

BUSINESSEUROPE



Industry IP5

Discussion on Proposed Enhancement of Current Global Dossier Services

BusinessEurope for the Industry IP5

Assets of Global Dossier

- ✦ Each of the IP five has implemented their own version of the Global Dossier system (“GD System”)
- ✦ Each GD System is functioning very well
- ✦ But: there are various differences between the systems

- ✦ There are still aspects from our original planning that have not been addressed by the various GD systems (“Proposed Enhancements”)
- ✦ While the philosophy has been that user experience may vary, the basic data should be the same.
- ✦ In addition, usage experience has shown that there are a number of user features that should be the same irrespective of the accessing office's website

- Goal should be **completeness** of Global Dossier
 - all-encompassing citations from CCD/IDS (including enriched citations from all offices available on short call)
 - Achieve a high LAN speed
 - Minimizing backlog in uploading
 - Same documents of national file wrapper available via GD
 - Offices to maintain archival copy of
 - past standards (many no longer available at standards websites) and
 - local patents not otherwise easily available need to be loaded onto GD once cited (e.g., by Applicant in background section).

➤ **TOP priority: Copyright solutions for non-patent literature (NPL)**

- currently available only through private arrangements, and depends on local laws – uncertainties because of individual negotiations required, discrimination of SME's and single inventors
 - suggestion: Patent Office negotiate globally the license for usage as citations and usage in patent application preparation and examination. Respective copyright fee could be gained by small increase of application fees
 - Sharing needed to facilitate Collaborative Search and Examination

- **Education on use of Global Dossier – more needed**
 - Live demonstration at user (esp. SME and attorneys) meetings and IP5 Industry Requirements to GD
 - Webex, presentations on office websites, etc.
- **Site availability should be 24/7 and 365d:**
 - on weekends, national holidays - with exception of maintenance times
- **For third party monitoring using GD:**
 - Asian sites: ability to see office action reactions and amendments – all communications, responses and references
- **Difference in quality of translation among Offices and type of document**
 - Office Action better than response of applicant
- **Creating a global account/identification system for patent applicant** could be a starting point for an active component of Global Dossier (WIPO)

Each of the industry groups should have their members look carefully into the GD system provided by their own patent office, and see if they can suggest improvements to their current GD system to make it more uniform among the five offices, as well as provide further improvements , especially now that we have gained experience using the systems .

References provided within GD



Access to references within GD system

- Some GD systems **hyperlink access** to references to enable immediate access within the GD system itself.
- Some GD systems also provides the ability to have the document **translated**
- All GD systems should be compared so that all of the GD systems preferably provide these capabilities

Machine translation issues of GD

Translation provided in same format as original language document.

- *Some of the GD Systems provide a translation in the same format as the original foreign language document.*
- *This facilitate the user's ability to compare and provide their own corrections to the translation if user thinks it is not adequate.*

All GD systems should be compared so that all of the GD systems preferably provide these capabilities

Pre-publication phase of GD



Availability of application information before publication.

- *Original Intent: enable examiners to use GD systems to access information prepublication.*
- *Becoming more and more important as examinations take place earlier and earlier.*
- *Some countries have looked into the ability of providing prepublication information to FOREIGN examiners and it is allowed. Others have legal impediments.*
- *It is it is believed this entire issue should be looked at in all of the IP five countries, implemented where available and those that have impediments, whether they are legal or technical, should begin addressing them as this aspect of the GD system is important for work sharing.*

Copyright issue of NPL

Copyright issues associated with non-patent literature references.

- *Many references that are being cited are non-patent literature which presents copyright problems. Very often standards are applied as a reference. Many of these also present copyright issues.*
- *It is important to have all the references being able to be easily obtained by both examiners and third parties in using the GD system*
- *It is suggested that the various patent offices again look into the copyright issues to see if they can be addressed legally and technically.*

It might be useful to have a general primer page explaining what the GD system provides in terms of layout, how do use it, capabilities, limitations, etc.

- *This will help first-time or infrequent users of GD system, or users not so fully familiar with all prosecution details, to still be able to make use of the GD system in their own country.*



*Thank
you
very
much*