Topic 7: Examination Status and Databases for Researching Status

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Agenda

- Examination status
- Overview of options and sources for retrieval
  - Patent registers (primary sources)
Work-Sharing opportunities through patent families

- If same or similar invention was filed in several IPOs, e.g. a PCT application entered several national phases, the results/work products of substantive examination for these members of the patent family may be utilized for improving efficiency and quality.

- Types of family relations
  - Simple family (usually same invention; most likely similar description)
  - Extended family (at least similar invention; description may differ)
  - Technical family

- Requires databases/platforms providing
  - Family information
  - Examination status; to check if examination is pending
  - File inspection: access examination work products
Status and life cycle stages of patents

- **Pre-grant phase** (before decision to grant or refuse/reject)
  - Pending
    - With request for examination
    - Awaiting request for examination
  - Withdrawn by applicant
  - Deemed to be withdrawn, abandoned
  - Rejected, refused by examiner

- **Grant phase** (between publication of decision to grant and the entry into force of grant)
  - Intend to grant
  - Publication of grant
  - Opposition, reexamination, appeal

- **Post-grant phase** (after the entry into force of grant and lapse of patent)
  - Lapsed
  - Reexamination, nullification, revocation, invalidation
Legal status

- Status is related to legal **events or actions** as defined by the respective patent law and regulations of a particular **jurisdiction**

  - events   > status changes over the lifetime of patents
  - jurisdiction > different definitions limit comparability; differing terminology

- Essential for determining validity of protection, potential infringements, public domain
- Less important for substantive examination purposes, except for
  - Work sharing: determining examination status at other IPOs and potential availability of work products
- Status may change from one day to another
- > National **registers** as primary (authoritative), up-to-date sources
Data sources

- **Primary sources**: each jurisdiction defines how authoritative (official) patent information is published and the respective authority in charge
  - Individual versions/editions:
    - National publications of applications, grants, Gazettes
  - Continuous: Legal status, file wrapper

- **Secondary sources**: collect data from various primary sources and make it accessible through a single interface
  - Commercial patent databases (often include analysis tools)
  - Free-of-charge searchable patent databases:
    - hosted by some IPOs: Depatisnet, Espacenet, Patentscope
    - Derived from proprietary search systems
    - hosted by others: Google Patents, Patentlens,..
Primary sources: Patent registers

- Provide up-to-date legal status information, i.e. whether
  - application/examination is pending
  - patent is in force, lapsed, …
- Varying detailedness of data content
  - some include public file inspection
- Regularly updated (daily in some jurisdictions)
- However, in many countries no online register
- see WIPO register portal website
**EP1901248 - Secure transaction system** [Right-click to bookmark this link]

**Status**
- The application has been refused
- Status updated on 29.06.2012
- Database last updated on 04.11.2016

**Most recent event**
- 29.06.2012
- Refusal of application
- Published on 01.08.2012  
  [2012/31]

**Applicant(s)**
- For all designated states
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**Inventor(s)**
- 1 / see applicant
- ...

Don’t confuse with ESPACENET
EP Register is a separate database covering only EP and WO applications
Magnetic separation of particles including one-step-conditioning of a pulp

Appl.No.: AP/P/2014/008061 Patent No.: Status: Substantive examination
IPC: B03C1/01(2006.01) Filing Date: 22.04.2013 Applicant: BASF SE.

The present invention relates to a process for separating at least one first material from a mixture comprising this at least one first material and at least one second material, which comprises contacting of the mixture comprising at least one first material and at least one second material with at...
Example: Canadian Register
INPADOC legal status: CA2663217 (A1) — 2008-05-22

SECURE UNIVERSAL TRANSACTION SYSTEM

The EPO does not accept any responsibility for the accuracy of data and information originating from other authorities than the EPO; in particular, the EPO does not guarantee that they are complete, up-to-date or fit for specific purposes.

Legal status of CA2663217 (A1) 2008-05-22:

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What happens if I click on "In my patents list"?
Secondary legal status source

- INPADOC data accessible through Espacenet is a secondary source of legal status data because the data are collected from the national registers, (primary) authoritative sources of legal status, put in a single database and made accessible through a single interface ('one-stop-shop')
- Not necessarily up-to-date because it is not retrieved from the registers on the fly, but, for example, once a week
- Only certain jurisdictions are covered
WIPO patent register portal

Patent Register Portal

The Patent Register Portal is your gateway to online patent registers and gazettes and to legal-status-related information from over 200 jurisdictions and patent information collections. Use it as a first step to identify what information can be retrieved online and how to access it.

Contact us with any suggestions for improvements or updates.

Browse the table for an overview of information available for each jurisdiction or patent information collection. For additional information consult the Detailed jurisdiction file.

Note: N/A = Not applicable.

By clicking the link in the Jurisdiction column, you can access the website of the relevant authority or service.

By clicking the link in the Online Register column, you can access the register ("Yes") or alternative contact details for researching the legal status of a patent ("No").
Thank you

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