

# Patent information in a changing world: Perspectives from a major patent office

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## Abstract

The patent information field is in a state of flux, caused by new tools and changing habits and philosophies. In this article a number of major issues arising from this situation are discussed, some ways in which the EPO is responding are described, and some ideas on future developments provided.

Patents are increasingly rated as valuable assets, but is patent information, and especially bibliographic patent information, being treated with the same meticulousness as in the past? More people are searching than ever before. But are they squeezing out the information professional? What effect will the IPC reform, the arrival of XML and other developments have? By focussing on completeness, timeliness and correctness, can patent offices make a contribution to alleviate the situation?

The author concludes that, more than ever before, it is important that expert patent information professionals ensure that their views and needs are communicated to both initial data suppliers, mainly patent offices, and to commercial database suppliers and hosts.

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## 1. Introduction

In March 2004, Ursula Schoch-Grübler of BASF Aktiengesellschaft gave a keynote speech at the IPI-Confex event in Portugal; this speech also formed the basis for an article in this journal [1]. It was a speech that made a lasting impact on those who heard it and that summed up what many patent information experts were thinking; and it sounded some loud alarm bells across the profession.

In this paper, which has largely been derived from a presentation I gave at IPI-Confex one year later, I would

like to reflect on her remarks and put my thoughts to you on what is happening to the patent information market. What Ursula Schoch-Grübler said in 2004 was worrying for some of her audience. I was worried too—and my personal view is that the set of problems she described are a reflection of developments taking place on a global scale. I have previously set out my view of some broad considerations in the development of patent information over the next 25 years, and the need for caution in making predictions [2].

She spoke of “maggots in the garden of paradise”—my feeling is that the maggots pale into insignificance compared to the dramatic effects of a phenomenon like global warming. I shall explain this in more detail in this paper and conclude that experts in the field, like the readers of *World Patent Information*, have a greater duty

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than ever before to exert their influence on the moulding of tomorrow's patent information products and services.

## 2. What was said last year?

So what was it that Ursula Schoch-Grübler said? As I understand it, her main message was essentially that we are in paradise compared to the old days. We have more data, more sophisticated search tools and lower prices. But unfortunately, despite all the developments, our patent information garden is not really paradise at all—it is infested with maggots . . .

The first maggot is globalisation. Globalisation has led to the situation that there is nowhere on earth that patent searchers can afford to ignore any more—they need *global* information, even from places where the data is unfamiliar and the language incomprehensible. The second maggot is the data itself, which is getting more complex, resulting in a need for more highly structured full text and sophisticated content retrieval tools. And as the number of hits for an average search continues to grow, relevance checking of results is getting more and more important. A third maggot lurking in the garden, according to Ursula Schoch-Grübler, is a drift away from in-house products towards web-based ones, which not all users see as being a particularly positive development, because of the difficulties that it causes in merging internal and external information.

Ursula Schoch-Grübler suggested some things that in her view need to happen if we are to have a hope of eradicating the maggots. For example, patent offices should not only capture text but also chemical structures; and users should have access to tools for highlighting and clustering results, and for graphical presentation. She also observed that demand is growing for a neutral platform for education and training.

## 3. What is the EPO's role?

It is worth using a few lines of this paper to summarise what I see as the EPO's role in the area of patent information. Our policy itself has remained stable for over fifteen years: we provide all the public data we have available to anyone who wants it. The data is provided in raw form at marginal cost. In addition, we make our data available to end-users via [esp@cenet](mailto:esp@cenet)<sup>®</sup> and other products, such as our CD-ROMs and DVDs. We do not add value to our data—as has been stated so often in the past: that is a task for the commercial sector. The policy is very clear on these main issues, while allowing us the freedom to adapt our patent information products and services to the changing technical environment.

Lastly, an essential principle of our policy is that of equal treatment. No company or sector can expect special conditions from us.

In practice, this policy means that we have a duty to publish all the non-confidential information we have. We provide access to the data by offering basic search tools, which in the case of [esp@cenet](mailto:esp@cenet)<sup>®</sup> are generally free of charge. Now, many readers of this paper will say in reaction to that that there is no such thing as a free lunch, and that in our field there is no such thing as free patent information. There is always someone who has to pay, they will mutter, and if a patent office is providing patent information free of charge then the person paying is the patent applicant. My answer is that that is right, at least to a certain extent, and that it has happened that way by design.

One of the fundamentals of the patent system is the deal between the inventor and the patent granting authority that the invention will be disclosed to the public. Publication costs are therefore quite rightly covered by the fees paid by the applicant. In many cases, it is in the applicant's interest to reveal as little detail about his invention as possible. This is however not in the spirit of the patent system, so it is our duty as a public service to see that the deal is respected and to do what we can to make the details of the invention public.

I would even go so far as saying that we all need constantly to bear in mind the balance between the interests of the public for full and clear disclosure and those of the applicant, who often wishes to be as vague as possible when disclosing. Maybe the balance is shifting as more people have access to patent information and maybe we need to discuss whether more could be done in this area. I would in any case encourage open debate.

What we in any event strive to do is to produce data of the highest possible quality. Echoing the words of Ms. Schoch-Grübler, our criteria for high quality are *completeness*, *timeliness* and *correctness*. I might add that where data delivery to information providers is concerned ease of use is also a must.

## 4. Pest control or coping with major climate change—an ailing information profession?

This brings me to the core message of the paper: global warming creates an environment which is the ideal breeding ground for new maggots.

What I wish to put my finger on with this question is the fact that we are all part of a changing world. The internet has not just changed patent information, it has changed our entire society. Under these circumstances we must assess how high the walls around our garden are and how much they protect us from what is happening all around us. We must judge where we realistically can cling on to old values and where we

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