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WORLD INTELLECTUAL PROPERTY ORGANIZATION

UNITED INTERNATIONAL BUREAUX FOR THE PROTECTION OF INTELLECTUAL PROPERTY

PATENT COOPERATION TREATY

INTERIM COMMITTEE ON TECHNICAL COOPERATION STANDING SUBCOMMITTEE

First Session: Geneva, December 8 to 10, 1971

PATENT DOCUMENTS SERVICE

Report by the International Bureau

Background

1. The Executive Committee of the Paris Union, in its September/October 1971 session, conferred on the Standing Subcommittee the powers of advising the Director General of WIPO in his negotiations concerning an international patent documents service and of approving any arrangement that could result from such negotiations (see the Report of the Executive Committee, document P/EC/VII/21, paragraph 67, referring to document P/EC/VII/10, paragraphs 8 to 19).

2. At the same time, the Executive Committee laid down the principles and considerations which must guide the Director General and the Standing Subcommittee (*ibid*). They are recalled in the appropriate parts of this document.

3. The Executive Committee also fixed the procedure to prepare the work of the Standing Subcommittee and the Director General:

(a) The Executive Committee instructed the International Bureau to prepare and, by mid-October 1971, address to the Government of Austria, to the International Patent Institute, and to Derwent Publications, Ltd. (London)--hereinafter referred to as "Austria," "IIB," and "Derwent," respectively--a set of questions, the same for all three parties, on the various aspects of the system under consideration; this has been done; the text of the questionnaire is reproduced in the Annex to the present document.

(b) The Executive Committee invited the three parties to send their replies to the International Bureau by the end of October 1971; replies have been received from each of the three parties; they are reproduced in the Annex to the present document.

(c) The Executive Committee instructed the International Bureau to communicate to the members of the Standing Subcommittee the replies received and a comparative analysis of them prepared by the International Bureau; this is done in and through the communication of the present document which is also communicated to Derwent.

Comparative Analysis of the Three Replies

4. Paragraphs 6 to 16 of the present report follow the order of the guidelines laid down by the Executive Committee. Paragraphs 17 to 21 deal with some questions not mentioned in the guidelines but referred to in the questionnaire.

5. It is to be noted that the present analysis is mainly intended to reflect what seems to be the position of each party on matters mentioned in the guidelines. Many details given in the replies were omitted. It is possible that some of the replies are not correctly interpreted. For all these reasons, the full text of the replies, and that alone, should be regarded as the only source completely and correctly reflecting the intent of each party.

6. Families and Classification. The first guideline is that "the system to be adopted should, from the beginning, be apt for identifying not only patent families but also patent documents belonging to the same classification unit" (document P/EC/VII/10, paragraph 8; emphasis added).

7. All three parties appear to be prepared to operate both the Patent Family Service and the Identification By Classification Service, hereinafter also referred to as "the PFS" and "the ICS," respectively. However, as far as the ICS is concerned, it would appear that whereas Austria and Derwent would provide for identification on the basis of whatever classification (IPC or national) appears on the documents, the IIB would provide for identification of only those documents which bear an IPC classification and on the basis of only that classification.

8. Coverage of Documents. The second guideline is that

"the system to be adopted should, from the beginning, cover the vast majority if not the totality of the patent documents which will issue" (document P/EC/VII/10, paragraph 10).

9. (a) Austria appears to be prepared to cover the documents of all countries both in the PFS and in the ICS. It may, however, be that the covering of documents other than those in the PCT minimum documentation and other than those of 15 additional countries will depend on receiving paper copies on an exchange basis.

(b) The IIB appears to be prepared to cover in the PFS all the documents of 8 countries and "first filings" of 2 countries. (Japan and the Soviet Union are not among these 10 countries.) The documents of other countries would be covered only if the bibliographic data are made available to the IIB in appropriate machine-readable form. The documents of the 10 countries would be covered for a restricted (un-specified) period even if their bibliographic data are not made available to the IIB in appropriate machine-readable form. As far as the ICS is concerned, the IIB appears to be prepared to cover the documents of those countries which supply "the necessary classification /IPC7 information in machine-readable form as part of the information provided for in the Patent Family Service" (see the IIB's reply to question B/2).

(c) Derwent appears to be prepared to include at least 10 countries (Japan may not be among them). Coverage is conditional upon receipt of paper copies on loan from WIPO.

10. Patent Copy Service. According to the third guideline, "it is desirable that the system to be adopted should provide for the possibility of furnishing copies of the patent documents" (document P/EC/VII/10, paragraph 12).

11. All three parties appear to be prepared to sell copies of patent documents: Austria in the form of paper copies and 16 mm roll films; the IIB in the form of paper copies; Derwent in the form of 16 mm roll films.

12. Contribution by National Offices. The fourth guideline provides that "the arrangement should be such that it requires no risk and no cash outlay by any national Office, and it should make the furnishing of data in machine-readable form by national Offices merely highly desirable but not indispensable" (document P/EC/VII/10, paragraph 14).

13. It would appear that none of the proposals of the three parties require the assumption of any risk or cash outlay on behalf of any national Office.

14. As far as the furnishing of bibliographic data in machine-readable form is concerned, the replies appear to indicate the following:

(a) Austria and Derwent do not appear to require the furnishing of data in machine-readable form either for the purposes of the PFS or for the purposes of the ICS.

(b) In the case of the IIB, it appears to be necessary to distinguish between the PFS and the ICS. As far as the PFS is concerned, machine-readable data would be required after a restricted (unspecified) period for 10 countries, and right from the outset for all other countries. As far as the ICS is concerned, machine-readable data would be required for all countries right from the outset.

15. Responsibility. The fifth guideline provides that "ultimate responsibility for the system should rest with an organization (private or public) with which all Governments and industry can maintain relations on an equal footing" (document P/EC/VII/10, paragraph 16).

16. This aspect of the problem is not reflected in the questionnaire. However, the following may be noted:

(a) Austria proposes to operate the service through an Institute which would have official relations with WIPO, particularly the Standing Subcommittee of the PCT Interim Committee on Technical Cooperation and the International Bureau. WIPO would have a certain role in the management of the Institute and the International Bureau would be reimbursed its expenditures incurred exclusively for the benefit of the Institute.

(b) The members of the IIB are the following States: Belgium, France, Luxembourg, Monaco, Netherlands, Switzerland, Turkey, United Kingdom. WIPO would have no role in operating the services in question.

(c) Derwent proposes a certain cooperation with WIPO. The latter would: supply paper copies on loan, use its best efforts to obtain data in machine-readable form whenever such are produced, and use its best efforts to establish uniform application of the IPC. Derwent would pay to WIPO certain amounts of money as specified in the reply of Derwent to question D/2.

17. Experience. One of the questions (D/3) of the questionnaire asked for the description of those services which the parties furnish today and which are similar to those contemplated in the questionnaire.

18. (a) Austria reports on an existing copy service which covers 20 countries and is capable of furnishing paper copies and 16 mm roll films of between 7,000,000 and 8,000,000 patent documents.

(b) The IIB reports that it has a PFS for 8 countries without, however, data concerning any classification (except the Netherlands?) and name of applicant or patentee. Furthermore, the IIB has a service for furnishing paper copies of patent documents of some 20 countries (including Japan and the Soviet Union).

(c) Derwent reports that bibliographic data are being recorded on magnetic tape for about half of the patent documents of a dozen countries. These tapes are or could be used to provide a PFS and an ICS. Furthermore, Derwent has on 16 mm roll films all the patent documents (since 1969 or 1970) of 9 countries which could serve as the basis of a patent copy service.

19. Special Advantages for National Offices. Several questions (A/8, A/8.1, A/8.2, A/8.3, C/7, C/7.1) of the questionnaire asked the parties what exchange facilities or other special advantages they would contemplate for the benefit of national Patent Offices.

20. As to the PFS and the ICS:

(a) Austria would furnish to all PCT International Searching and Preliminary Examining Authorities and to all (other) national Offices which furnish their bibliographic data in machine-readable form all the bibliographic data collected and processed by the (Austrian) Institute; to other authorities or Offices it would furnish its services at cost.

(b) The IIB would furnish its own updating tapes to all national Offices which furnish their bibliographic data in machine-readable form.

(c) Derwent would credit 50% of the price of the paper copies of documents loaned by any national Office for the purchase of certain services by that Office from Derwent. It would so credit a further 50% where the national Office

also furnishes data in machine-readable form. It would give a reduction of 10% on its prices to cooperating Offices, and 5% to any other Office.

21. As to the Patent Copy Service:

(a) Austria would furnish paper copies or 16 mm roll films to any national Office which furnishes to it 16 mm roll films of its documents in the value which the production of the latter would have cost to the (Austrian) Institute. For the other national Offices, it would provide the copies at cost.

(b) The IIB would not offer any advantages to national Offices.

(c) As to Derwent, see paragraph 20(c), above.

22. The Standing Subcommittee is invited to advise the Director General.

/Annex follows/

ANNEX

QUESTIONS

contained in the Questionnaire concerning an International Patent Documents Information Service attached to the letters of WIPO to the Government of Austria, the International Patent Institute, and Derwent Publications Ltd (London), dated October 13, 1971

and

REPLIES

received to the said Questionnaire from the said three sources.

DEFINITIONS GIVEN IN THE QUESTIONNAIRE

1. "Patent documents information service" means a service capable of:

1.1 identifying patent documents (patents and published patent applications) concerning the same invention (or based on the same priority number) indicating in connection with each document all bibliographic data listed in paragraph 3 below, or, if the customer chooses to have certain of those data only, the chosen data, hereinafter referred to as Patent Family Service (PFS),

1.2 identifying patent documents belonging to the same classification unit indicating in connection with each document all bibliographic data listed in paragraph 3 below, or, if the customer chooses to have certain of those data only, the chosen data, hereinafter referred to as Identification by Classification Service (ICS),

1.3 furnishing copies of individual patent documents, of documents of given countries, and of documents belonging to given classes emanating from given countries, hereinafter referred to as Patent Copy Service (PCS).

2. "Patent documents" means published patents and inventors' certificates and published applications for the same.

3. "Bibliographic data" means data identifying

the publishing country

the kind of the document (patent, application, etc.)

the document number

the application number (if other than the document number)

the date of filing of the application

the date of the document or of its publication

the international classification (IPC) symbol, if any (if several, all)

the national classification symbol, if any (if several, all)

the name of the applicant, patentee or assignee

the document number and the kind of document code of applications and other documents filed or issued earlier in the same country, to which the document is related by addition, continuation, division or reissue

the priority country

the priority application number

the priority date

A.

PATENT FAMILY SERVICE (PFS)

QUESTION A/1

Do you offer to operate a Patent Family Service?

AUSTRIA: Yes

IIB: Yes, as defined below (see also covering letter).
/The text of the covering letter is as follows:/

"I thank you for your letter of 13 October (3520-04) concerning an international patent documents information service and transmit herewith our reply to the questionnaire enclosed with your letter: It is however regretted that the shortness of the time available did not allow greater consideration to be given to this most important problem.

"In further explanation of our original proposal and of the enclosed reply, I would stress that the offer of the International Patents Institute is based on a project already in existence in the NL/IIB Offices and accordingly it is somewhat difficult in our case to interpret the term "beginning" as used in some questionnaire questions.

"Moreover, the phrase "a service capable of identifying documents" has been interpreted as "a service capable of allowing documents to be identified", and, finally the term "phase" used in our original proposal, has been avoided in our replies since the use of this term seems to have caused some confusion.

"With the above explanations in mind, our offer comprises the dissemination of information, in updating tape form, as already available in the Hague, but with two extensions viz.:

a) to the patent documents of additional countries
b) by the inclusion of International Patent Classification markings
in both cases so soon as this information is made available in suitable machine readable form.

"The IIB is, however, of the opinion that the inclusion of the other items of information mentioned in our reply to Question A/6 viz.:

- (i) the national classification symbol or symbols
- (ii) the name of the applicant, patentee or assignee
- (iii) the document number and the kind of document code of applications and other documents filed or issued earlier in the same country, to which the document is related by addition, continuation, division and reissue,

is not warranted since the likely uses to which such information could be put would not compensate for the great increase in cost which could arise from its inclusion. Nor does the IIB consider that the costs involved in any complete print-out of patent families information could possibly be justified."

DERWENT: Yes

QUESTION A/2

If so, the patent documents of which countries will you cover?

AUSTRIA: We propose to create a universal institution /"Institute"/, technically equipped (type and size of computer, programme, etc.) to cover the patent documents of all countries.

IIB: (a) We will include, at the moment the scheme becomes effective, the patent documents of:

- (i) DT, FR, GB, US, NL, BE, LU, CH /Germany (Federal Republic), France, United Kingdom, United States of America, Netherlands, Belgium, Luxembourg, Switzerland/
- (ii) CA, AU /Canada, Austria/ (documents relating to first filings)

(b) We will also include the remaining patent documents of CA, AU /Canada, Austria/ and the patent documents of any other country as soon as the information is made available in appropriate machine-readable form.

DERWENT: Not less than ten of the following countries including not less than five of the six countries underlined:

Austria, Belgium, Canada, Federal Republic of Germany, Japan, Sweden, Luxembourg, France, Italy, Switzerland, Netherlands, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom and United States of America,

together with any other countries which may from time to time be agreed.

QUESTION A/3

Is the covering of the patent documents of any of the countries subject to any condition, in particular...

AUSTRIA: The project will be based on the following principles:

(a) Cooperation between the Institute and the national patent offices in the form of a mutual exchange of machine-readable data.

(b) The Institute would dispose of the whole documentation of the Austrian Patent Office, which would allow it to include the documents of those countries, which cannot supply machine-readable data, by punching them itself.

In addition to those of the PCT minimum documentation countries, the documents of the following countries will be available to the Institute from the Austrian Patent Office, which already receives them on an exchange basis:

Australia	Denmark	Netherlands
Belgium	Finland	Norway
Bulgaria	German Democratic Rep.	Poland
Canada	Hungary	Romania
Czechoslovakia	Italy	Sweden

This list may be extended by agreement with further countries. In fact, exchange arrangements are being negotiated at present with some additional countries.

It goes without saying that the documents issued by the Austrian Patent Office itself will also be made available to the Institute.

The documents issued by these countries (including the Japanese abstracts) will represent more than 90% of the published patent documents in the world.

(c) The Institute should operate on a self-supporting financial basis. The Austrian Government proposes to finance the implementation of the project, and a certain part is provided for covering the cost of punching. The more data will be received in machine-readable form especially from the PCT minimum documentation countries, the more funds would be left for including in the PFS the documents of other countries not furnishing their bibliographic data in machine-readable form.

IIB: -

DERWENT: -

QUESTION A/3.1

... that you receive their documents in the form of paper copies free of charge? If so, specify the maximum time interval acceptable between publication and receipt.

AUSTRIA: This problem is, as mentioned under A/3, practically nonexistent. Only for countries other than those supplying copies to the Austrian Patent Office on an exchange basis, may the receipt of copies by the Institute reasonably promptly after publication through exchange or otherwise, be, in the light of financial possibilities, a condition of being covered in the PFS.

IIB: No

DERWENT: The covering of the patent documents of any country is subject to our receiving from WIPO on loan for at least six months their documents in the form of paper copies free of charge save for postal charges. The maximum time interval acceptable between publication by the national office and receipt by us is of the order of seven days. The originating office would be entitled to be credited with 50% of the first published sales price of the documents against the purchase of any of the services of the World Patent Documentation Service or any other Derwent services which may from time to time be agreed.

QUESTION A/3.2

... that you receive the bibliographic data in machine-readable form free of charge? If so, specify the form(s) acceptable (e.g., punched card, punched paper tape, magnetic tape, magnetic disc). If so, specify maximum time interval acceptable between publication and receipt.

AUSTRIA: The receipt of bibliographic data in machine-readable form is, as mentioned above, not a condition to cover the patent documents of any country, as the Institute will be equipped to punch itself if necessary; the receipt will, however, as explained under A/8, be a condition of mutual exchange of machine-readable data. For the purpose of the proposed Institute, punched cards, punched paper tapes, magnetic tapes and magnetic discs will be acceptable.

The receipt of bibliographic data in machine-readable form, reasonably promptly after publication, from countries other than the PCT minimum documentation countries, would allow the inclusion of these materials on an exchange basis. The inclusion of other non PCT minimum documentation countries could, in the light of the financial development, be subject to the condition that the interested country or some other source reimburses the cost of punching to the Institute.

IIB: Yes but we will include, for a restricted period, the documents of the countries as listed in A/2(a), whether the data is received in this form or not. The data should be supplied on magnetic tape to agreed format. In exceptional cases, we are prepared to receive punched cards.

We are not prepared to receive punched paper tape. The last part of the question is not clear.

DERWENT: Derwent will cover all documents for which paper copies are received under the terms of the Agreement even in cases where bibliographic data is not provided in machine-readable form. However, Derwent would accept national offices producing bibliographic data in machine-readable form through WIPO free of charge.

Derwent will credit the originating Office, solely for the purchase of any of the services of the World Patent Documentation Service or for any other Derwent Services which may from time to time be agreed, with 50% of the sales price of any of the Material from which the data in agreed machine-readable form and passed to Derwent has been extracted.

The form acceptable would be punched card, punched paper tape or magnetic tape. The maximum time interval that would be acceptable between publication and receipt by us is of the order of 7 days.

QUESTION A/4

If the replies to any of the questions A/3, A/3.1 and A/3.2 are different for different countries, please distinguish in your reply accordingly.

AUSTRIA: A special problem may arise for the covering of Japanese patent documents in the case that the Japanese Patent Office (or any other Japanese institution) could not furnish machine-readable data. The language problems could then be expected to be overcome by a special agreement with the Japanese Authorities.

IIB: The only distinction is that referred to in the answer to A/3.2 and applies only for a restricted period.

DERWENT: The foregoing replies apply to all the different countries equally.

QUESTION A/5

If you do not intend to cover the documents of all countries, or all kinds of documents, from the beginning but plan to extend the service later, please specify which countries and which kinds of documents would be covered only later and give the corresponding timetable.

AUSTRIA: If any of the possible conditions will, in fact, have to be applied, coverage will extend as soon as the condition is fulfilled.

IIB: In principle, data relating to the first published document (in respect of a given patent application, in a given country) will be included. Where second or third publications arise, data relating thereto will be included if required provided it is received in machine readable form (although the IIB does not regard this inclusion as essential).

DERWENT: All documents as defined by the questionnaire will be included. This however does not exclude the possibility of including further documents by agreement if in the light of experience it proves advantageous to do so. In so far as the documents as defined are concerned, these will all be included from the initiation of the service.

QUESTION A/6

If you plan to exclude any of the bibliographic data listed in Definition 3 above, or to include any additional data, please specify.

AUSTRIA: None of the data listed in Definition 3 will be excluded. One additional item may be included: the full or a shortened title of the invention.

IIB: It is proposed to exclude

- (i) the national classification symbol or symbols
- (ii) the name of the applicant, patentee or assignee

(iii) the document number and the kind of document code of applications and other documents filed or issued earlier in the same country, to which the document is related by addition, continuation, division and reissue. [See also letter quoted on page 37.]

DERWENT: We do not plan to exclude any of the bibliographic data listed in Definition 3, except that we suggest that the national classification symbol be an alternative to the international classification

(IPC) only if there is no IPC and not as an addition to IPC symbol where it exists. We propose additionally to include the title of the invention in English to assist identification and to make the service more attractive.

QUESTION A/7

In what form(s) will you offer the service? In particular, will you offer:

- (i) copies of your updated master computer file?
- (ii) copies of updating magnetic tapes?
- (iii) lists on tape? on printout?
- (iv) replies to individual questions?

AUSTRIA: The service will be offered in all the forms listed in the question. It is to be noted that the system will be so designed that individual questions may be asked and replies thereto furnished "on line." For example, the IIB, any national office, Derwent or any other customer could question the Institute's computer direct provided it had the required terminal facilities for doing so.

IIB: (i) Not at first; later if required and negotiated
(ii) Yes
(iii) No for printout: "lists on tape" is not clear to us here
(iv) Yes, but under normal IIB practise.

DERWENT: Derwent will offer:

- (1) copies of its updated master computer file;
- (2) copies of updating magnetic tapes;
- (3) lists as print-out, and as tape from which print-outs may be prepared; and
- (4) replies to individual questions.

QUESTION A/8

What advantages are you intending to offer to national Offices which furnish:

- (i) their documents in paper copies?
- (ii) their documents in microforms (specify which kind(s) would be acceptable)?
- (iii) the bibliographic data of their documents in machine-readable form?
- (iv) any combination of (i), (ii) and (iii) above?

AUSTRIA: The guide-lines should be:

- (a) to serve the PCT Searching and Examining Authorities in establishing a broad and uniform documentation for their special purposes,
- (b) to develop the computerization of patent documentation by a centralized exchange of machine-readable data,
- (c) to facilitate in general the task of national patent offices.

Advantages will be given:

(i) to PCT Searching and Examining Authorities and to national offices furnishing the bibliographic data of their documents in machine-readable form; they will receive in exchange the bibliographic data as collected and processed by the Institute,

(ii) to any other authority or national office in the form that they could dispose of the services rendered by the Institute at a lower price covering the self-costs.

IIB: (i) None
(ii) None
(iii) Updating tapes free of charge
(iv) -

DERWENT: (i) For each loaned copy of a Public Patent Document forming part of the Material, Derwent will credit the originating Office with 50% of the first published sales price of the document such credits to be used solely for the purchase of any of the services of the World Patent Documentation Service or for any other Derwent Services which may from time to time be agreed.

(ii) None planned.

(iii) Derwent will credit the originating Office, solely for the purchase of any of the services of the World Patent Documentation Service or for any other Derwent Services which may from time to time be agreed, with 50% of the sales price of any of the Material from which the data in agreed machine-readable form and passed to Derwent has been extracted.

(iv) Derwent will supply the World Patent Documentation Service at the same prices to anyone so requesting, except that a 10% price reduction shall be granted to those National Offices willing to cooperate with WIPO. A 5% price reduction shall be granted to National Offices of member countries of the Paris Union which do not furnish Materials.

QUESTION A/8.1

In particular, would you be ready to furnish to any national Office a copy of your initial master file and subsequent updating tapes in exchange for the bibliographic data of their documents furnished in machine-readable (specify the kind) form?

AUSTRIA: Yes. The acceptable forms are mentioned under A/3.2.

IIB: Updating tapes only.

DERWENT: Derwent will offer for sale as a service of the World Patent Documentation Service to National Offices and to the IIB without restriction as to use other than as specified under 8.2 its initial master file and at intervals of not more than two weeks or at such other intervals as may be agreed between Derwent and WIPO, at least an updating file produced from the data in machine-readable form.

The price shall be determined by Derwent after having heard the advice of WIPO; such advice will not be binding on Derwent, but in any event the price shall be reasonable within general business practice.

QUESTION A/8.2

If you exchange with or sell to national Offices your master file and subsequent updating tapes, what limitation if any would you attach to their use by such Offices? In particular, could such Offices themselves sell similar services to third persons based on the said file and tapes received from you?

AUSTRIA: The answer to the first question is, no; to the second, yes.

IIB: No limitation.

DERWENT: Offices could themselves sell similar services to third parties based on the file and tapes received from us but may not furnish to any third party or organization any master file or updating file or any part or copy thereof, without the written permission of Derwent for which permission, if given, Derwent may make a surcharge.

QUESTION A/8.3

Will you serve national Offices and private customers according to the same timetable?

AUSTRIA: We have no strong wishes about this question. This detail should, if necessary, be regulated in accordance with all other details in the contract between WIPO and Austria.

IIB: Priority to be given to national Offices.

DERWENT: Yes

QUESTION A/9

How much cash do you estimate you will have to invest before the service becomes self-supporting?

AUSTRIA: For the PFS and ICS together, between \$800,000 and \$1,000,000.

IIB: No estimate possible but not large.

DERWENT: This will depend upon the cooperation received from patent offices. In view of the money we have already spent on computer programs and techniques for our Central Patent Index, we do not think that more than \$200,000 would be required.

QUESTION A/10

How much cash, if any, are you ready to invest?

AUSTRIA: For the PFS and ICS together, between \$800,000 and \$1,000,000.

IIB: Sufficient to implement our proposal.

DERWENT: We presently spend four million dollars annually on patent documentation services. We would have no hesitation in making a cash investment of up to \$500,000 but we do not think more than \$200,000 would be required in view of the work already done by us.

B.

IDENTIFICATION BY CLASSIFICATION SERVICE (ICS)

QUESTIONS B/1 TO B/10

Please reply to the same questions in connection with the Identification By Classification Service which are asked in connection with the Patent Family Service (i.e., to questions A/1 to A/10).

QUESTION B/1

/Do you offer to operate an Identification By Classification Service?/

AUSTRIA: The replies given under A/1 to A/10 apply to the ICS too.
/Yes/.

IIB: Yes as below, but limited to identification by the International Patent Classification (see also covering letter /quoted under A/1, above/).

DERWENT: The answers are as for Section A /Yes/. However, Derwent would require WIPO to use its best efforts to establish uniform application by National Offices of the International Patent Classification.

QUESTION B/2

/If so, the patent documents of which countries will you cover?/

AUSTRIA: The replies given under A/1 to A/10 apply to the ICS too.
/See A/2/.

IIB: The patent documents of any country supplying the necessary classification information in machine-readable form as part of the information provided for the Patent Family Service.

DERWENT: /See A/2 and B/1/.

QUESTION B/3

/Is the covering of the patent documents of any of the countries subject to any condition, in particular...?/

AUSTRIA: The replies given under A/1 to A/10 apply to the ICS too.
/See A/3/.

IIB: -

DERWENT: -

QUESTION B/3.1

/... that you receive their documents in the form of paper copies free of charge?
If so, specify the maximum time interval acceptable between publication and receipt./

AUSTRIA: The replies given under A/1 to A/10 apply to the ICS too.
/See A/3.1/.

IIB: No.

DERWENT: /See A/3.1 and B/1/.

QUESTION B/3.2

/... that you receive the bibliographic data in machine-readable form free of charge? If so, specify the form(s) acceptable (e.g., punched card, punched paper tape, magnetic tape, magnetic disc). If so, specify maximum time interval acceptable between publication and receipt./

AUSTRIA: The replies given under A/1 to A/10 apply to the ICS too.
/See A/3.2/.

IIB: Yes. The data should be supplied on magnetic tape in agreed format. In exceptional cases, we are prepared to receive punched paper tape.

DERWENT: /See A/3.2 and B/1/.

QUESTION B/4

/If the replies to any of the questions B/3, B/3.1 and B/3.2 are different for different countries, please distinguish in your reply accordingly./

AUSTRIA: The replies given under A/1 to A/10 apply to the ICS too.
/See A/4/.

IIB: No.

DERWENT: /See A/4 and B/1/.

QUESTIONS B/5 TO B/10

/See "Questions B/1 to B/10," above/.

AUSTRIA: The replies given under A/1 to A/10 apply to the ICS too.
/See A/5 to A/10/.

IIB: For the remaining information under Part B, see corresponding questions and answers under Part A.

DERWENT: /See A/5 to A/10 and B/1/.

C.

PATENT COPY SERVICE (PCS)

QUESTION C/1

Do you offer to operate a Patent Copy Service as defined in Definition 1.3 above? If you offer to operate such a service only to a lesser extent than as so defined, please specify.

AUSTRIA: Yes, to the full extent defined in Definition 1.3.

IIB: Yes

DERWENT: Derwent will operate a microfilm copy service.

QUESTION C/2

The patent documents of which countries will you cover?

AUSTRIA: See under D/3. An extension to the documents of other countries is possible.

IIB: Any country subject to C/3 below.

DERWENT: Not less than ten of the following countries including not less than five of the six countries underlined:

Austria, Belgium, Canada, Federal Republic of Germany, Japan,
Sweden, Luxembourg, France, Italy, Switzerland, Netherlands,
Union of South Africa, Union of Soviet Socialist Republics,
United Kingdom and United States of America,

together with any other countries which may from time to time be agreed.

QUESTION C/3

Is the covering of any of the patent documents of any of the countries subject to any condition, in particular that you receive their documents free of charge in the form of

- (i) paper copies?
- (ii) 16mm roll microfilms?
- (iii) other microform (specify)?

AUSTRIA: The existing PCS (see D/3) includes no such conditions. Any extension of the existing PCS to the documents of countries not listed under A/3 could be submitted to one of the conditions (a) to (iii).

IIB: The covering of patent documents of any country is subject only to that country supplying copies free of charge to the IIB or NL Offices. Attached is a list of the patent documents which can at present be supplied in hard copy form.

Australian patents	from No.	1 (1904)
Austrian "	" "	1 (1899)
Belgian "	" "	331376 (1926)
British "	" the year	(1617)
Canadian "	" No.	453746 (1949)
Czechoslovak "	" "	11601 (1923)
Danish "	" "	1 (1895)
French "	" "	1 (1791)
French additions	" "	1 (1902)
German patents	" "	1 (1877)

German Offenlegungsschriften	from No.	1.4000.001	(1968)
Hungarian patents	" "	53 771	(1917)
Irish "	" "	10 001	(1929)
Italian "	" "	248 001	(1930)
Japanese "	" "	25/1	(1950)
Japanese Utility Models	" "	25/1	(1950)
Luxembourg patents	" "	27 767	(1945)
Netherlands patents	" "	1	(1913)
Norwegian "	" "	9 101	(1901)
Polish "	" "	1	(1924)
Rumanian "	" "	40 380	(1957)
Russian "	" "	65 000	(1946)
Swedish "	" "	1	(1885)
Swiss "	" "	1	(1888)
U.S.	" "	1 326 899	(1920)
U.S. Reissue patents	" "	14 785	(1920)

DERWENT: Derwent will offer for sale as a service of the World Patent Documentation Service a microfilm copy of all the Material as paper copy loaned to Derwent through WIPO.

QUESTION C/4

If the replies in respect of the various forms mentioned in question C/3 are different for different countries, please distinguish in your reply accordingly.

AUSTRIA: See C/3.

IIB: At present we prefer paper copies from the major patent issuing countries.

DERWENT: No difference for different countries.

QUESTION C/5

If you do not intend to cover the documents of all countries, or all kinds of documents, from the beginning but plan to extend the service later, please specify which countries and which kinds of documents would be covered only later and give the corresponding timetable.

AUSTRIA: A timetable of an extension will be elaborated according to the needs and the possibilities in collaboration with the competent bodies of WIPO.

IIB: Documents of any other country can be included as copies thereof become available.

DERWENT: All documents would be covered right from the start, as a continuation of our present patent copy service which would then be operated in accordance with the Agreement.

QUESTION C/6

In which of the following forms will your service offer for sale the copies of patent documents:

- (i) in the form of paper copies?
- (ii) in the form of 16mm roll microfilms?
- (iii) in the form of some other microform (specify)?

AUSTRIA: The Institute will offer for sale copies of patent documents in the form of paper copies and of 16mm roll microfilms. The question whether it should offer them also in the form of other microfilms, particularly in the form of aperture cards, will have to be studied. (The Institute may not wish to try to compete with existing services of aperture cards).

IIB: Paper copies.

DERWENT: In the form of 16mm. roll microfilms.

QUESTION C/7

What advantages are you intending to offer to national Offices which furnish their documents in one or other of the forms mentioned in question C/3? If the advantages differ according to the form in which you will receive the documents, please distinguish in your reply accordingly.

AUSTRIA: See C/7.1.

IIB: Nothing additionally by virtue of this proposal.

DERWENT: For each loaned copy of a Public Patent Document forming part of the Material, Derwent will credit the originating Office with 50% of the first published sales price of the document such credits to be used solely for the purchase of any of the services of the World Patent Documentation Service or for any other Derwent Services which may from time to time be agreed.

Derwent will credit the originating Office, solely for the purchase of any of the services of the World Patent Documentation Service or for any other Derwent Services which may from time to time be agreed, with 50% of the sales price of any of the Material from which the date in agreed machine-readable form and passed to Derwent has been extracted.

QUESTION C/7.1

In particular, would you furnish to any national Office which gives you free of charge its patent documents

- (i) in the form of paper copies, a 16mm roll film of such documents?
- (ii) in the form of a 16mm roll film, similar film of some or all (specify) of the 16mm roll films of documents of other Offices?

AUSTRIA: To any national Office which furnishes free of charge to the Austrian Patent Office or the Institute 16mm roll films of all the patent documents published by it, and provided the specifications of the roll films are agreed to by the Institute, the Institute will offer paper copies or roll films at a value which corresponds to the cost which the production of 16mm roll films of the documents of that Office would have cost to the Institute.

Otherwise, any national Office may purchase roll films at cost for the Institute.

IIB: No

DERWENT: (i) Yes,
(ii) Yes,

provided that such national office was included in the list covered by the Agreement and as specified in our reply to question C/2.

QUESTION C/8

How much cash do you estimate you will have to invest before the service becomes self-supporting?

AUSTRIA: Since a service similar to the PCS already exists to a great extent in the Austrian Patent Office (see D/3) and since that Office will share its facilities with the Institute, no significant new investment will be necessary.

IIB: No estimate possible.

DERWENT: Microfilming of the documents costs approximately \$50,000 per year. We already have the equipment to do this work, so that no cash investment would be required.

QUESTION C/9

How much cash, if any, are you ready to invest?

AUSTRIA: -

IIB: Sufficient to implement our proposal.

DERWENT: We have already \$120,000 in microfilming documents for more than two years. We are prepared to continue to invest the \$50,000 annually required as provided by the Agreement.

D.

QUESTIONS CONCERNING ALL THREE SERVICES

QUESTION D/1

What, if anything, would you expect WIPO to do, or furnish to you, in connection with each of the three services?

AUSTRIA: It is a condition of establishing the Institute and the said services that WIPO establish official relations with such Institute. These relations will have to be determined later through negotiations but the tentative views of the Austrian Government are the following:

(a) The appropriate bodies of WIPO, particularly the Standing Subcommittee of the PCT Interim Committee on Technical Cooperation, and the International Bureau should, through advice and recommendations addressed to the member States of the Paris Union and to the Institute, try to bring about gradually the highest practicable degree of uniformity and compatibility of paper copies, their layout (including the use of INID numbers), roll films, the various forms of machine-readable material, and any other element whose use will be needed in running the three Services.

(b) The said advice and recommendation should always be guided by the principle that the Services should be particularly useful to the prospective International Searching and Preliminary Examining Authorities under the PCT, to prospective applicants under the PCT, to all other national Offices, to the industrial and scientific community at large, and to the special interests of developing countries, and by the principle that all unnecessary duplication of work should be avoided.

(c) The International Bureau should be prepared to consult with the Institute and the member States of the Paris Union in order to facilitate and speed up communications between the Institute and the national Offices.

IIB: Nothing, so far as can be seen at present.

DERWENT: WIPO shall within six months after the coming into effect of the Agreement supply to Derwent on loan for at least six months promptly and regularly all the paper copies specified free of charge save for postal charges to be paid by Derwent.

Moreover, whenever a National Office produced in agreed machine-readable form bibliographical data concerning the Materials, WIPO shall use its best efforts to obtain for Derwent promptly and regularly the data in agreed form free of charge.

QUESTION D/2

What, if anything, would you be prepared to pay or furnish to WIPO in exchange?

AUSTRIA: The International Bureau would have complete information on the management of the Institute. The International Bureau could appoint a permanent representative to the Institute and representatives of the International Bureau would have seats on the governing body of the Institute, it being understood, however, that the Austrian Government's representatives would always have the absolute majority of seats in that body.

Any expense that the International Bureau would incur exclusively for the benefit of the Institute, and at the request of the Institute, would be reimbursed by the Institute to the International Bureau.

Once the Institute's income exceeds its expenditure, part of the difference will be transferred to the International Bureau for financing research and development in the field of patent documentation services.

IIB: One copy of updating tapes free of charge.

DERWENT: WIPO will receive the payments in accordance with Annex H. These provide that:

In consideration of WIPO entering into the Agreement Derwent shall on the signing thereof pay to WIPO the sum of U.S. \$80,000 as a capital payment and no further sum shall be payable thereunder for the first two years after the Agreement shall have come into effect.

Derwent will pay to WIPO on the expiration of two years after the Agreement shall have come into effect and thereafter on the Anniversary of such date in each year during the continuance of the Agreement the sum of U.S. \$35,000 in advance for and on account of the annual payment to be made under the sub-clause which follows.

Derwent will after credit being given for all sums paid on account thereof pay to WIPO at the end of the month of March in each year commencing with March 1975, the sum which shall be the greater of the sum of U.S. \$35,000 or an amount based on sales, which will be equal to 0.5% of the amount of such sales up to and including U.S. \$2,000,000; 1% of the amount of such sales exceeding U.S. \$2,000,000 up to and including U.S. \$4,000,000; 1.5% of the amount of such sales exceeding U.S. \$4,000,000 up to and including U.S. \$6,000,000; 2% of the amount of such sales above U.S. \$6,000,000.

QUESTION D/3

If you furnish any of the services today, please describe them with particular reference to the questions asked for each of them. Please deal in particular with the coverage (countries, documents, years) and the forms and the prices of the various services.

AUSTRIA: At the present time the only operational service is the Patent Copy Service (PCS).

Copies of the patent documents of the following countries are offered for sale:

Country	Starting date of availability of documents	Number of documents available to date	Number of rolls
Australia	January 1925	184 800	541
Austria	July 1899	292 400	573
Belgium	January 1950	166 000	820
Canada	January 1950	362 200	2137
Czechoslovakia	September 1919	130 700	246
Denmark	December 1895	110 100	200
Finland	September 1954	8 400	5
France	January 1902	1 037 600	2411
Germany (DT)	July 1877	1 247 000	2440
Germany (DL)	June 1951	50 000	95
Hungary	October 1896	149 000	296
Italy	February 1926	477 000	1272
Netherlands	May 1913	113 800	224
Norway	August 1892	110 600	219
Poland	May 1924	49 000	88
Sweden	August 1885	220 400	475
Switzerland	January 1889	379 400	786
United Kingdom	January 1900	1 274 000	2826
U.S.A.	April 1935	1 226 000	3267
Yugoslavia	May 1922	16 400	30

Copies of patent documents are supplied in the form of paper copies and 16mm roll microfilms.

The 16mm roll films (30 m. long, covering approximately 2700 frames) are supplied to Patent Offices and other governmental or intergovernmental institutions at the cost of 240 Austrian shillings (approx. US \$10) and to private customers - at the cost of 320 Austrian shillings (approx. US \$13) per roll film.

The paper copies are ordered rather rarely, generally as copies of individual documents or small series of documents. They are supplied at the cost varying from US \$0.10 to 0.20 per page depending on the size of the order.

IIB: This question has been answered above in respect of Part C. See, particularly, the answer to question C/3.

As regards Part A, family information, over a period of time (varying according to the country of origin) is already available in machine-readable form in respect of documents of those countries listed at (a) in the answer to question A/2. The information recorded includes all items included in Definition 3 except the items excluded by the answer to Question A/6 and also excluding information as to International Patent Classification markings.

Corresponding Patent Searches are, of course, already performed in the IIB on behalf of clients as part of normal IIB practise.

DERWENT: All the bibliographic data of Definition 3 together with an English language title has been recorded on magnetic tape by Derwent as part of its Central Patents Index service for approximately half of all the patent documents published since January 1970 by the national offices of the following countries: Belgium, Canada, East Germany, France, Japan, Netherlands, South Africa, Soviet Union, Switzerland, United Kingdom, United States and West Germany. The master file is updated from a weekly mini-tape supplied to Central Patents Index subscribers at a cost of \$2,730 per annum, provided the Subscriber has paid an "entrance fee" of not less than \$12,070 per annum.

From the master file weekly and cumulated lists are prepared identifying patent families. A complete cumulation for the whole of Central Patents Index for 1970 and 1971 (400,000 documents) will be published February 1972 costing \$30 (patent number order) and \$45 (basic number order) purchasable by any subscriber who has paid an entrance fee of not less than \$625 per annum.

Our computer programs and tapes could enable us to print out IPC lists from these documents, since the information has been punched. The lists could include the English language title.

We have been microfilming as 16mm reels since around January 1970 all the patent documents published by West Germany, East Germany, Netherlands, Switzerland, Japan, Soviet Union, Canada, France and United Kingdom. All the filming has been of best quality using flat-bed cameras. Virtually no commercial exploitation of this material has taken place, but we are now offering copies for sale as shown below:

Country	200 ft. reels/year	Annual cost £	Annual cost \$	Available from
West Germany				
OLS-new law	240	850	2150	Mar 70
OLS-old law	150	550	1400	Mar 70
DAS	25	100	250	Mar 70
PS	15	60	150	Mar 70
East Germany	30	120	300	Oct 70
Netherlands OLS	50	200	500	Mar 70
Switzerland	20	80	200	Mar 70
Japanese (original)	50	200	500	Dec 69
Soviet Union	15	60	150	Jan 70
Canada	125	500	1250	Jul 69
France				
OLS-new law	110	400	1000	Dec 69
OLS-old law	4	15	40	Sep 69
United Kingdom	60	220	550	Jul 69

The scope of our various services and prices may be further judged by reference to our Central Patents Index 1972 Brochure, fifty copies of which accompany this reply for use by WIPO at its discretion in support of our reply to the questionnaire.

QUESTION D/4

What role, if any, do you think (IIB and/or Derwent) (Austria and/or Derwent) (IIB and/or Austria) could or should play in your plan?

AUSTRIA: The Institute will try to make arrangements, through the International Bureau, with the International Patent Institute, Derwent Publications Ltd., and with the national Offices of countries which are prospective International Searching or Preliminary Examining Authorities in order to avoid unnecessary duplication and possible competition and in order to establish active cooperation whenever possible.

IIB: Austria and/or Derwent could act as intermediary for the provision of suitable machine readable records in respect of countries not themselves able so to do e.g. by initial punching from gazettes etc., by conversion of paper tape to magnetic tape; etc.

DERWENT: There should be areas of mutual assistance and cooperation possible but without detailed discussions with the other parties mentioned we do not feel that we can give a detailed reply to this question except to say that we would ourselves cooperate and would welcome the cooperation in any way which may make the service efficient and effective.

/End of Annex7
/End of document7