

SCIT.ATR.PI.2007.NL

Annual Technical Report 2007 on Patent Information Activities submitted by Netherlands (SCIT/ATR/PI/2007/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

The number of patent applications submitted in the Netherlands under the Patents Act 1995 decreased slightly in 2007 compared to 2006. The Office received in 2007 a total of 2.446 applications.

Filings and grants

- 2006: 2.716 filings and 2.361 grants
- 2007: 2.446 filings and 2.319 grants

Under the Patents Act, patents may be granted for a maximum of six years or twenty years. A state of the art patent search is required for a twenty-year patent. This search results in a report setting out the state of the art in relation to the patent application. With applications submitted after 30 June 2006, the search report also contains a written opinion giving an explanation of the documents quoted in the report, also stating why these documents may adversely affect the novelty and inventive step. By now, virtually all search reports are accompanied by a written opinion. The number of requests for state of the art patent searches also decreased slightly: in 2006 a number of 1.845, in 2007 a number of 1.605.

Requests

Under the Patents Act 1995, three types of request may be made to the Netherlands Patent Office (NPO) concerning a patent already granted, namely:

- request for a supplementary protection certificate (SPC);
- request for restoration to original state;
- request for advice to the court.

An SPC can be used to extend the validity of patent rights for medicines and crop protection products. 79 requests were submitted and 36 supplementary protection certificates were dealt with in 2007.

The restoration to original state is a specific judicial 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). 62 applications were submitted and 78 requests for 'restoration to original state' were dealt with in 2007.

Advice to the court refers to the technical advice as defined in the Patents Act 1995 at the request of parties who are involved in a patent dispute. Such advice is a condition for the parties to institute revocation proceedings in court. In its advice, the Netherlands Patent Office will give a detailed opinion of the grounds for revocation put forward. Six requests for advice to the court were dealt with in 2007.

Advice

In the year under review, the Netherlands Patent Office has not supplied the District Court of The Hague with technical advice (Article 87 of the Patents Act 1995).

Applications under the PCT

International applications may also be submitted under the PCT to the Netherlands Patent Office. As the PCT-receiving agency, the Netherlands Patent Office received 1,043 applications (in 2006: 1,006). From September 2005 it has been possible to submit applications online or by diskette. Of the 1,043 PCT applications, 674 were submitted online and 42 by diskette. That is 69% in relation to the total number of applications.

European patent applications

Patent applications under the European Patent Convention may be submitted direct to the EPO or through the WIPO. The applicant for this type of WIPO application (PCT international phase) may decide, after a period of time during which the novelty search is carried out, to designate Europe. The application then enters the Euro PCT regional phase. In 2007 the EPO granted 35,088 patents in which the Netherlands was designated as the country for which the applicant applied for the patent rights.

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

www.octrooicentrum.nl

Choose the English version of the website

Path: Home > Netherlands Patent Office > Facts and Figures

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 (unexamined) grant of patents

C20-documents, 20 year (examined) grant of patents

The Netherlands Patent Office publishes the Patent Gazette ("De Industriële Eigendom"), and the Official Journal ("Bijblad bij de Industriële Eigendom". The latter concerns jurisprudence on industrial property rights.

The Patent Register has been accessible online since January 2000 via the NPO's 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 2007 the number of external visitors to the Patent Register amounted to 39.592

Word processing and office automation

Since 2004, the EPTOS (Electronic Patent and Trademark Office System) of the EPO has been the 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 last link in this chain is the implementation of a registration and fee system: Soprano. The first production version of Soprano is expected to be delivered during the course of 2008.

In 2007 the number of electronic applications rose; this is now at 30% under the Patents Act 1995, 19% for translations submitted of European patents (EP/NL), and a massive 65% 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.

At the end of the second quarter of 2007, the Netherlands Patent Office was asked whether it would be willing to serve as the pilot organisation for Open Source software in the Office. Based on the business case, it was decided to give a positive response, partly because this is in line with the policy of the Ministry of Economic Affairs. The result is that the Netherlands Patent Office is mentioned in the action plan 'The Netherlands openly connected' as the pilot organisation for the national government. Preparations for the project are already underway and will be a major activity in 2008.

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

www.octrooiencentrum.nl

Choose the English version of the website

Path: Home > Databases

- Espacenet (Searching in Dutch publications or worldwide)
- International Patent Classification (International standard on patent categories)
- The Dutch Patent Register (The status of Dutch patents and applications)
- The European Patent Register (The status of European patents and applications)

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

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 assigned to categories after being submitted, in accordance with the International Patent Classification (IPC). The latest version of the restructured IPC is available online.

In 2007 The Netherlands Patent Office started the "searchable IPC project". This project is to offer a fulltext searchable International Patent Classification system by using as a basis a databasemodel developed by the WIPO, and a catchword index developed by the DPMA.

IV. Search file establishment and upkeep

File building

In 2004 and 2005 The Netherlands Patent Office reduced its primary collections of patent documents from foreign countries. Also its journal collection and technical bookcollection were reduced substantially. Parts of the primary collection were taken over by countries of origin, others by the EPO for expanding their BNS collection. Special, large numbered patent-related documents and books of the secondary collection are retained in the library, for their actual use and historical value. Secondary collection building is being done actively in a broad area of intellectual property subjects.

Information Library

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. In 2007, the package of services and products was given further definition, partly in consultation with an internal Customer Council. Literature surveys, e-mail update bulletins and electronic information files were valued positively. A selection of news reports are available on the intranet and website.

Storage, including mass storage media

The consolidation of servers began in 2005 using the virtualisation software VMWare. All production servers have now been migrated to VMWare with the exception of EPTOS. With a view to the consolidation of data storage, a SAN (Storage Area Network) was brought into operation.

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

In-house systems (online/offline)

Workflow primary systems

In 2004 the NPO started - as a pilot office - with the implementation of the European Patent and Trademark Office System (EPTOS). The EPTOS applications have been made available by the European Patent Office to the national offices in order to provide digital support to the patent granting process. Several parts of EPTOS are - in the meantime - implemented and in use (i.e. e-Phoenix, online filing). The last link in this chain is the implementation of the Soprano registration and fee system. At then - expected in 2008 - the principle of filing to filing within one system will be reality.

Customer relations system WinRis

All customer contacts and products supplied are recorded in the WinRIS system. Including questions and answers, participation in presentations, workshops, guest lectures, individual conversations, search recommendations and searches. A large-scale clean-up operation was begun in 2006, the aim of which was to bring all contact details (Name, Address, City) up to date, to add any details that were missing and to remove any unnecessary details. The information from WinRIS is used to support direct interaction with the customer. The system also forms a good basis for updating information on the website, and for amendments to the product range.

Invoice workflow: E-invoice

A study was carried out in 2006 into the extent to which digital invoicing and distributing them for approval can be professionalised further [E-invoice project]. The aim of the project is to send the scanned purchase invoices to budget holders for electronic approval by means of workflow. Several suppliers have been asked to demonstrate a solution for this. Ultimately the choice was made for the solution offered by Exact: the web application E-Synergy. This application offers a good interface with the software already used for the financial administration (also Exact) and complies perfectly with the requirements set.

During the second quarter of 2007 the Netherlands Patent Office put the E-invoice system into operation. After three months of shadow operation, the method of sending round and approving scanned invoices electronically proved to be ready for full implementation. The rollout of E-invoice was completed in October 2007. This now means that all budget holders and financial and economic employees have access to E-Synergy, as a result of which time and place-independent electronic purchase invoices can be approved. The status of the invoice in the approval procedure has also been made absolutely transparent. The operationalisation of E-invoice marks the completion of the implementation of Exact.

External databases

The EPO develops and manages the patent search system esp@cenet (<http://nl.espacenet.com>). This system, which is public and available free of charge on the internet, contains some sixty million patent documents from 72 countries. The Netherlands Patent Office makes esp@cenet available through its website and manages the Dutch texts. On the start page, the Dutch help texts have been simplified and extended. A manual for performing searches in esp@cenet was published in brochure form in 2007. In 2007 the number of user sessions in esp@cenet was 140.621

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

Workflow handling and management occurs within the before mentioned so-called EPTOS box.

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

Modernisation of the reading room

The workstations in the reading room have been replaced with new PCs running Windows XP. In addition to this, a hotspot has been placed in the reading room, so that visitors with WiFi appliances can gain access to an internet connection.

Collecting, acquisitions, preparation

See under IV.

Collection management, preservation

See under IV.

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

The Netherlands Patent Offices participates, with the Royal Library of the Netherlands, in a system of interlibrary loan services.

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)

One of the tasks of the Netherlands Patent Office is to increase the awareness of patents in the Netherlands. In doing so, the organisation focuses on SMEs, the knowledge infrastructure and government bodies. The Netherlands Patent Office informs customers on the various intellectual property rights, the patenting process, and about the profitable use in innovation processes of information from patent databases.

The Netherlands Patent Office works along the lines of promotion, information and inquiries. The first phase (promotion) is all about generating interest in patents. The second phase involves the provision of basic information (information), and in the third phase (inquiries) the aim is to achieve a more in-depth knowledge of the patent material, as much as possible in line with the customers wishes.

workshops, lectures etcetera

In order to provide information to the target groups, the Netherlands Patent Office organised a total of 102 workshops, 51 guest lectures and 60 presentations. The Netherlands Patent Office has been organising these activities at businesses, sector organisations, universities and colleges of professional education (HBOs) on request. Where possible the Netherlands Patent Office coordinates with existing initiatives such as Young Enterprise, but also takes the initiative itself in making contacts. For example, the Netherlands Patent Office started up a patent guild within the HBOs. For SMEs, the Netherlands Patent Office put an (English-language) tool on the site: the NOVU-ster. This tool, developed by the Dutch Association of Inventors (NOVU), helps starting businesses to test their idea.

Website

The amount of publicly available patent information is increasing on a global scale. The Netherlands Patent Office wants to make digital patent information available in as transparent a manner as possible. The website and the access it provides to patent databases is used for this.

It emerged that a newly introduced navigation menu on the website guides customers more quickly to the information they require. An English-language website was also made available to the public. A lot of information is now also available in English. In 2007 the number of visits to the website increased substantially: it exceeded 239.000 visitors (in 2006 it reached almost 177.000 visitors).

Library

The library of the Netherlands Patent office is open to the public one afternoon per week.

Publications

The Netherlands Patent Office developed a new general brochure in 2007 and published it in a handy A5 format. The brochure gives an insight into the patent system and contains tips and testimonials from entrepreneurs.

In 2007 the Netherlands Patent Office developed two booklets with tips for entrepreneurs: 'How can I make money from a brilliant idea?' and 'Working together with patents'. The Netherlands Patent Office also acts as a knowledge centre for the government target group. Together with the Directorate General for Public Works and Water Management, it developed a number of models that are designed to promote a proper use of intellectual property in contracts. In addition, the Netherlands Patent Office provided customised information to a large number of entrepreneurs and researchers in individual discussions (total 1,390), searching together in patent databases for relevant patent publications. In order to encourage the use of patent databases, the Netherlands Patent Office provided search advice on no fewer than 478 occasions and performed 871 preliminary investigations in patent literature.

More than 1500 visitors have registered for the mijn.octrooicentrum.nl alert service. Five newsletters have been sent out in 2007 regarding a variety of topics.

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

www.octrooicentrum.nl

Choose the Dutch version of the website

Path: Home > octrooien > aanvragen > elektronisch indienen

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.

www.octrooicentrum.nl

Choose the English version of the website

Paths:

Home > patents

Home > other rights

Home > international patents

Home > Netherlands Patent Office

VII. Matters concerning mutual exchange of patent documentation and information

--

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

See under VI.

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

In September 2007 a delegation from the Shanghai Intellectual Property Administration met with the management of the Dutch Office. The meeting imbedded in a one week visit at the invitation of the Ministry of Economic Affairs focused on the strategic marketing (awareness building) of the Netherlands Patent Office and on its granting procedures and administrative processes.

The Netherlands Patent Office received, from 8-12 October 2007, a delegation from the Surinam Office for Intellectual Property. During this five days visit a broad spectrum of activities was undertaken. The main purpose was met, namely to let the delegates meet in a nutshell - with elementary aspects of the work at the Dutch office: the patenting process according to national law (including workflow management), the use of patent information tools, national awareness building activities on industrial property, setting up and maintaining a client relation management system etcetera.

In November 2007 a delegation of the Legislative Affairs Office of the State Council of the Peoples Republic of China met with delegates from the Ministry of Economic Affairs and from the Netherlands Patent Office. The visit aimed at giving the delegates insight in the patent protection system in the Netherlands.

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

Young Enterprise Foundation

The Netherlands Patent Office together with the Young Enterprise Foundation organised three patent sessions, during which information was given on the patent system. Almost 600 students were reached. These types of patent sessions form a regular part of the Young Enterprise programme.

Patent Guild

Within the HBO account, a structural start has been made in appointing patent coordinators at HBO institutions. These are teaching staff or lecturers who are involved in patent education at their institution, and possess a basic knowledge of intellectual property themselves.

Best Idea in the Netherlands

The Netherlands Patent Office was once again involved in the television programme The Best Idea in the Netherlands. It scanned about 900 entries on patent aspects and provided more than 1000 participants at the presentation days with information on the patent system. The Netherlands Patent Office received 40 selected candidates and brought them in contact with people from the manufacturing and marketing industry.

Patent congress 2007

The annual patent congress was held on 7 June 2007. The auditorium of the European Patent Office was filled with around 400 guests, mostly entrepreneurs in small and medium-sized enterprises. The theme of the congress was Making money with patents!

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

Providing input for policy preparation

The Netherlands Patent Office generates policy-relevant knowledge. The studies that the Knowledge Availability and Policy Interaction cluster provides often focus on subjects that are on the ministries policy agenda. 41 smaller and 10 larger policy-supporting investigations were completed in 2007. The subjects investigated included Security, Life Sciences, Food and Nutrition, Energy Transition, New Materials and Aerospace. Zero measurements and pilots were also carried out or initiated for the Peaks in the Delta memorandum and the Netherlands Genomics Initiative. For the subjects of Water Treatment and Nano technology, data from earlier investigations were brought up to date.

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

www.octrooicentrum.nl

Choose the English version of the website

Paths:

Home > disputes and advice

Home > legislation and regulations

contain the Annual Report of the Office

www.octrooicentrum.nl

Choose the Dutch version of the website

Path: Home > downloads > annual reports > 2004,2005,2006,2007

provide open source codes related to patent information systems

See under II: word processing and office automation.

contain patent-related news regarding the Office

An important test criterion for the functioning of the Netherlands Patent Office, apart from the aspects contained in the annual report, is the satisfaction of customers with the products and services provided. Customer satisfaction was measured in 2007 by a market research bureau, and came out at 7.8 on a 10-point scale. Compared to the survey carried out in 2005 this was a rise in satisfaction of 0.5 percentage points.

A number of facts from the past year:

- Although the Dutch business sector once again proved to be a major patent applicant worldwide (8th place with 4,186 applications), compared to 2006 the number of applications fell slightly by 7.6%;
- The number of European patents in force in the Netherlands at the end of 2007 was 124,191; at the end of 2006 this number was still 122,283;
- The number of patent applications submitted in the Netherlands under the Patents Act 1995 fell in 2007 compared to 2006 (from 2,716 to 2,446);
- During the annual patent congress (mid-2007, 400 guests, mostly SMEs) the publication *How can I make money from a brilliant idea?* was presented, and the Patent Office drinks party (end of 2007, 300 guests, also mainly SMEs) saw the presentation of the publication *Working together with patents*;
- A covenant was signed in November between the Directorate General of Public Works and Water Management and the construction sector; in the preparation of this the Netherlands Patent Office drew up an Intellectual Property paragraph;
- In December the Netherlands Patent Office received the Kordes Trophy, a prize for the best annual report (2006) of smaller public organisations.

X. Other relevant matters

New patent policy

The main aim of the evaluation of the Dutch patent system under the Patents Act 1995, which was completed in 2006, is to improve accessibility to and the use of the patent system, particularly for SMEs. These measures involve:

- the abolition of the six-year patent;
- the option of submitting applications in the English language (with conclusions translated into Dutch);
- lowering the initial costs to benefit SMEs (including a lower filing fee if the applications are submitted online);
- a more progressive system of maintenance fees (including a shortening of the fee-free period);
- information to innovative SMEs to increase patent awareness.

In 2007 the legislative process made good progress once both the Upper and Lower Houses of Parliament had given their approval. In October 2007 the Government Gazette devoted attention to the coming changes for the benefit of users, particularly the amended fee system. Dutch and foreign patent attorneys and payment offices were informed of the developments by the Netherlands Patent Office by letter. This gave them a six-month familiarisation period within which they could adjust to the new fee regime, particularly in terms of automation. It is now known that the various statutory measures (in the Patents Act 1995 and the Implementation Decree 1995) will enter into force on 5 June 2008.

Translations Protocol

During the second half of 2007, there was a breakthrough with the Translations Protocol (which had already been drawn up in 2000 by a number of countries that were party to the European Patent Convention (EPC), including the Netherlands). This London Protocol opens the door to a simpler and cheaper language regime. The Translations Protocol will enter into force on 1 May 2008. Under this protocol, the Netherlands recognises English as a language in which users should submit the description of the patent. However, a translation is still required in the Netherlands of the conclusions. The aim of this is to increase knowledge of these patents for SMEs.

Also party to the protocol besides the Netherlands are Germany, France, the United Kingdom, Denmark, Liechtenstein, Luxembourg, Monaco, Sweden and Switzerland.

Collaboration with the United Kingdom Intellectual Property Office (UKIPO).

The Netherlands Patent Office continued to work closely with the UKIPO in 2007, this cooperation already being in its fourth year. The contract with the UKIPO enables the Netherlands Patent Office to measure the expertise and the products of its technical advisers. During the annual contract meeting, just as in previous years the UKIPO expressed its great satisfaction with the work carried out by the Netherlands Patent Office, which in 2007 initially involved 170 state of the art patent searches and examinations. During the last three months of 2007 a further 30 examinations were carried out, all in the chemical sector. Cooperation with the UKIPO will be continued too in 2008.

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.