Survey on Intellectual Property Data Exchange

Response ID:187 Data

2. Identification page

1. Please enter the ST.3 code of the member state or inter-governmental organization you represent.

EP - European Patent Office (EPO)

2. Please enter the name of the Office or Organization you represent. For instance, International Bureau of WIPO.
If your Organization name is the same as your ST.3 code name, you may put "n/a".

European Patent Office

3. Types of IP data exchanged

5. Does your Office provide or collect IP data?

Yes, providing and collecting

6. In what context is IP data exchange performed?

Bilateral agreements
Multilateral agreements
Direct upload/download of bulk data
Other (please specify): The EPO in the context of its patent grant activities maintains the largest patent database worldwide that serves all offices and the public using EPO search tools and data. This is an activity the EPO has had since its inception and that has been reinforced over the years amongst others by cooperation agreements.

4. Types of IP data exchanged

7. Select the IP domains for which your Office provide or collect data.

	Provide	Collect	Both, provide and collect	Not applicable
Patents			X	
Trademarks				X
Industrial designs		X		
Geographical indications				X

Other (please specify):

8. What types of IP data does your Office provide or collect?

Patents

	Provide	Collect	Both provide and collect	Not applicable
Bibliographic data (including classification information)			X	
Full-text publication data (including, description and claims)			X	
Full-image publication data (including bibliographic data, abstract, description and claims)			X	
Drawings (2D images, 3D models or 3D images)			X	
Citation information from search and/or examination			X	
Legal status data			X	
Sequence listing data			X	
Office actions			X	
Examination reports/Search report			X	
Statistical data (Added value data)			X	

Other (please specify):

Trademarks

	Provide	Collect	Both provide and collect	Not applicable
Bibliographic data (including classification information)				X
Full-text publication data				X
Mark representation (2D images, 3D models, 3D images, audio or video)				X
Legal status data				X
Examination reports/Search reports				X
Office actions				X
Statistical data (Added value data)				X

Other (please specify):

Industrial Designs

	Provide	Collect	Both provide and collect	Not applicable
Bibliographic data (including classification information)		X		
Full-text publication data		X		
Industrial design representation (2D images, 3D models, 3D images, audio or video)		X		
Legal status data				X
Examination reports/Search reports				X
Office actions				X
Statistical Data (Added value data)				X

Other (please specify): When available the EPO sometimes collects designs when they can present some relevance for patent prior art searches – this is however a rather marginal use for very specific fields and patent applications

Geographical Indications

	Provide	Collect	Both collect and provide	Not applicable
Bibliographic data (including classification information)				X
Full-text publication data				X
Geographical indication representation (labels or images)				X
Legal status data				X
Office actions				X
Statistical Data (Added value data)				X

Other (please specify):

5. Types of IP data exchanged

9. Which type of file formats are used when your Office provides and/or collects IP data?

Document and archive format

XML
JSON
SGML
PDF
TXT
DOCX
DOC
XLS/XLSX
XLT/XLTX
CSV
TSV
ZIP
TAR

2D images

JPEG
TIFF
PNG
PNG
SVG
DWG
DWF

Audio, video and multimedia

Not applicable

3D model and 3D images

Not applicable

6. Types of IP data exchanged

10. Please indicate the data format related to WIPO Standards implemented by your Office in providing or collecting IP data

WIPO Standard ST.96: Recommendation for the processing of intellectual property information using XML

Not applicable

WIPO Standard ST.97: Processing of Intellectual Property information using JSON

Not applicable

Other WIPO Standards

WIPO Standard ST.25: Standard for the presentation of nucleotide and amino acid sequence listings in patent applications
WIPO Standard ST.26: Recommended standard for the presentation of nucleotide and amino acid sequence listings using XML
WIPO Standard ST.27: Recommendation for the exchange of patent legal status data
WIPO Standard ST.36: Recommendation for the processing of patent information using XML

WIPO Standard ST.37: Recommendation for an authority file of published patent documents
WIPO Standard ST.92: Recommendations on the data package format for the electronic exchange of priority documents

7. Reason for collecting IP data

11. Why does your Office collect IP data from other Offices?

For internal use

Examination purposes (e.g., prior art searches, examination)
Training AI/machine learning models used by our Office
Internal reports and analytics

For public dissemination

Publishing on our Office's free of charge public search tools/databases
Prepare and publish free of change added value data, reports and statistical analysis
Other public dissemination (please specify): Feeding office and public search tools and dissemination of raw data to all types of users: public and patent data and search service providers.

For external distribution

Sharing with commercial data providers
Reports and analytics exchanged with third parties (e.g., government agencies, research institutions)
Other external re-distribution (please specify): Specific statistical data product like Patstat.

8. IP data delivery methods/means

12. Which methods and/or means does your Office currently use to provide IP data?

API
SFTP/FTP/FTPS
Individual documents download from Office website
Bulk download from Office website
Physical hard drives (HDD/SSD/USB/CD/DVD)

9. Challenges

13. What challenges does your Office face in relation to providing IP data to other Offices?

Organizational and technical challenges

Other (please specify): EPO's data offered are open and of legal publication quality so there is no actual challenge faced when delivering this data

Legal and policy challenges

IP data should be shared in compliance with applicable personal data protection requirements
Other (please specify): The EPO data can be obtained in many cases for free but are subject to re-use conditions – data cannot be re-sold as such but shall undergo an added-value transformation process if used commercially.

Financial challenges

Not applicable

14. What challenges does your Office face in relation to collecting IP data to other Offices?

Organizational and technical challenges

Poor quality of IP data (e.g., XML tags for gazette data provided by a partner Office were being provided incorrectly)
Incomplete IP data (e.g., a partner Office provides only a subset of data rather than the full dataset)
Irregular or inconsistent data provision (e.g., bulk data provided by partner Offices on a weekly basis, is skipped without notice
Discontinuation of data delivery without prior notice (e.g., data delivery from partner Offices is suddenly stopped and it takes considerable time and effort to resume data delivery)
Lack of experts from the partner Offices to provide support for the activities
Lack of IT resources of the partner Offices (databases, tools, storage, etc.)
Other (please specify): The EPO collecting data from more than 100 patent authorities faces all data challenges mentioned above. Its cooperation activities aim at improving the issues faced: e.g. formatting, quality issues.

Legal and policy challenges

Different data commercialization policies (e.g., a partner Office sells its IP data to private companies while my Office provides IP data for free)

Legal concerns about ownership and redistribution of the IP (e.g., a partner Office does not give the redistribution rights)
Legal concerns about IP data correction (e.g., a partner Office does not give permission to correct obvious errors on the IP data)
IP data collected in not in compliance with applicable personal data protection requirements
Other (please specify): In very rare cases offices do not provide their data for all the further re-use that the EPO has. Those aspects are usually solved through specific negotiations. This is usually the case for offices starting a data dissemination activity that are not familiar with the open character of patent data and do not grasp the advantages of an open dissemination regime that best serves the public and office interests.

Financial challenges

The Office views IP data as a potential source of revenue for the partner Office, that cannot be shared free of charge
Other (please specify): This is a very rare case too for reasons indicated above.

10. Proposed solutions

15. What following proposed solutions could help your Office address the challenges your Office selected above?

Develop a new WIPO standard on the recommendation for the exchange of IP data and its use
Other proposed solutions (please specify): The main challenges faced are poor or incomplete availability of data and in some rare the fact that data disseminated is not open. There are already central repositories like the one the EPO maintains. The standard shall focus on the openness of patent data disseminated and not on where the data will be located.

11. Proposed solutions

16. What recommendations should be included in the new WIPO standard on the recommendation for the exchange of IP data and its use?

Technical recommendation

Recommendations on data formats (e.g., XML, JSON, and other unified formats)
Recommendations on means and methods of IP data exchange
Recommendations on the frequency of IP data exchange
Recommendations on IP data quality
Recommendations on IP data security and privacy protection during data exchange
Other (please specify): It is important to include as an annex to the Standard a list of the existing data exchange hubs, to avoid the effort and temptation to create another point of data exchange, which ultimately will be fed by data from existing sources.

Legal and policy recommendations on IP data use

Recommendations on authorization for external use of exchanged IP data
Recommendation regarding the practice when IP data of the providing Office can be redistributed by the receiving Office to third parties
Recommendations on reciprocity principles between Offices exchanging IP data
Recommendations on the scope and authority of IP data distribution and its use to be mutually agreed upon by the two Offices involved in the IP data exchange, based on practical circumstances and the reciprocity principle, and clearly recorded in the formal data exchange agreement
Other (please specify): The recommendations shall cover largest possible openness of patent data that proves to be beneficial to all offices and the public. Such provisions have been adopted at IP5 level and could be generalized to all offices.

Procedural and operational guidance

Recommendations on the consultation process for IP data exchange cooperation
Recommendations on cost structure (free-of-charge or marginal cost recovery)
Recommendations on templates or examples of IP data exchange agreements and/or Memorandums of Understanding (MoU)/Memorandum of Cooperation (MoC)/Terms of Use (ToU)
Recommendations on other matters to be considered consultations and agreement negotiations on IP data exchange
Others (please specify): Any procedure that would promote openness of data shall be favoured. Most of the ones mentioned here are applicable.

12. Legal and contractual framework for data exchange

17. Does your Office or your country have any national and/or regional laws or regulations that govern the transfer by your Office of IP data (including hosting or redistribution) outside of your jurisdiction?

Yes (please specify the relevant law, regulation, policy, national practice, strategy, or rule that the Office is required to comply with, including the title, reference number, and/or URL to the source of information): There are several data exchange agreements by EPO with providers and that are basically supported and regulated in the EPC. Here below some examples: https://www.epo.org/en/legal/epc https://www.epo.org/en/searching-for-patents/data https://www.epo.org/en/news-events/news/epo-and-upc-sign-agreement-data-exchange https://www.epo.org/en/searching-for-patents/data/bulk-data-sets https://www.epo.org/en/searching-for-patents/data/web-services https://www.epo.org/en/applying/myepo-services/understand/api https://www.epo.org/en/legal/guidelines-epc/2026/a_iii_6_7_2.html https://www.epo.org/en/about-us/statistics/epo-data-hub

18. Does your Office have formal written agreements (such as contracts/MoU/MoC/ToU/License Agreement) for data exchange with other IP Offices?

Yes, either bilateral contract/MoU/MoC/ToU is required
Depends on circumstances (please specify): The EPO in all its agreements has a clause on data delivery and its open re-use.

19. If possible, please provide template(s) of bilateral contract/MoU/MoC/ToU/License Agreement that your Office uses

20. Does your Office have formal written agreements for the provision of data to third parties? *(such as: MoU, MoC, ToU, contract, license agreement)*

Yes, required for bulk/API access only
Other (please specify): When using our data the person or entity is bound by a fair use data agreement.

13. Conditions for provision, use and dissemination of IP data

21. How does your Office currently authorize the use and dissemination of exchanged IP data?

Determined by two Offices involved in the data exchange cooperation through consultation

22. How does your Office implement the reciprocity principle in practicing IP data exchange with other IP offices?

Bilaterally agreed by two sides

23. What reciprocity policy re-distribution would your Office support?

Other (please specify): Exchange with redistribution according to the terms of bilateral agreements.

24. Would your Office support a recommendation that Offices provide their IP data free of charge or at marginal cost to the general public and any third party?

Yes, our Office supports providing IP data free of charge

14. Conditions for provision, use and dissemination of IP data

If your Office does not support free or marginal cost data provision, what barriers exist to implementing such recommendation?

15. Conditions for provision, use and dissemination of IP data

25. What level of internal use does your Office permit when sharing IP data with partner Offices?

Unrestricted internal use, partner Offices may use the data for any internal purpose

16. Conditions for provision, use and dissemination of IP data

If permissible for certain applications or uses, which of the following internal uses are permitted?

17. Conditions for provision, use and dissemination of IP data

26. Does your Office permit partner Offices to provide IP data shared with them (including in bulk form) to third parties?

Permissible only under certain conditions

18. Conditions for provision, use and dissemination of IP data

27. Under what conditions would the provision of such data to third parties be permissible?

When the partner Office similarly allows our Office to provide their IP data to third parties based on the reciprocity principle
When the scope of third parties and the scope of data have been documented in a data exchange agreement/MoU or approved in writing

Please provide reasons why your Office does not permit the provision of such data to third parties

19. Data quality and error correction

28. Does your Office have mechanisms for checking data for assuring the quality of IP data before sharing them?

Yes

29. Which methods do you use on mechanisms for checking data for assuring the quality of IP data?

Automated validation checks (please provide details, tool name, set of business rules, if possible): The EPO use ETL tools (e.g. Data Flow Platform) to intake and validate the prior-art data acquired from third parties.
Manual review processes
User feedback mechanisms
Regular audits

20. Data quality and error correction

30. Would your Office agree to partner Offices using their quality assurance mechanisms to detect errors in your IP data and providing them to your Office, for corrections at the source?

No (please specify why): EPO, as one of the main patent prior-art hubs worldwide, already checks the quality of the published data delivered by the offices and provides feedback. As such EPO does not see added value in supporting further validations of the same data by other offices.

31. Would your Office permit partner Offices to correct errors in your IP data before they use internally, publish or share it?

Permitted for specific error categories only: Corrections allowed only for pre-agreed error types (e.g., formatting, standardization)

32. Please provide details of permissible corrections

Formatting errors (e.g., date formats, spacing)
Standardization (e.g., country codes, classification codes)

What would be the timeframe to make the corrections?

Is your Office able to make the corrections, or does the applicant need to be part of this process?

How will these corrections be tracked and managed?

21. Data quality and error correction

33. Does your Office apply any quality assurance mechanisms to the datacollected from other Offices?

Yes (please provide details): an ETL tool is used and a validation of formats based on the applicable WIPO Standards is performed, before uploading to the master DB

22. Update frequency

34. What update frequency can your Office as providing Office realistically support?

	Real-time	Daily	Weekly	Monthly	Quarterly	Annually	Not applicable
Patents			X				
Trademarks							X
Industrial designs							X
Geographical indication							X

Other (please specify): The frequency of Data correction updates depends on several factors, such as severity, reporting authority, impact, etc. The EPO publishes its patents on a weekly basis. Its Authority File is updated twice a year. As a providing office for its data the EPO publishes its newly published data every Wednesday.

35. Please provide any additional information or comments.