The EPO expressly agreed to take this obligation over from Austria.

In INPADOC days, patent information products were expensive; now all the information is available free of charge. How do you view this change?

De facto it's a return to the origins of the patent system. The applicant discloses his invention in return for a privilege, while the public has the right to access this information for free. That is a literal implementation of the idea behind the patent system: a deal between the applicant and the public, which gains access to information. I think it's quite right that the applicants have to pay for this; it's inherent in the notion of patent information.

Can you reveal your plans for the future? Will you still be there for the patent information world, perhaps as a consultant?

I have no specific plans, apart from taking a long holiday to begin with. There are some quite interesting offers, and if I they look tempting, I'll think things over.

There have been rumours before that your departure might leave an unfillable vacuum ...

Yes, that was when the bird flu was around, and I was identified as the only key person at the Vienna sub-office. I was pleased about that, but it also gave me a good laugh. I think I'm leaving relatively few skeletons in the cupboard, or corpses in the cellar as we say here. I've done my best to share my knowledge with the whole team. We're now even putting together a little wiki site, a database for the documents I've written and collected. Of course I'll continue to be around to reply to questions people think only I can answer.



How do you see the future of patent information?

The EPO has taken over a mission with worldwide patent information services, which need to be maintained and supported by everyone in charge, and there's room for new ideas. I'm thinking of things like a federated register, covering not just European countries. Global data networking should not be left to Google alone but should be driven by the EPO, which has already been successful in that respect, for example with the partial merging of DocDB, Legal Status and full text. Here I hope the Office will show commitment and will also be supported by the member states and its IP5 partners. At the moment there are still problems with national offices allowing their full-text documents to be centrally distributed and publicly disseminated by the EPO.

Are you sad to leave?

I would happily have worked a little longer, but I'm coming up for 66, and that seems like a good time for me to start the third phase of my life in good health and with all my faculties - long may it last!

PUBLICATIONS CORNER

"Publications corner" is a regular feature of Patent Information News, providing readers with statistics and general information about 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 70% of all European patent applications are Euro-PCT filings.

European patent publications			
January – June 2010			
	Weekly average 2010	Total Jan-June 2010	Change vs. 2009
EP-A documents			
EP-A1	860	22 358	1.9%
EP-A2	316	8 228	-15.1%
Total EP-A1 + A2	1 176	30 586	-3.3%
Percentage EP-A1 of total A1+A2	73.1%		5.4%
EP-A3	323	8 407	-8.0%
EP-B documents			
EP-B1+B2	1 087	28 256	6.1%

Some important telephone numbers

esp@cenet helpdesk

Tel.: +43 1 52126 4051

Fax: +43 1 52126 4533

e-mail: espacenet@epo.org

Electronic publications advice line

Tel.: +43 1 52126 2411

Fax: +43 1 52126 2492

e-mail: epal@epo.org

INPADOC helpdesk

Tel.: +43 1 52126 115

Fax: +43 1 52126 3292

e-mail: inpadoc@epo.org

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Patent Information Conference 2010

Lausanne, Switzerland, 18–21 October 2010

The programme and full registration facilities for the EPO Patent Information Conference 2010 are now available.

The conference will address some of the most important developments in the European patent system of relevance to patent searchers, including:

- the EPO's plans for a "Single Patent Process"
- changes in classification at worldwide level
- efforts to achieve a global common documentation resource for patent searching

– and, for this year only, an extra session (on 18 October) entitled "Focus on Asia"

The event offers:

- detailed technical discussions in small groups
- specialised training courses
- Europe's leading patent information exhibition

Taking place in Lausanne, Switzerland, from 18 to 21 October 2010, the conference is an unrivalled opportunity within Europe to meet the major players in the patent information commercial sector as well as staff from many different patent offices.

Patent statistics for decision-makers

"New technologies, patent quality and entrepreneurship"

A joint EPO/OECD conference on patent statistics for decision-makers will take place in Vienna on 17 and 18 November 2010. It is being organised by the OECD and EPO in collaboration with the DIME Network of Excellence and with the support of the USPTO, JPO, WIPO, the US National Science Foundation and Eurostat.

The conference has been designed to give participants the opportunity to discuss advances in the analysis of patent information in the context of the current economic landscape and in light of changes within the patent system and the way it is used by applicants.

The focus of the conference will be on patent data and:

- patent quality and patent valuation
- the impact of patenting on competition and vice-versa
- the revealing of patenting strategies (visualisation of patent statistics and patent mapping)
- the role of patenting and licensing in new technical fields (e.g. clean technologies)

More information:

www.epo.org/about-us/events/patstat.html



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