




European
Patent Office



Prior art / databases

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Prior art - definition in the EPC

- The EPC defines the meaning of new as follows

“ An invention shall be considered to be new if it does not form part of the **state of the art**” .
(ARTICLE 54 (1))

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Prior art- definition in the EPC

- What is meant by “State of the art”?
- Article 54 (2) EPC defines it as:

“...everything made available to the public by means of a written or oral description, by use, or any other way, before the date of filing....”

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Prior art- definition in the EPC

This definition can be conveniently separated into the following parts:

- **Everything made available** = Everything that the public has had access to anywhere in the world.
- **The public** = All people not bound to confidentiality with the applicant.
- **Written description** = A disclosure written in any language, in any number of copies, reproduced in any manner (e.g. patent application, patents specification, leaflet, brochure etc.)

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Prior art- definition in the EPC

- **Oral description** = Facts unconditionally made available to the public e.g. in the course of a conversation, a lecture, or by means of radio, television or sound reproduction equipment
- **By use** =
 - Producing, offering, marketing or otherwise exploiting a product
 - by offering or marketing a process or its application
 - by applying a process
- **In any other way** = All other possible ways of disclosing information

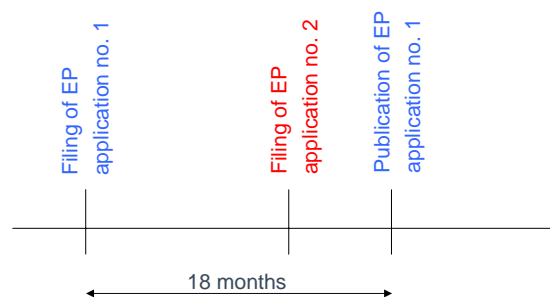
NB. Internet and electronic means can be used as prior art, provided that the date of availability to the public can be proven.

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Prior art – intermediate document

- Intermediate document:



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Intermediate document

Article 54(3) and (4) states:

- The state of the art comprises the content of other **European applications** filed earlier than, but published under Art. 93 on or after the date of filing of the application being examined, **to the extent that the earlier and later applications validity (Rule 23(a)) designates the same state or states.**
- **This measure avoids double patenting**

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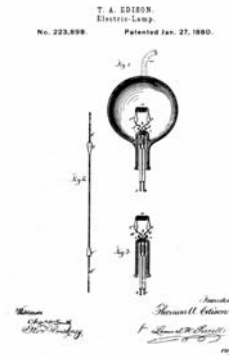


Documentation



Data Acquisition: where documents enter our collection

- Getting all possible scientific and technical information in our databases: patent and non patent literature
- 56 million images of documents
- 79 supplier countries to manage

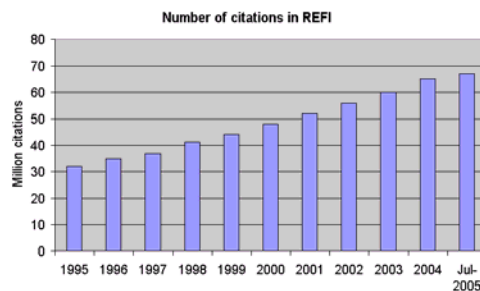


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Data management: connecting information

- Managing data: standardize, validate, correct.
- Group and Connect patent data into a high-quality knowledge reservoir for internal and external use.



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EPO Databases

Patent Acquisition Policy

The screenshot shows a patent document with the following sections highlighted by arrows:

- Bibliographic data:** The top section containing the patent number (EP 1 000 000 A1), date of publication, and other administrative information.
- Full-text:** The main body of the document containing the detailed description of the invention, including the abstract and the main text.
- Abstract:** A short summary of the invention, located at the beginning of the main text.
- Image:** A technical drawing of a mechanical component, located at the bottom of the document.



Some figures (Oct. 2005)

- **76 Countries** covered in our main patent database
- **56 million of Images** of full patent documents in the EPO digital library also available via *esp@cenet®*.
- **17.1 million Patent Abstracts**
- **15.7 million patent documents** in full-text
- **249 million of records** in the **91 databases** available to examiners internally

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Quality Issues



MISSION & QUALITY POLICY

MISSION

Maintain and continuously extend, in line with the EPO's strategic Direction, the contents of the EPO's documentation database thus to keep it as one of the world's completeness technical information's source and to respond to the EPO's Patent Granting needs in terms of timeliness, completeness and correctness .

QUALITY POLICY

- Continuously improve the quality of the EPO technical documentation databases, namely **its completeness, correctness and timeliness** in line with the EPO strategy;
- Ensure the EPO technical information databases **fulfill the requirements and expectation of its users**;
- Stimulate the participation of all involved employees and subcontractors towards the implementation of these policy;



Front-file Timeliness (Bibliographic data, snapshot)

In advance/On time

AT,BE,BR*,CH,CN*,CZ*,DE,EP,FR,GB,HR,HU*,IE,LT,MD*,NL*,SE*,US

≤1 month delay

AU,BG*,CA,DK,ES,HK,IN*,JP,KR*,NO*,NZ,PL*,RO,RU*,SK*,TR,WO

≤3 months delay

EA*,EE,EG,FI*,GR,IL*,LU,MC,SG,SI,ZA

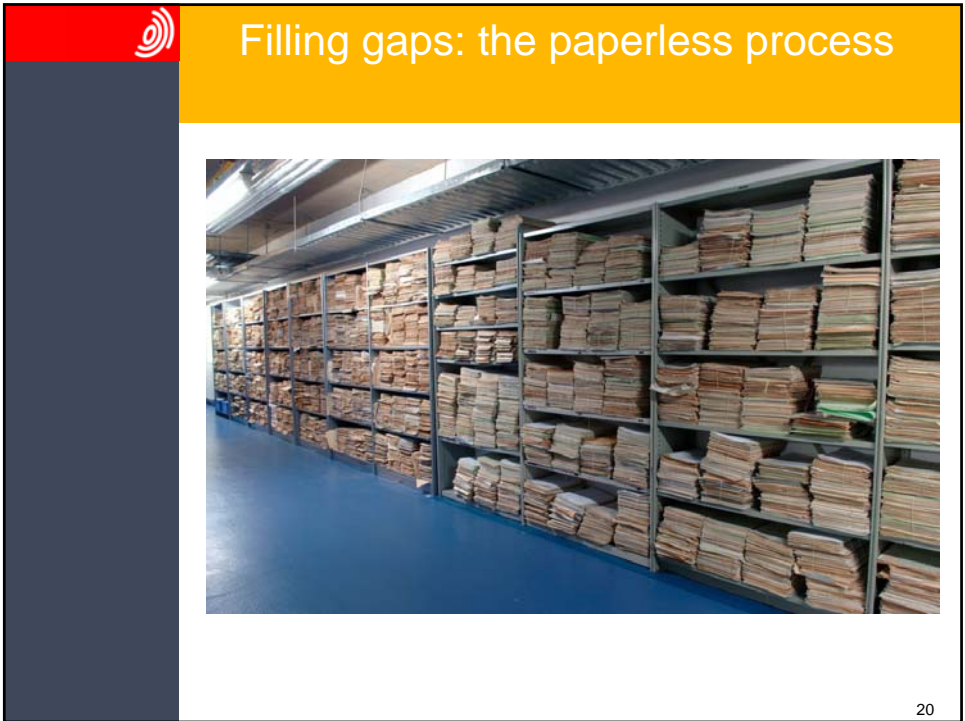
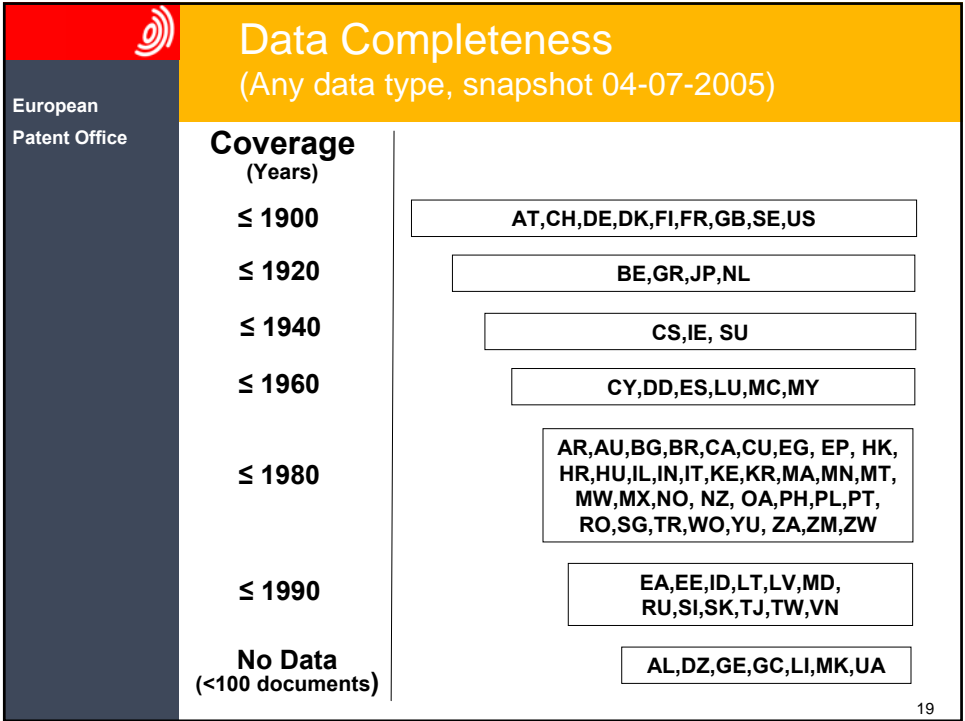
≤1 year delay

CY*,MX*,OA,PT*,TJ*,TW

>1 year Delay

AL,AP,AR,BA,CU,ID,IT,KE,LV,MA,MK,MN,MT,MW,MY,PH,VN,YU,ZM,ZW

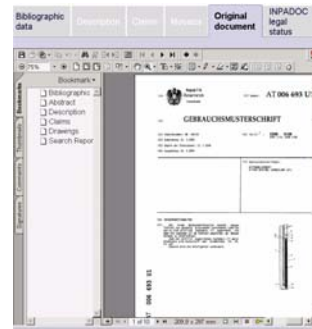
LEGEND: — Unchanged — Improvement — Weakening * Change in timeliness group from previous report





Quality criteria: scanning

- Readability
- Indexing
- Missing parts
- Document mismatch



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Quality criteria: OCR

- Readability
- Document mismatch
- Indexing
- Embedded images
- Format

The use of a gas in the receiver at the atmospheric pressure, although not sucking the carbon, serves to destroy it in time by 11 airwashing, or the attrition produced by the rapid passage of the air over the idly-coherent, highly-heated surface of the carbon. 1,05 have reversed this practice. I have discovered that even a cotton thread properly carbonized and placed in a sealed glass bulb exhausted to one-millionth of an atmosphere offers from 100 to 1000 hundred ohms resistance to the flow of the current, and

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Data correction: a contribution to the knowledge based economy

- Bibliographic data:
1 000 000
corrections per year



- Citation data:
330 000 corrections
per year

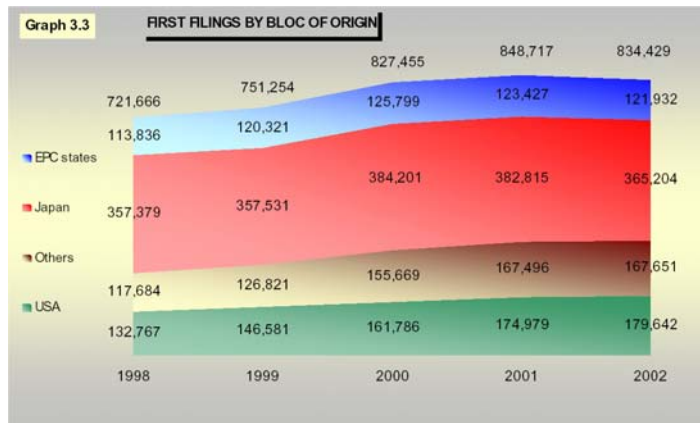
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Non-Patent Literature



834 000 new patents a year vs. 1 200 000 articles



- Patent first filings: **834.000** in 2002
- Yearly 2000 STM publications produces **1.200.000** peer reviewed articles

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Search in abstracts databases

- More than 105 million “internal” abstracts
 - INSPEC 9 million
 - COMPENDEX 7.7 million
 - FSTA 0.6 million
 - BIOSIS 15 million
 - MEDLINE 15 million
 - EMBASE 10 million
 - PUBSEQ 48 million
- + Networked CD-ROMS (Pesticide Manual...)
- + Hosts (Chemical Abstracts)
- + Internet Databases (TEKPAD, FRIDOC)

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