

# Global and National Identifiers Applicant/IP Owner Perspective

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*Jonathan P. Osha*

*Managing Partner, Osha Liang LLP*

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### Topics for Discussion

- Summary of Industry IP5 feedback to Global Dossier Task Force
- What are possible concerns with using national or global identifiers?
  - Stakeholder concerns expressed during Global Dossier Task Force discussions

### IP5 with Industry IP5

- IP5 (since 2007):  
EPO, JPO, KIPO, CNIPA, USPTO  
WIPO participates as an observer
- Industry IP5 (since 2012):  
AIPLA, BusinessEurope, IPO, JIPA, KINPA, PPAC

*“Patent harmonization of practices and procedures, enhanced work-sharing, high-quality and timely search and examination results, and seamless access to patent information to promote an efficient, cost-effective and user-friendly international patent landscape.”*

- GDTF:  
Development of Global Dossier focused on the needs of the user community

More information:

<https://www.fiveipoffices.org/industry-consultation/GDTF>

### Background

#### Vision

- **Harmonize** applicant names across IP5 patent document collections

#### Objectives

- **Unifying** multiple versions of an applicant name into a single, standardized name to eliminate the confusion caused by inconsistency

ABC Co. Ltd.
ABC Co Ltd
ABC Corp.
A BEE CEE Co. Ltd



ABC Co. Ltd.
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## Stakeholder reactions 2016-2019

Premise does not apply to all Applicants

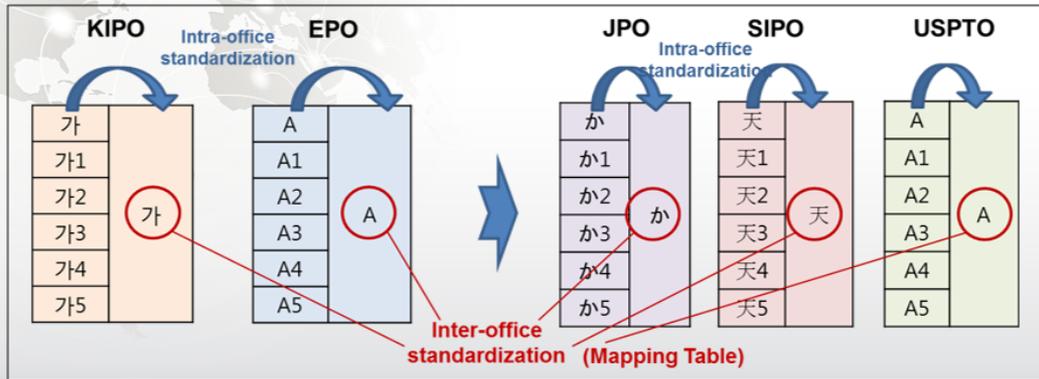
### Background

■ **Step 1. Intra-office standardization**

- KIPO's and EPO's standardized names can be used as a basis for intra-office standardization of JPO, SIPO and USPTO within family applications
  - Premise: Applicants are same among family patents
  - KIPO has standardized applicant name by 'Customer No.' (former 'Applicant Code')

■ **Step 2. Inter-office standardization**

- Standardized applicant names in IP5 Offices are grouped in the mapping table



## Example:

- US: Schlumberger Technology Corporation
- CA: Schlumberger Canada Limited
- FR: Services Petroliers Schlumberger
- All others: GeoQuest Systems B.V.
- Post-uses of office data by third parties are the work scope and responsibility of those third parties
- Industry believes IP Offices should not, as part of the official record, attempt to combine or conflate distinct legal entities based on a common name or identifier

## Stakeholder reactions 2016-2019 (continued)

- Different applicant names may be used for a patent application within the same patent family due to, for example:
  - Contractual agreements among affiliate companies
  - Tax or other legal considerations
  - Mergers, acquisitions, divestitures, licenses
- An official “grouping” of distinct legal entities under a common name or identifier as part of a legal record may have unforeseen tax or other legal implications
- As a practical matter, Applicant name may not be under sole control of IP department in a large company
  - Consultation with corporate legal, tax, and other departments may be required

## Stakeholder reactions 2016-2019

- Where there is an obvious error or misspelling, there is less concern about a correction being made by the Office
- However, what is considered “obvious” may not be uniform and might encompass intentional name variations that reflect separate legal entities
  - Acme Inc. vs. Acme Company Ltd. vs. Acme LLC
    - *In the United States, differences depend on State law*
- Therefore, Applicant should have an opportunity to confirm a correction by the Office before it is made
  - If not before the change is made, at least afterwards so that the error is not repeated in the future

## Stakeholder reactions 2016-2019 (continued)

- Customer Number / Applicant Code, if used, should remain a separate number for each legal entity
- For example, in Germany, for Siemens there are 36 different registration numbers (depends on contracting party)
  - there are tax and legal implications to any changes.

## Stakeholder reactions 2016-2019 (continued)

- "Industry requests that the Patent Office consult with the Applicant before changing the applicant's name in an application or patent for standardized applicant name."
- "Industry requests that the Patent Offices not assign Applicant registration numbers without consulting with the Applicant, as there are potential legal and tax implications."

## Additional observations

- Any method of correcting or verifying name/identifier errors must maintain confidentiality of all applicants pre-publication
  - “Drop down” option suggestion
    - *If an option is NOT part of the corporate family, this is a clue as to another party’s confidential filing*
  - Auto-correcting apparent mistakes
    - *Filing receipt for Samsung’s patent application is sent to Samsung?*
  - Applicant contact to verify
    - *A pre-publication contact to ask if Applicant X is really intended to be Applicant X’ risks disclosing another party’s confidential filing if they are not the same party*

## Additional observations

- Geotagging
  - *Multiple different legal entities, sometimes sharing common parts of the name, may reside at the same address*
    - Legal certainty requires that offices not assume these to be the same applicant
    - In the case of tech centers and incubators, there may be completely unrelated entities working in the same technical area at the same address
  - *Inventor address is usually c/o the corporate address*
  - *Corporate address is often the corporate seat, regardless of actual physical location*

### Legal certainty should be the primary consideration

- The desire to have clean applicant data for statistical analysis purposes is understood and agreed, but cannot be at the expense of accurate record of legal ownership
- The legal record at the Offices, and efforts to correct typos and minor variants, should remain separate from post-filing data analysis
- Offices should not engage in determining ultimate ownership, corporate structure, etc.
- Offices should confirm with Applicant before Applicant Name is presumed to be the same for patent applications in a patent family
- Identifiers should be voluntary and under control of the Applicant so that proper differentiation between legal entities can be maintained
- In the event a typographical name error or name variant is identified by an Office, Applicant should be consulted prior to change
  - If Applicant is not consulted prior to change, Applicant should be advised after the change, so that future errors can be avoided

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