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STRATEGY ON THE PROTECTION OF INDUSTRIAL PROPERTY - NEW
POSSIBILITIES IN CONNECTION WITH THE ACCESSION TO THE EPO

Ladies and Gentlemen,

It is a pleasure for me to attend this conference organised by the Bulgarian Patent Office and the Union of inventors of Bulgaria. I would like to express my gratitude to the hosts for inviting me to give a speech today.

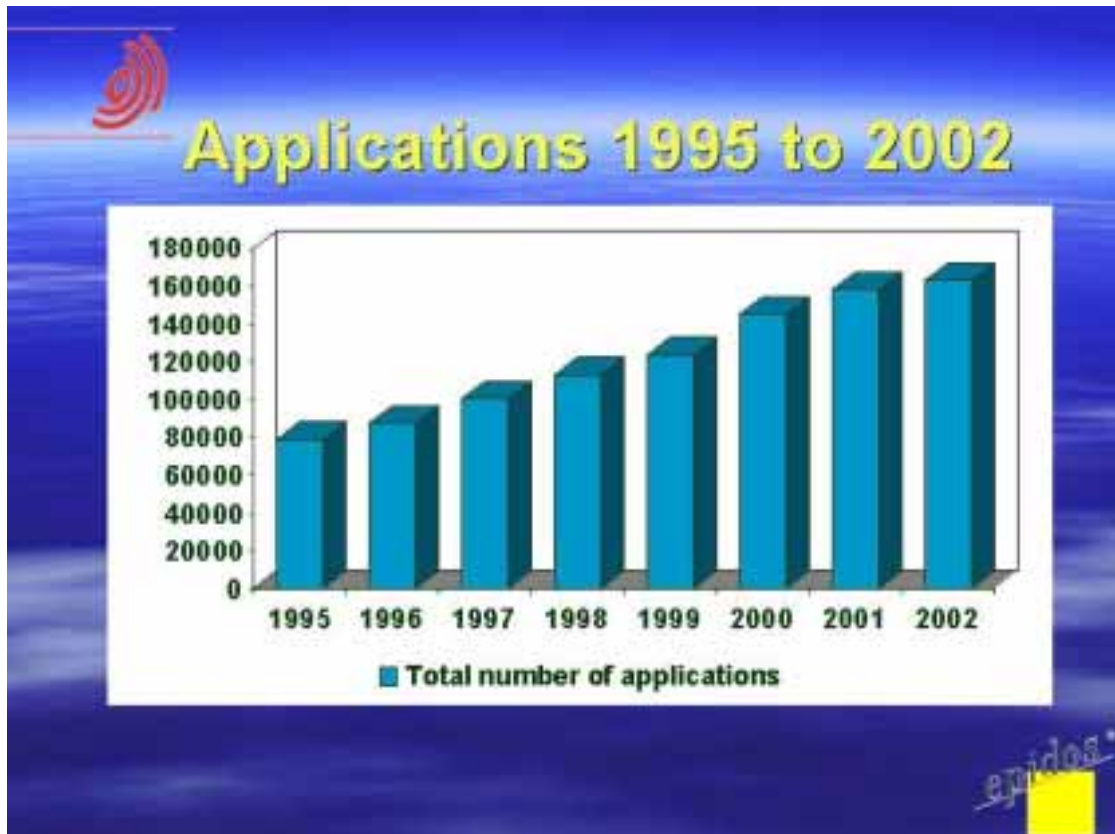
Besides the 55th anniversary of the foundation of the Patent Office of the Republic of Bulgaria and the 10th anniversary of the passing of the new Patent Law of Bulgaria, we celebrate today the 1st anniversary of the accession of Bulgaria to the EPC.

In my opinion this is an excellent occasion to strike a first balance and to analyse the influence and the impact of this accession to the EPO on inventors and innovators in Bulgaria.

Before I start with this analysis, allow me first to recall some information on the European Patent Organisation, that Bulgaria joined one year ago. I will then introduce to you the EPO's policy for co-operation with member states, which has been implemented to benefit national patent offices and their users, the inventors. To conclude, I will report on the various co-operation programmes and will explain to you how you can profit from these activities.



Our Organisation now proudly numbers 27 member states. Seven of these member states joined the EPC during the last 12 months. A further three countries, namely Latvia, Lithuania and Poland, are due to join very soon, which will bring the total number of member states to 30. This means a growth of one third in member states in less than two years.



If we focus on data for 2002 we can see that the EPO received more than 165 000 patent applications, that is 4.4% up on the previous year and almost double compared to the number received in 1996. The number of patents granted last year increased by 37% to 47 388, the highest ever figure in the history of our Office. In the future we expect the number of filings and granted patents to continue rising.

Following the requirements expected of a modern organisation the EPO has recently introduced a mission statement which states:

"The mission of the EPO is to support innovation, competitiveness and economic growth for the benefit of the citizens of Europe".

I would like to draw your attention in particular to the first statement: support of innovation. Innovation is the result of inventors' activities. The EPO has clearly committed itself:

- to invest in the future,
- to ensure that new ideas are published and noticed,

- to make sure high-quality, easily accessible patent information is available across Europe,
- to promote technical knowledge, and ultimately
- to support economic growth in Europe.

But how does this work in practise? Which benefits can inventors in Bulgaria expect from the accession of their country to the EPC?

The answer is: inventors can profit from the EPO's policy of co-operation with the national offices of member states.



The co-operation policy in the field of patent information with member states began in 1988.

Why is patent information important?

Besides examining and granting patents, the provision of patent information is a vital task of national patent offices. They play an important role in the promotion and dissemination of information on patenting, and this will continue to grow in the coming years.

Appropriate patent information tools and services allow innovators to keep up with the state of the art and to decide on investments in the area of research and development on a profound basis. This prevents wasting time and money in re-inventing the wheel and thus benefits both the individual inventor and the national economy. The European Commission estimates that 20 million Euro per year are spent on research and development of techniques that already exist.

Patents are very important instruments for promoting innovation, creativity and employment. Patents must form an integral part of the economic reality of enterprises, inventors and SMEs, providing them with adequate protection at a reasonable cost and with optimum legal certainty.

The initial aim of the Office's patent information policy was to improve access to patent information in Europe for both the general public and industry, and in particular for small and medium-sized enterprises.

A catalogue of specific measures and projects was defined in 1989 in order to implement the patent information policy. One core project I would like to mention was the dissemination of patent information on new electronic carriers, namely on CD-ROM.

Publishing patent documents on CD-ROM instead of paper or microfilm provided new possibilities in handling, distributing and searching patents. National patent offices and patent information centres were also supported in the acquisition of the necessary equipment by a hardware provision programme.

The CD-ROM products of the so called ESPACE[®] series developed by the EPO and the respective retrieval software MIMOSA, have set a standard worldwide and have been adopted by many countries for their national collections.

In 1995 the co-operation policy was further developed by the implementation of financial support for limited-term "à la carte" projects in the field of patent information. An annual budget of 5 million DEM in total was provided for these "à la carte" projects and each member state was expected to bear at least one half of the project costs.

After three years, this programme expired and was replaced by a new co-operation framework on patent information. The annual budget was increased to 7.5 million DEM. Two categories of programmes were then defined:

1. common projects for several member states, and
2. bilateral projects run by a single member state.

Bilateral activities could be chosen from a list of projects such as Internet related projects, digitalisation of office publications and patent information training.

For bilateral projects the project costs were shared equally between the national office and the EPO. In the case of common projects the Administrative Council of the EPO was entitled to decide on financing up to 100% of the project costs.

One of these common projects was the implementation of Distributed Internet Patent Services, today better known as *esp@cenet*[®]. This new, free of charge service, was specifically targeted at the general public. I should say this was a revolution in the area of patent information.

Particular emphasis was placed on serving the needs of individuals and small to medium sized enterprises wishing to find some basic information in patent publications. The *esp@cenet*[®] service covers patent information both at a National and at a European level. The National level service provides collections of national patent publications covering at least the last 24 months. This information is accessible via a user interface in the national language. The European level comprises various databases. The most comprehensive one being undoubtedly the worldwide database, which includes more than 30 million documents published since 1920.

Taking into account the initial success of the basic service and requests from national offices and users, the EPO has decided to implement added functionalities and to include more data. ECLA, the classification scheme used by the examiners at the European Patent Office, has been made available via *esp@cenet*[®] in order to extend search possibilities for the users.

A new *esp@cenet*[®] interface is in the process of being launched. It has improved navigability and new background documentation, which have been developed and included according to users demands.

In the very near future, the EPO's INPADOC data will also be available to users via *esp@cenet*[®]. This will also allow users to retrieve information on patent families and legal status data from *esp@cenet*[®].

Let me come back now, to the co-operation policy of the EPO. In parallel with the implementation of the new co-operation programme in 1997, the pricing policy of the EPO concerning patent information data and products has changed remarkably.

National offices and their recognised patent information centres were now entitled to receive free of charge CD-ROM collections of the ESPACE[®]-series, various data on tapes, periodicals and specific paper publications. Other interested parties, such as commercial patent information providers, now receive EPO data at marginal cost.

The result of the EPO patent information policy was an improvement in the accessibility of patent information and a reduction of patent information costs for end-users. As an example I would like to mention, that the costs for connection time to commercial database providers were reduced by 10 – 50 %, depending on the kind of database.

The co-operation with member states in the field of patent information has evolved progressively towards a broader concept of technical co-operation, encompassing the support of National Offices in the implementation of automation systems and services. Upon the request of the National Offices the co-operation has been extended to technical areas and specific applications, including documentation and search tools, as well as information technologies supporting the patent granting procedure like *epoline*[®].

Statements made by several national delegations of member states indicated the desire for extending this form of technical co-operation, while making their design, implementation and control simpler and more efficient.

With regard to technical developments, the requests from National Offices and the forthcoming extension of the European Patent Organisation, the President of the EPO broadly proposed to revise the Office's policy of co-operation on patent information. The scope of the new policy is to integrate it within a more general framework of technical co-operation with the member states.

The co-operation activities with member states aim at stimulating the modernisation of national IP administrations and patent information policies. Technical solutions and tools developed by the EPO should be made available to the national offices of the member states and, in the end, to their users.

Consequently the EPO wishes to promote the broad implementation of services and tools initially conceived for its own internal use. The spin-off of tools developed by the EPO - as far as applicable - assure common practice between national offices and reduce the proliferation of ad-hoc, expensive solutions. The policy will guarantee the best return of investments made by the European Patent Organisation and will save investment by the national offices. Furthermore it will ensure that each user of the European patent system is offered the same level of services within the member states.

Allow me to give you now an overview of the provisions of this new co-operation framework that began in 2002, and the status of specific programmes already established to benefit national offices, patent information centres and their end-users.

Regarding the financial framework I can report that the annual budget has been doubled in comparison to the former co-operation programme. It now amounts to 7.5 million Euros per year.

Specific conditions apply to our new member states during the first five years of their membership to the European Patent Convention. During this time period the EPO will cover 100% of the respective project costs.



Similar to the former framework, we distinguish two categories of co-operation programmes:

- bilateral co-operation programmes, and
- multilateral co-operation programmes.

Bilateral co-operation programmes may be presented by each member state. The total investment per year is limited to 100 000 Euro, and the maximum duration of a programme is three years.

Currently, bilateral co-operation programmes within the new framework of co-operation have been established with six member states. Further programmes with another eight member states are in preparation, among them is also the co-operation programme with Bulgaria which will be finalised very soon.

Activities covered by these co-operation programmes refer to issues such as:

- data preparation for electronic data capture,
- implementation of EPO automation tools,
- training for staff members of national offices or regional patent information centres, and

- support of regional patent information centres concerning improvement of equipment or provision of backlog documentation.

The EPO regards regional patent information centres as an important element in the patent information infrastructure. Currently there are 285 of these centres throughout Europe. Due to their close proximity to inventors and enterprises in their area, they can provide services tailored to the needs of their clients, and ensure not only the clients' survival, but also their consolidation, growth and the establishment of their products in the European market place.

As I already mentioned, the second category of co-operation programmes are the multilateral co-operation programmes which I would like to introduce to you now in more detail.

Multilateral co-operation programmes may be established if three or more national offices express their wish to participate in a certain project. The co-operation framework does not define a financial limit or a time limit for these activities.

Nevertheless, and in order to allow each country to benefit from the multilateral co-operation programmes, expenditures per country can only be covered up to a certain limit, defined in each specific multilateral co-operation programme.



As we speak, three multilateral co-operation programmes have been approved by the Administrative Council of the EPO which, from my point of view, benefit in particular inventors and innovators in our new member states.

First I would like to mention the co-operation programme on patent information training, approved last year in June. The philosophy of the programme is to reach large target groups, including staff members of National Offices, Patent Information Centres and their end-users, in order to provide training on patent information issues. Therefore, training held locally at the premises of a national office or a patent information centre is supported.

As end-users of patent information, inventors can participate on this patent information training programme.

According to the provisions of this programme, the EPO covers the mission costs of EPO trainers, or in specific cases, external experts to give the training.

Topics of such training courses may be general issues such as the European patent system, introduction to patent information, an overview of patent information products, or search techniques in different information tools.

Customised training courses may also be requested by the national offices in order to meet the specific requirements of trainees in their country.

The second multilateral co-operation programme, which has been approved last week by the Administrative Council, is the multilateral co-operation programme on patent awareness and individual staff training.

As the title suggests, this programme comprises two aspects. The first part of the programme provides support for patent awareness activities organised by the national patent office or regional patent information centres. The target of the patent awareness activities is to draw the attention of the public to IPR issues. This includes topics concerning protection such as patenting procedures and different kinds of Industrial Property rights, as well as patent information issues.

The activities should aim in particular at those sectors of society where IPR is less well-known or little used.

In the framework of the multilateral co-operation programme on patent awareness, the EPO will grant financial support for the following activities:

- Preparation of information material such as brochures, leaflets or posters, to be distributed to the public. This includes also translation of existing information material into the national language, and the creation of interactive information tools.
- Advertising campaigns to promote awareness activities.
- Organisation of conferences, seminars and courses in the member states.
- Participation in exhibitions and fairs as an exhibitor.

For inventors these measures will provide various opportunities to collect information and obtain consultancy in IPR matters.

The expected effect of this programme is an increased use of the patent system and patent information tools by inventors in order to undertake R&D activities on a more profound basis of knowledge.

The second part of the co-operation programme on patent awareness and individual staff training will support the participation of staff members of national offices or patent information centres in seminars, courses or

workshops provided by the EPO or, in specific cases, provided by a local professional training institute. The EPO will cover the mission costs of the trainees within the framework of this co-operation programme. The participants may attend training to improve their knowledge and personal skills in order to better fulfil their tasks and duties to the benefit of patent information users and applicants.

The third multilateral co-operation programme I would like to mention briefly is the co-operation programme on on-line filing.

In the framework of the EPO's *epoline*[®] services the module on on-line filing has been developed. The *epoline*[®] Online Filing service enables applicants and attorneys to submit patent applications and documents to the EPO via the Internet. During the on-line session, the application is encrypted and sent to the filing office in a single, secure transaction.

The implementation of the on-line filing system in a national office of the member states covers EP, PCT and National procedures. Adaptations will be necessary in order to tailor the core product to the needs and requirements of each national office. The implementation of an on-line filing system in a national office is a common and shared task between the national office and the EPO.

Customisation of the on-line product, limited to the building of the interface with the national office, or language translation of user interface elements related to specific national requirements, may be necessary.

Each national office may request to participate in the co-operation programme on on-line filing at any time they find appropriate. A detailed evaluation of the needs, requirements and necessary developments will be the first step.

In order to implement on-line filing, the EPO will provide equipment, technical standards and advice for the procurement of hardware and software at the national offices.

Coming to the end of my speech, I would like to conclude on how inventors and innovators will profit from the accession of Bulgaria to the EPC and the co-operation policy of the EPO.

- National Office staff members will profit from the training provided to them.
- The highly qualified staff members of the National Offices will provide much better service to their end users.
- The possibility for inventors to directly participate in patent awareness activities and to improve their knowledge on IPR matters will increase.
- With the implementation of the EPO information tools, such as *esp@cenet*[®] and EPO databases, accessed by examiners at the national offices, an improvement in search results can be achieved.
- Patent administration procedure at the national level will be more efficient due to the implementation of office automation tools provided by the EPO.

The accession of Bulgaria to the EPC is undoubtedly a challenge for inventors, as they will have to become familiar with many new aspects in the area of IPR. I can assure you that the EPO, in co-operation with the Bulgarian patent office, will take every possible measure to support them during and after this process.

Ladies and Gentlemen, thank you very much for your attention.