

CWS.ATR.PI.2009.NL

Annual Technical Report 2009 on Patent Information Activities submitted by Netherlands (CWS/ATR/PI/2009/NL)

Where URLs are requested below, it is preferred that either URLs which are likely to remain stable over time (three years or more) are provided, or home (main) page URLs are provided with a short explanation of how to access the corresponding information.

The term "patent" covers utility models and Supplementary Protection Certificates (SPCs). Offices which issue design patents should report their design patent information activities in their Annual Technical Reports on Industrial Design Information Activities.

I. Evolution of patent activities

Changes experienced in terms of application filings and grants with respect to the previous year

Patents Act 1995

After the 2008 amendments (abolition of the six-year patent, a new agreement permitting patent applications to be filed in English, and changes to the fee structure), 2009 was the first full year for the new law to take effect.

In 2009, 2,854 patent applications were filed under the Patents Act 1995 (2,732 in 2008). An increasing number is being filed online: 1,637 in 2009 (1,244 in 2008); 938 applications were filed in English. The number of applications filed from abroad has been declining for some years: 280 in 2009, as opposed to 311 the year before. The number of requests for national state of the art patent searches is increasing rapidly from 432 in 2007 and 882 in 2008 to 1,275 in 2009. The number of requests for international state of the art patent searches carried out by the European Patent Office remained stable at 1,143 in 2009. A total of 1,948 national patents were granted in 2009, as opposed to 2,058 in 2008. Of the patents granted, 1,646 were twenty-year patents (1,468 in 2008) and 302 six-year patents (590 in 2008 - this large decrease was due to the 2008 change in the law).

Under the Patents Act 1995, the following three types of request can be submitted to Netherlands Patent Office, concerning a patent already granted:

1. A request for a supplementary protection certificate (SPC)
2. A request to restore a patent
3. A request for legal advice

By submitting a request for a supplementary protection certificate (SPC), the exclusive right to a medicine or crop protection product on which a patent has been obtained may be renewed for up to a maximum of five years. In 2009, 58 requests for SPCs for medicine were submitted (43 in 2008). One SPC request submitted was for paediatric medication (EC Regulation 1901/2006 has not yet its full effect). In 2009, four (six in 2008) requests for SPCs for crop protection products were submitted.

The 'request to restore a patent' is a specific legal procedure, which restores rights to a patent holder who has forfeited his rights due to administrative default (e.g. through failure to pay the maintenance fee in time). Seventy-one requests were submitted in 2009 for such a restoration.

Legal advice is understood to mean the request referred to in Article 84 of the Patents Act 1995 that can be submitted to Netherlands Patent Office for advice concerning the applicability of the grounds for the nullification of a patent that has been granted. Such advice is necessary in order to institute a claim of nullification in court. Thirteen requests for legal advice were submitted in 2009.

Netherlands Patent Office gave no technical advice (Article 87 of the Patent Act 1995) to the District Court of The Hague in 2009.

The total number of patents in force in the Netherlands on 31 December 2009 was 140,899 (145,969 in 2008), of which 123,714 (125,950 in 2008) were validated European patents. This decrease compared to 2008 could also be a visible effect of the financial crisis.

European patents

The EPO granted 36,255 patents in 2009 with the Netherlands as designated country for which the patent right was applied for. In 2008, this number was 39,972 (numbers in 2009 fell < 9.3% compared to 2008). The percentage of patents that lapsed in 2009 because no translation was submitted was 66%. The number of patents granted by the EPO with the Netherlands as designated country and for which a translation was received came to a total of 12,725 in 2009 (13,857 in 2008). The decline compared to 2008 (8%) could be at least partly due to the effects of the financial crisis.

International patent applications

In 2009 the number of international patent applications submitted to the WIPO fell by 4.5% to 155,000 (163,500 in 2008). The decrease is mainly attributable to a number of industrialised countries, such as the US (-11.4%) and Germany (-11.2%). 2009, however, marked strong growth in a number of Asian countries (including China which rose by 29.7%). The number of applications submitted originating from the Netherlands was 4,471, an increase of 3% compared to 2008. Philips ranked fourth in the top 5 applicants with 1,295 applications.

Trends or areas experiencing rapid changes with respect to the previous year

URLs of web pages of the Office's website that provide statistics related to patents

<http://en.octrooicentrum.nl/facts-a-figures.html>

<http://en.octrooicentrum.nl/downloads/501-annual-reports.html>

II. Matters concerning the generation, reproduction, distribution and use of primary and secondary sources of patent information

Publishing, printing, copying (main types of publications of the Office in the field of patent information, etc.)

Publications

Publications according to the Patents Act 1995 are:

A-documents, registered patent applications

C6-documents, 6 year grant of patents

C20-documents, 20 year grant of patents

Netherlands Patent Office publishes the Patent Gazette ("De Industriële Eigendom"), and the digitized Journal ("Bijblad bij de Industriële Eigendom"). The latter concerns official announcements and decisions, legal advice cases, international developments etc.

The Patent Register has been accessible on line since January 2000 via Netherlands Patent Office website. The system offers free access to current data about published Dutch patent applications, patents granted since 1912 (including European patents granted for the Netherlands) and certificates. In 2009 the number of external visitors to the Patent Register amounted to 74.082. The revised Register (in operation up from the first quarter of 2010) has a number of new features such as file inspection, RSS feed and an extensive query tool. Users can link directly to the European Patents Register and to esp@cenet.

Main types of announcements of the Office in the field of patent information

On 5 June 2008 already the 'Amendments to the Patents Act 1995 and a number of other Acts following the evaluation of the Patents Act 1995 of 2006' entered into force (Bulletin of Acts and Decrees 2008, 107). The amendments provide more legal certainty for small and medium-sized enterprises and raise awareness of the benefits of patents. The main changes concern:

- the abolition of the six-year patent, so that only the national patent valid for a maximum of twenty years still remains;
- the option of submitting a patent application in the English language (with claims in Dutch) so that any immediate or later translation costs remain low or at zero;
- the charging of maintenance fees from three years of submission, one year earlier than is now the case, which forces patent holders to consider at an earlier stage whether they wish to maintain their patent. At the same time the fee regime has been made more progressive, with lower fees in the first years;
- greater advisory facilities for Netherlands Patent Office, so that the quality of the advice under Article 84 of the Patents Act 1995 (to parties in the case of a dispute of patent law) can be improved.

On 1 May 2008 the London Protocol entered into force. It provides for – under the European Patent Treaty – a reduction in translation costs of a European patent that is to be made valid in countries that are party to the protocol. Under this protocol, the Netherlands recognises English as a language in which users may submit the description of the patent.

Mass storage media used (paper, microforms, optical storage, etc.)

Word processing and office automation

There was a lot of development across the entire ICT infrastructure in 2009. The main project in this respect consumed a considerable amount of capacity and therefore impacted the change capacity of the organisation.

The project involved EPTOS. EPTOS (Electronic Patent and Trademark Office System) has been the EPO's platform for patent-related applications since 2004. This platform allows patent applications and the submission of follow-up documentation to be made online. The software for online submission (eOLF) is fully integrated with the digital file system e-Phoenix that has been in use since the second quarter of 2004. The final link in this chain is the replacement of the information system for registering and dealing with patents (named 'Recht') by Soprano. The latter system was developed under the supervision of the EPO in cooperation with the French and Polish patent offices as a pilot for European patent organisations. The implementation of Soprano at Netherlands Patent Office was considerably delayed, but finally scheduled and realised in March 2010. The French, Polish, Dutch and European patent offices will join forces in 2010 to seek a solution for the phased upgrade of Soprano.

NL Patent Office launched an entirely new website, constructed according to the principles of open standards in 'open source'. This makes Netherlands Patent Office the front-runner of organisations in the public and semi-public sector that wish to encourage the use of open standards. At the same time the website switched to the new government house style, using the government logo.

In 2009 the number of electronic applications rose; this is now at 57% under the Patents Act 1995, 55% for translations submitted of European patents (EP/NL), and a massive 77% of the international 'PCT' (Patent Cooperation Treaty) submissions. This growth is expected to continue. Submitting applications online is economical and efficient for the customer: he receives a registration number straight away, together with a submission date. He can also easily retrieve and re-use patent information available online for his own purposes. The reduced administrative burden saves time and money.

(New) techniques used for the generation of patent information (printing, recording, photocomposing, Optical Character Recognition (OCR), etc.)

URLs of web pages of the Office's website that provide access to online publication of patent documents and gazettes, and to other primary and secondary sources of patent information, including patent publication servers and download of bulk patent data

- <http://nl.espacenet.com/>(searching in Dutch publications or worldwide)

- <http://register.octrooicentrum.nl/register/searchform> (the status of Dutch patents and applications)

- <http://www.wipo.int/classifications/ipc/en/> (international standard on patent categories)
- http://v3.espacenet.com/eclasrch?locale=en_EP&classification=ecla- (EPO, ECLA classification)
- <http://www.octrooicentrum.nl/index.php/Octrooien-Aanvragen/bereken-kosten.html> (patent cost calculator)

III. Matters concerning abstracting, classifying, reclassifying and indexing of technical information contained in patent documents

Abstracting, reviewing, translating

Classification¹, preclassification² (if applicable), and reclassification³ activities; Classification system used, e.g., International Patent Classification (IPC), other classification (please indicate whether or not patent documents are classified by your Office and, if so, which classification is used)

Patent applications are classified according to the International Patent Classification (IPC).

Coordinate indexing (domestic deep indexing systems, keyword indexing)

Hybrid system indexing

Bibliographic data and full-text processing

IV. Search file establishment and upkeep

File building

Updating

Storage, including mass storage media

Documentation from other offices maintained and/or considered part of the available search file

V. Activities in the field of computerized and other mechanized search systems

In-house systems (online/offline)

External databases

Administrative management systems (e.g., register, legal status, statistics and administrative support)

Since 2004 EPTOS (Electronic Patent and Trademark Office System) has been the EPO's platform for patent-related applications. This platform allows patent applications and the submission of follow-up documentation to be made online. The software for online submission (eOLF) is fully integrated with the digital file system e-Phoenix that has been in use since the second quarter of 2004. The final link in this chain is the replacement of the information system for registering and dealing with patents by Soprano. The latter system was developed under the supervision of the EPO in cooperation with the French and Polish patent offices as a pilot for European patent organisations. The implementation of Soprano at NL Patent Office was considerably delayed, but finally scheduled and realised in March 2010. The French, Polish, Dutch and European patent offices will join forces in 2010 to seek a solution for the phased upgrade of Soprano.

Equipment used (hardware, including the types of terminal and network used, and software), carriers used

Existing online thesauri; their structure, presentation and usefulness for computerized searches

VI. Administration of the industrial property office library, and information products and services available to the public (relating to facilities, e.g., for lodging applications, for assisting clients on searching procedures, for obtaining official publications and registry extracts)

Planning, administration, automation, security, buildings

The information library is an easily accessible information centre that proactively provides employees with publications (books, journals and digital source files) that they need to carry out their work.

Collecting, acquisitions, preparation

The Infotheek center provides for a large collection of legal up to date literature and information. Next to that it produces e-dossiers on actual themes. Alerting services for employees are in place as to provide them with actual innovation and patent related news from a broad set of magazines, newspapers etc.

Collection management, preservation

A large part of the Infotheek paper reference collections are from the 19th and 20th century. In co-operation with the Royal Dutch Library a project plan has been set up as to digitize a substantive part of the legal collections before 1950.

Interlibrary lending, resource sharing, networks of patent libraries in the country

Information services available to the public (including computerized services and search files contained in libraries remote from your Office and patent information posted by your Office on the World Wide Web)

<http://en.octrooicentrum.nl/products-a-services/search.html>

URLs of web pages of the Office's website for electronic filing of patent applications

<http://en.octrooicentrum.nl/patents-application/in-the-netherlands/filing-an-application.html>

URLs of web pages of the Office's website that provide information on business procedures such as: filing, publication, examination and grant procedures related to patents; opposition and appeal procedures related to patents; etc.

<http://en.octrooicentrum.nl/patents-application.html>

<http://en.octrooicentrum.nl/patents-management.html>

URLs of web pages of the Office's website that provide a description of information products and services offered by the Office (e.g., patent search service(s) and patent databases), as well as information on how to access and utilize them

<http://en.octrooicentrum.nl/products-a-services.html>

<http://en.octrooicentrum.nl/products-a-services/document-supply-service.html>

<http://en.octrooicentrum.nl/patent-information.html>

VII. Matters concerning mutual exchange of patent documentation and information

International or regional cooperation in the exchange of machine-readable information, e.g., bibliographic data, abstract and/or full text information

Medium used for exchange of priority documents

Medium allowed for filing applications

<http://en.octrooicentrum.nl/patents-application.html>

VIII. Other relevant matters concerning education and training in, and promotion of, the use of patent information, including technical assistance to developing countries (please indicate URLs of web pages of the Office's website wherever appropriate)

Training courses for national and foreign participants, use of audiovisual means

<http://en.octrooicentrum.nl/products-a-services/education-and-workshops/workshops-and-presentations.html>

<http://en.octrooicentrum.nl/products-a-services/education-and-workshops/guest-lectures.html>

Assistance to developing countries (sending consultants and experts, receiving trainees from developing countries, etc.)

Activities with other patent offices

- in December 2009 Netherlands Patent Office organised, in co-operation with the European Patent Office, a seminar for Dutch stakeholders on the revised Chinese patent law.
- in May 2009 Netherlands Patent Office received a delegation of Russian, Ukrainian and Kazakh patent attorneys.
- Netherlands Patent Office participates in the China-EPO IPR2 project.

Promotional activities (seminars, exhibitions, visits, advertising, etc.)

Netherlands Patent Office was present at thirty trade fairs and was mentioned in or initiated sixty-six informative articles in various printed media. Once again an autumn event was organised for SMEs, large companies and government customers. This year the theme of the event was Landenkeuze (choice of country). Approximately 400 businesses visited the event and the landenpreuvenement (countries exhibition).

Preparations were made to celebrate the centenary anniversary of the Patents Act in 2010. A range of activities have been planned for 2010: the publication of a jubilee edition, the organisation of a travelling exhibition (Patent Parade), an information day and the issue of a stamp.

The continued cooperation with the Ministry of Transport, Public Works and Water Management in the field of tendering and Intellectual Property has led to the publication 'Samen werken aan innovatie' (collaborative innovation). The publication is about the use of open licenses for works of civil engineering constructions and came about in cooperation with CROW (technology platform for transport, infrastructure and public space), ONRI (Dutch association of consulting engineers), Bouwend Nederland (Dutch construction and infrastructure federation), and the Ministry of Transport, Public Works and Water Management. Netherlands Patent Office also developed general construction guidelines for tendering procedures.

The electronic newsletter was published six times and already has more than 1,800 subscribers. The newsletter topics in 2009 were: uitvinden in dienstverband (employee inventions), innovatie in land- en tuinbouw (Innovation in Agriculture and Horticulture), transport (transport), de bouwsector (the construction industry), verpakkingen (packaging) and a country special within the scope of the autumn event verover de wereld met octrooien (conquer the world with patents). The demand for individual or customised service products also rose in 2009. Where exploratory searches were carried out with a certain level of restraint in 2008, this was not so in 2009. The guideline for exploratory searches developed in cooperation with the Ministry of Economic Affairs and the Orde van Octrooigemachtigden (Netherlands Institute of Patent Attorneys) set out a clear task framework allowing quick decisions to be made on whether or not a search should be carried out. A total of 848 exploratory searches were carried out (700 were budgeted for). The new search assistance product is fully geared with customer-specific questions; this service was carried out on more than 900 occasions (500 instances were budgeted for). The number of IP questions answered (9,051 versus 8,500 budgeted for) and the number of personal consultations (1,666 versus 1,300 budgeted for) exceeded the set target values.

Activities and products that transfer knowledge about IP and patents are referred to as training products. The focus in this case lies on patents. In practice there is also a demand for knowledge transfer on trademarks, design and copyright. This year the focus was more on licenses. The objective is to transfer and make knowledge accessible.

More guest lectures (56 instead of 50), presentations (101 instead of 68) and workshops (135 instead of 120) were organised than budgeted for, as a result of an increasing number of knowledge institutes becoming aware of Netherlands Patent Office. There was regular focus on specific sectors, such as horticulture and the creative industries, and support was provided for subsidy scheme meetings. A modern type of patent game was developed together with clients from SMEs and institutes of higher education covering all aspects of or related to product development and IP rights. Furthermore, a test database was developed for institutes of higher education and universities. The number of Patent Guild members rose again this year and is now active on 'LinkedIn'. Some planned new educational tools have not yet been developed, because of the increasing demand for customised IP information.

Studies to identify trends in new technology, e.g., by the use of patent statistics and preparation of monographs

Netherlands Patent Office has been conducting policy-supporting statistical studies focused on relevant trends and developments in the area of innovation since 2004.

Fifty-five studies were carried out in the past year (41 were budgeted for) in areas such as sustainability, creative industry, aviation, agriculture and the use of innovation vouchers. In addition, an impact assessment took place with a view to amendments of the Patents Act 1995 and various regional comparison studies were carried out. Cooperation with the Chamber of Commerce started coming to fruition in 2009 and resulted in the first joint Chamber of Commerce and Netherlands Patent Office publication 'Vernieuwend ondernemen in Midden-Nederland, de herkomst van octrooien in beeld' (innovative entrepreneurship in the central Netherlands, the origin of patents charted). The various directorates of the Ministry of Economic Affairs are procuring an increasing number of policy analyses made in conjunction with the Chamber of Commerce. The cooperation with other directorates of the Ministry of Economic Affairs resulted in savings and the provision of more integral customer services. More investments will be made in this area in the future.

Assistance furnished by offices to facilitate the changing over of receiving offices to electronic data carriers for the exchange of patent documents (see also fourth sub-item of item VI, above)

IX. Other general information related to the Office that is available on the Internet -- URLs of web pages of the Office's website that:

provide information on legislation related to patents

<http://en.octrooicentrum.nl/patent-trademark-or-design.html>

contain the Annual Report of the Office

The Annual Report 2009 is published on the website of NL Patent office under downloads.

<http://en.octrooicentrum.nl/home.html>

if necessary, provide further information related to the topics referred to in the current ATR

provide open source codes related to patent information systems

contain patent-related news regarding the Office

A few facts from the year under review:

- The Netherlands proved once again to be a major patent applicant worldwide (8th place with 4,471 applications filed under the Patent Cooperation Treaty (PCT)), with a slight increase compared to 2008 (+ 3%). This is remarkable, as many other countries in Europe and elsewhere filed fewer applications under the PCT in 2009;

-The European Patent Office (EPO) granted more than 36,000 patents with the Netherlands as designated country for which the patent right was applied for. More than 12,000 of these patents were validated in the Netherlands (translation received);

- The number of patent applications submitted under the Patents Act 1995 (Rijksoctrooiwet 1995) was 2,854, a 4.47% increase compared to 2008;

- The autumn event in November with the theme Landenkeuze (choice of country), organised in conjunction with EVD, attracted 400 participants, including large companies, small and medium-sized enterprises (SMEs) and government customers;

- In the 2009 Customer Satisfaction Survey, Netherlands Patent Office scored an overall total of 7.8 (on a scale of 1 to 10) for satisfaction. This was 7.7 in 2008;

- As in 2008, Netherlands Patent Office succeeded in its objective of a positive operating result in 2009.

The Dutch patent system has retained its reputation over the years. This reputation is associated with the name and fame of the Patent Council, which was dissolved in 2004. In 2009, Netherlands Patent Office was able to continue in the same vein, albeit under a different legal system. This is illustrated by the positive feedback from the UK Intellectual Property Office (UKIPO) about the quality of searches and examinations conducted by the Netherlands Patent Office for UKIPO between 2004 and 2009. Regrettably, cooperation with UKIPO had to end in mid 2009 (for both parties), because a reorganisation at UKIPO meant that work could no longer be outsourced. The cooperation with UKIPO was invaluable to quality management at Netherlands Patent Office.

Quality is also an important aspect of providing good customer service under the Patents Act 1995 registration system. Quality management is put into practice in state of the art searches and corresponding written opinions.

Up-to-date Guidelines describing the desired intrinsic quality of the patenting process were developed in 2009. The Guidelines will be completed and implemented according to a phased plan in 2010. There is a parallel with the Product Quality Standards (e.g. with reference to classification, searches) of the European Patent Office.

Patent applicants as well as third parties involved with granted patents expect a high standard of customer service. Netherlands Patent Office, assisted by external experts, set up a quality management system to monitor the quality of the patenting process. This is expected to be completed by mid 2010.

Finally, in 2009, Netherlands Patent Office took a close look at the current internal training available to technical advisors. After all, human capital is a decisive factor in the pursuit of quality. With the assistance of the Dutch Open University theory and practice were linked more closely to improve the effectiveness of the training programme. Some new technical advisors have already benefitted from the new setup.

X. Other relevant matters

In 2009 Netherlands Patent Office still operated under the name 'Octrooicentrum Nederland'.

In 2009 considerable groundwork was done for the foundation and formation of NL Agency. The new agency opened for business on 1 January 2010. NL Agency is a merger of EVD, Netherlands Patent Office and SenterNovem. This consolidation of forces provides customers with one point-of-contact for sustainability, innovation and international business. NL Agency can help businesses, knowledge institutes and governments with information, advice, funding, networking and the implementation of regulatory matters in these three areas.

NL Agency is part of the Dutch Ministry of Economic Affairs. Its largest clients, besides the Ministry of Economic Affairs, are the Ministry of Housing, Spatial Planning and the Environment, the Ministry of Foreign Affairs, the Ministry of Transport, Public Works and Water Management, and the Ministry of Agriculture, Nature and Food Quality. NL Agency also handles monitoring and impact assessment of policy implementation. Information from policy implementation is fed back to the policy makers. This will contribute to a closer correlation between policy and implementation in the future.

The activities of NL Agency are divided into five topical divisions:

- NL Patent Office grants patents in the Netherlands, provides information on the patent system and represents Dutch interests in European and international organisations.

- NL Energy and Climate Change strengthens society by working on energy and climate solutions for the future.

- NL EVD International stimulates international business and cooperation, and promotes a positive image of the Netherlands abroad.

- NL Innovation helps Dutch businesses to innovate, by providing finance, advice and contacts.

- NL Environment facilitates the achievement of sustainability goals by creating alliances, assessing environmental legislation and providing finance, information and advice.

1.	Classification is allotting one or more classification symbols (e.g., IPC symbols) to a patent application, either before or during search and examination, which symbols are then published with the patent application.
2.	Preclassification is allotting an initial broad classification symbol (e.g., IPC class or subclass, or administrative unit) to a patent application, using human or automated means for internal administrative purposes (e.g., routing an application to the appropriate examiner). Usually preclassification is applied by the administration of an office.
3.	Reclassification is the reconsideration and usually the replacement of one or more previously allotted classification symbols to a patent document, following a revision and the entry into force of a new version of the Classification system (e.g., the IPC). The new symbols are available on patent databases.