

CA/5/09

Orig.: en

Munich, 02.03.2009

SUBJECT: Working Party on Technical Information: new name and revised mandate

SUBMITTED BY: Council Secretariat

ADDRESSEES: 1. Administrative Council (for decision)  
2. Working Party on Technical Information (for information)

---

#### SUMMARY

With a view to improving governance and establishing better working methods, the Council decided at its December 2008 meeting to review and rewrite the mandate of the WPTI as defined in CA/T PV 21 Annex III (see also CA/T 3/01 and CA/T PV 53).

At its 32nd meeting, held on 26 January 2009, the B28 approved the general thrust of the draft prepared by the Secretariat, which also takes into account the observations presented by the Office and the chairman of the Working Party. The Board further suggested that the Working Party be renamed to reflect its functions more accurately.

**ANNEX 1** to the present document consolidates the comments submitted and sets out a proposed **new mandate**, with the suggestion that the body be **renamed “Technical and Operational Support Committee”**.

---

## TABLE OF CONTENTS

<b>Subject</b>	<b>Page</b>
I. STRATEGIC/OPERATIONAL	1
II. RECOMMENDATION	1
A. COUNCIL DECISION IS REQUESTED ON:	1
(a) the renaming of the body	1
(b) a proposed new mandate	1
(c) additional procedural considerations	1
III. REQUIRED MAJORITY	1
IV. CONTEXT	1
V. ARGUMENTS	1
VI. ALTERNATIVES	1
VII. FINANCIAL IMPLICATIONS	2
VIII. LEGAL BASIS	2
IX. DOCUMENTS CITED	2
ANNEX 1	3
(a) Renaming	3
(b) Mandate	3
(c) Additional procedural considerations	4

---

**I. STRATEGIC/OPERATIONAL**

1. Strategic/governance issue.

**II. RECOMMENDATION**

**A. COUNCIL DECISION IS REQUESTED ON:**

- (a) the renaming of the body
- (b) a proposed new mandate
- (c) additional procedural considerations

**III. REQUIRED MAJORITY**

2. Simple majority.

**IV. CONTEXT**

3. With a view to improving governance and establishing better working methods, the Council decided at its December 2008 meeting to review and rewrite the mandate of the WPTI as defined in CA/T PV 21 Annex III (see also CA/T 3/01 and CA/T PV 53).

4. At its 32nd meeting, held on 26 January 2009, the B28 approved the general thrust of the draft prepared by the Secretariat, which also takes into account the observations presented by the Office and the chairman of the Working Party. The Board further suggested that the Working Party be renamed to reflect its functions more accurately.

**V. ARGUMENTS**

5. The present final proposal (see Annex 1) consolidates the comments submitted and sets out a new mandate. It is also proposed that the body be renamed "Technical and Operational Support Committee" (TOSC).

**VI. ALTERNATIVES**

- A – Maintain current name and mandate.
- B – Change name but maintain current mandate.

- C – Maintain current name but change mandate [in this case, “TOSC” should be replaced by “WPTI” wherever applicable.]

**VII. FINANCIAL IMPLICATIONS**

6. None against the existing mandate.

**VIII. LEGAL BASIS**

7. Article 14(1) of the Rules of Procedure of the Administrative Council.

**IX. DOCUMENTS CITED**

CA/T PV 21 Annex III, CA/T 3/01, CA/T PV 53

## ANNEX 1

The Council, with a view to improving governance and establishing better working methods, has decided as follows:

### (a) Renaming

To reflect its functions more accurately, the existing Working Party on Technical Information is renamed "Technical and Operational Support Committee".

### (b) Mandate

The Technical and Operational Support Committee (TOSC) is established, in conformity with Article 14(1) of the Rules of Procedure of the Administrative Council, as an advisory body under the Council. It shall provide the Council with opinions on operational aspects of the following matters:

#### 1. Technical information and infrastructure, especially information dissemination

- Proposals for guidelines on the production of and access to patent information data for use by Offices or the public

The TOSC shall act as a forum for exchanging details of patent information dissemination projects in both member and non-member states, with a view to developing new information products, finding more efficient distribution methods, defining pricing policies and encouraging co-operation among national Offices and with the EPO.

The TOSC shall bear in mind the possible effect of such guidelines on the development of the private-sector information industry.

- Proposals for and evaluation of infrastructure elements supporting the exchange and dissemination of technical information

The TOSC shall act as a forum for the ongoing exchange of information relating to automation projects at the national Offices and at the EPO and prepare the technical and operational aspects of the decisions to be taken by the Council. The TOSC shall work towards the adoption of common - or at least compatible - standards for input media and the storage and exchange of data.

#### 2. Trilateral technical co-operation between the EPO, the USPTO and the JPO, as well as other forms of technical co-operation in international fora

- Monitoring and examining technical co-operation projects in the broader perspective of the European patent system and the preservation of its interests
  - Making suitable contributions to support the EPO in preparing the technical and operational aspects of the decisions to be taken by the Council
3. Operational issues concerning quality, especially monitoring of the European Quality System as well as technical arrangements for reuse of available patent procedure results (e.g. searches, examination communications).

In performing its duties as outlined above, the TOSC shall inform and support the Council on technical issues pertaining to the concept of the European Patent Network, within the policy framework defined by the Council.

In addition, the TOSC shall provide the Council with advice where required on any further technical matters.

**(c) Additional procedural considerations**

The Council encourages participation in the TOSC at senior management level, in order to facilitate high-profile debates on the technical means and the operational issues relevant to the operations of a modern, complex and interdependent patent system.

The Council further encourages the TOSC to implement and make consistent use of up-to-date communication technologies and tools, for the benefit of its own working methods and in a benchmarking role. Detailed technical discussions on topical issues shall be conducted at expert level, using primarily electronic communication; meetings shall be focused on streamlined and prioritised agendas.