

**CA/89/09**

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SUBJECT: IP5 Foundation Projects: Progress report and next steps

SUBMITTED BY: President of the European Patent Office

ADDRESSEES: Administrative Council (for information)

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#### SUMMARY

The need for enhanced co-operation between the IP5 Offices to address workload issues was acknowledged at the 2nd Heads of Office meeting in Korea in October 2008. A road map was developed and agreed on how workload issues could be resolved through work sharing. Prior to the Korea meeting, the Council gave the President its unanimous support to proceed with exploration of the IP5 co-operation and the related Foundation Projects.

As reported at the March 2009 meeting of the Administrative Council a Deputy Heads of Office meeting is planned for June 2009, in preparation for a Heads of Office meeting later in 2009. The Heads of Office meeting should give an endorsement to proceed with the co-operation within IP5.

The goal of the IP5 co-operation is to achieve an environment in which IP5 Offices have confidence in each others' work products (quality of work done) which need to be available in a timely manner (timeliness of work results).

The Administrative Council is requested to note the progress to date on IP5 cooperation and establishment of the ten Foundation Projects, and the intended next steps concerning the further development of the cooperation and the implementation of the projects.

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**I. STRATEGIC / OPERATIONAL**

Strategic

**II. RECOMMENDATION**

The Administrative Council is requested:

- To note the progress made to date on the IP5 cooperation and establishment of the ten Foundation Projects.
- To note the next steps concerning the further development of the cooperation and the implementation of the projects

**III. MAJORITY NEEDED**

N/A

**IV. CONTEXT**

In May 2007, the Heads of the five largest IP Offices (IP5) met in Hawaii, USA to address workload issues. At a 2nd Heads of Office meeting in Korea in October 2008, a road map was developed and agreed on how workload issues could be mitigated through work sharing. Regular updates have been provided to the Council; see CA/164/08 and CA/37/09.

Following the two working-level meetings reported in CA/37/09, the Office will host a meeting of Deputy Heads of Offices in June 2009. This meeting will serve as a platform to reach common agreement on some of the ten Foundation Projects, which will subsequently allow a Heads of Office endorsement later in 2009.

The goal of the IP5 cooperation is to achieve an environment in which IP5 Offices have confidence in the results produced by other IP5 Offices (quality of work done), and that these results are available to be of benefit to other IP5 Offices (timeliness of work results).

The IP5 Offices are aware of financial and human resources necessary to implement these ten Foundation Projects. At Trilateral level, it is believed that several Foundation Projects should be launched in 2009, with the remaining Foundation Projects launched at a later stage. In the opinion of the EPO, the following Foundation Projects should have reached a sufficient level of maturity by the June Deputy Heads meeting:

- Common Classification (EPO-led)
- Common Documentation (EPO-led)
- Common Application Format (CAF) (JPO-led)
- Common access to Search and Examination results "One Portal" (JPO-led)
- Mutual Machine Translation (KIPO-led)

The objectives and scope, and overall benefits of each project are outlined below.

The remaining projects, in the EPO's view, still need further discussion among the IP5 Offices.

#### **A. COMMON CLASSIFICATION (EPO-LED)**

A hybrid classification based on a revised IPC system is to be used by each IP5 office to search and classify patent applications. The IPC would be developed to the necessary depth by introducing large block areas of internal schemes from ECLA, FI classes and USPC, also making use of best classification practices in SIPO and KIPO. Such an IPC based system would represent a complete departure from the classification system currently used by the USPTO.

A common patent classification system of the IP5 offices will enable a joint and efficient

updating of the classification system among the offices and represents an important step towards the goal of harmonized search strategies . This in turn will facilitate the use

of search reports from the office of first filing by the office of second filing. A shared IP5 patent classification system will offer sufficient depth and detail according to the needs in the different technical areas and it will cover the main body of the global patent document collection.

#### **B. COMMON DOCUMENTATION DATABASE (EPO-LED)**

The IP5 Offices support the concepts of :

- an "authority file" including a list of common sets of documentation among IP5 offices instead of a single master database;

- enhancement of media-less data exchange among IP5 offices and standardisation of exchange data and tools used for this purpose;
- "intelligent patent document" that relates to extracting new information elements to facilitate the search process.

These concepts bring together a complete set of all the relevant patent and non-patent literature from around the world in a form that can be searched by the IP5. The costs of managing, updating, automatically translating and correcting the Common Database should be shared by the IP5 partners.

#### **C. COMMON APPLICATION FORMAT (CAF) (JPO-LED)**

Each Office should accept domestic and PCT applications in a Common Application Format (CAF) to facilitate the filing procedure. This would facilitate the amount of work that an applicant must invest when filing with multiple patent offices. In addition, this will lead to benefits like unified processing of PCT and domestic applications, improved XML based publication processes and easier automation of formality checks.

#### **D. COMMON ACCESS TO SEARCH AND EXAMINATION RESULTS "ONE PORTAL" (JPO-LED)**

IP5 Offices should be able to provide electronic access to all dossier information of patent applications by a one-stop service and a "one portal" dossier access system in the English language: Relevant information would include search and examination results, cited documents, classifications etc. When proceeding with the examination all the relevant information on search and examination of other offices will be taken into consideration, thereby minimising the duplication of work between offices.

#### **E. MUTUAL MACHINE TRANSLATION (KIPO-LED)**

Machine translation helps the offices overcome the language barrier of patent information and allows greater access to and re-use of each others' patent information, by translation of examination and search report data from examiners, by systematic translation of prior art documents, and facilitating the search of non-translated prior art by use of translated search terms, concepts etc..

#### **F. REMAINING FOUNDATION PROJECTS**

Descriptions of the remaining Foundation Projects are given in CA/152/08, CA/164/08 and CA/37/09.

## **V. INTERNAL CO-ORDINATION**

The EPO is assuring that IP5 endeavours and Office Policy and projects are in line with each other in order to establish the right synergies in these areas and ensure compatibility with internal Office plans and practices.

## **VI. NEXT STEPS**

On 10-12 June, the EPO will host the Deputy IP5 Heads of Office meeting in Munich. This meeting will be instrumental in reaching common ground on Foundation Projects which the IP5 Offices consider mature enough to proceed with the more detailed planning and definitions, with a view to starting implementation in 2010/2011.

A report from this meeting will be submitted to the June Administrative Council, in English only due to the short time difference between this Deputy Heads of Office meeting, and the Council.

An IP5 Heads of Office meeting will be held, preferably within the margin of the WIPO governing bodies in September, to endorse the results stemming from the June IP5 Deputy Heads of Office meeting.

The EPO will continue to finalise the definitions of the Foundation Projects, and to launch together with other IP5 offices and as appropriate pilot phases of those Foundation Projects mature enough for initiation, within the envelope of the existing 2009 and planned 2010 budgets. The EPO will continue to reinforce the PCT as the main platform for work sharing.

The EPO will also start to plan the final implementation (post-pilot phase) of said Foundation Projects in 2011 pending the results of the pilot phases, and in particular prepare the required budget requests for submission in 2010.

The EPO will provide regular reports on progress.

## **VII. ALTERNATIVES**

N/A

## **VIII. FINANCIAL IMPLICATIONS**

All the Foundation Projects are mostly far-reaching in scope and time, and (with the exception of Common Application Format, which has already to some extent been developed within the Trilateral Offices), require extensive planning and

resourcing. This planning will be carried out in 2009 and 2010, and must be financed from the existing 2009 and future 2010 budgets.

The high-level planning agreed will be translated into more detailed planning at Working Group level, and included in the 2011 budget proposals. It is however anticipated that substantial IP5 investments will be necessary from 2011 onwards.

**IX. LEGAL BASIS**

N/A

**X. DOCUMENTS CITED**

CA/152/08, CA/164/08, CA/37/09