



WIPO's Legal Status Data Project

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Head, Patent Information Section
Global IP Infrastructure Sector

Geneva
18 February
2011

Overview

- What is legal status information
- Sources of legal status information
- Challenges

Public Domain

▶ Technology disclosed in a patent is in PD if:

- Disclosed teaching not covered by claims
- Application has never been filed in given country
- Patent has not been granted, i.e. refused or withdrawn
- Patent term has expired, renewal fee not been paid

this presentation: legal events

Freedom to operate search/analysis

- Identify relevant patents

this presentation

Search

- Identify patent family, ie territorial extensions

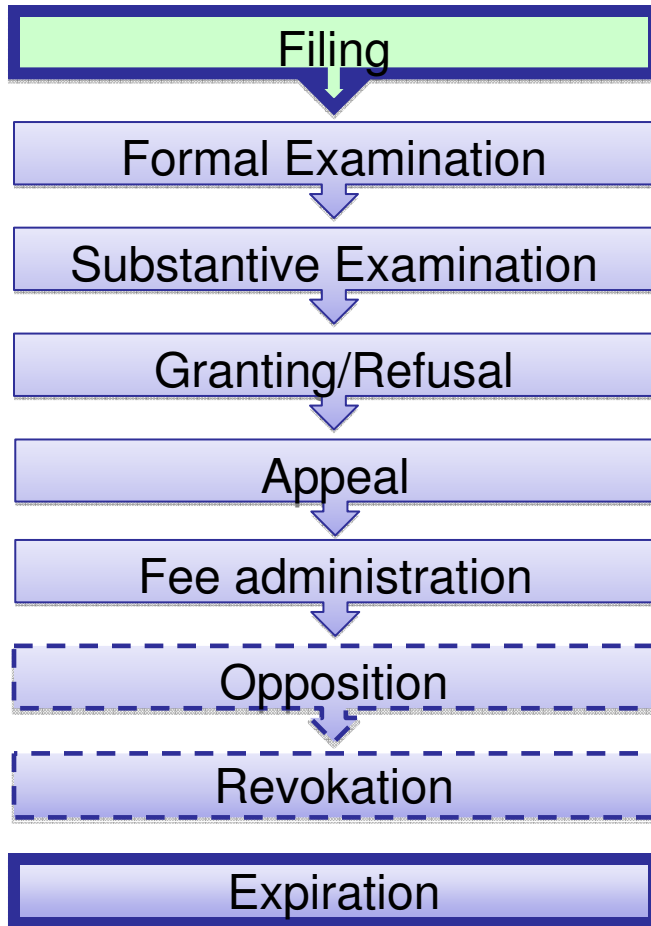
- Check validity of relevant patents

- Assess scope of protection for relevant and valid patents
 - > Claim analysis

Recent WIPO activities

- Study on availability of legal status (LS) data
- Survey on availability of LS data
 - national patent registers
 - patent gazettes
 - replies of 85+ member offices received
- Pilot project with Medicines Patent Pool on researching legal status of selected patents related to essential HIV medicines

Stages of patent prosecution



During all these stages various events or actions take place that have legal impact

Key question for FTO:
Is patent X valid ?



Legal status data

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

events > data change over the lifetime of patents
jurisdiction > different definitions limit comparability

- LS data entity: calender date
 +kind of event (code)
 +(attribute(s))

Categories of LS data

- No standard taxonomy
- Depend on type of patent system
- Registration status
- Examination status
- Pre/post grant
- Public/non-public
 - eg some countries publish only grants
 - LS only available after grant

Legal status data

▶ Following aspects require consideration

- Availability

- What? From where? How?

- Reliability

- Up-to-date? Correctness?

- Comparability

- Meaning? Harmonization?

Primary patent information sources

▶ Each jurisdiction defines the publication of **authoritative** patent information and the respective authority

For legal status:

- National (Patent) Gazettes, Bulletins
- National Patent Registers

Gazettes

- publication of essential legal events, such as grants
- **only (some) bibliographic data** (front page)
- **limited legal information** (usually no claims)
 - > requires file inspection if no other publication
- regularly published gazette **editions**
- published editions are not updated
- changes/corrections appear in new edition
- Survey:
 - 67/82 IPOs have electronic gazette
 - 63 IPOs have gazettes online
 - 42 IPOs have paper gazette
 - 9 IPOs have only paper gazette



The official website of
PERBADANAN HARTA INTELEK MALAYSIA
Intellectual Property Corporation of Malaysia
*(An agency under the Ministry of Domestic Trade,
Co-operatives and Consumerism)*

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Patent Gazette (Granted)

Gazetted on **4 March 2010**

- ✚ [Granted 30 April 2009](#)
- ✚ [Granted 29 May 2009](#)
- ✚ [Granted 30 June 2009](#)

Gazetted on **18 March 2010**

- ✚ [Granted 31 July 2009](#)
- ✚ [Granted 28 August 2009](#)
- ✚ [Granted 30 November 2009](#)

Gazetted on **1 April 2010**

- ✚ [Granted 30 September 2009](#)
- ✚ [Granted 30 October 2009](#)

Gazetted on **16 September 2010**

- ✚ [Granted 31 December 2009](#)
- ✚ [Granted 15 January 2010](#)
- ✚ [Granted 29 January 2010](#)

MyIPO Gazette

PEMBERIAN PATEN .

TARIKH : 30.07.2010

Bil	No. Pemberian	No. Permohonan
65	MY - 141908 - A	PI 2001 0653
66	MY - 141909 - A	PI 9900 0101
67	MY - 141910 - A	PI 2001 5684
68	MY - 141911 - A	PI 2006 1384
69	MY - 141912 - A	PI 2006 4171
70	MY - 141913 - A	PI 2004 2847
71	MY - 141914 - A	PI 2005 5749
72	MY - 141915 - A	PI 2005 0070
73	MY - 141916 - A	PI 2005 3810
74	MY - 141917 - A	PI 2005 2544
75	MY - 141918 - A	PI 2006 3342
76	MY - 141919 - A	PI 2005 5651
77	MY - 141920 - A	PI 2006 0152
78	MY - 141921 - A	PI 2003 3572
79	MY - 141922 - A	PI 2004 2884
80	MY - 141923 - A	PI 2007 1999
81	MY - 141924 - A	PI 2002 4704
82	MY - 141925 - A	PI 2003 0197
83	MY - 141926 - A	PI 2005 4913
84	MY - 141927 - A	PI 2006 0544
85	MY - 141928 - A	PI 2005 2283
86	MY - 141929 - A	PI 2007 1697
87	MY - 141930 - A	PI 9600 1754
88	MY - 141931 - A	PI 2000 2967
89	MY - 141932 - A	PI 9600 4506
90	MY - 141933 - A	PI 2005 2817
91	MY - 141934 - A	PI 2002 3644

National Patent Register

- Regularly updated LS
- Definition for survey:

Any **electronic** or **non-electronic** facility or service that allows the **public** to retrieve either **directly** (e.g. via the internet) or **indirectly** (e.g. via written request or a physical visit to the premises of the IPO) up-to-date **information on the legal status** related to published national patent applications or patents

National Patent Register

- Survey: 72/82 IPOs have operational register
 - 46 registers are accessible online
 - 32 online registers are updated daily
 - 7 online registers are updated weekly
 - 5 online registers are updated monthly
 - 45 registers are free of charge
 - 48 registers include PCT NPE data
 - 12 registers also include PCT non-NPE data

EPO register legal status data

Register Plus - EP02797744			
Current security settings put your computer at risk. Click here to change your security settings...			
	Supplementary search report:	12.10.2004	
Classification	International	A61K31/7072, A61K31/551, A61P31/18	[2006/16]
Designated contracting states	AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, IE, IT, LI, LU, MC, NL, PT, SE, SK, TR [2004/22]		
Extension states	AL	12.03.2004	
	LT	12.03.2004	
	LV	12.03.2004	
	MK	12.03.2004	
	RO	12.03.2004	
	SI	12.03.2004	
Title	German	VERWENDUNG VON ATAZANAVIR IN DER HIV-THERAPIE	[2004/22]
	English	USE OF ATAZANAVIR IN HIV THERAPY	[2004/22]
	French	UTILISATION D'ATAZANAVIR EN THERAPIE VIH	[2004/22]
Entry into regional phase	12.03.2004	National basic fee paid	
	12.03.2004	Search fee paid	
	12.03.2004	Designation fee(s) paid	
	12.03.2004	Examination fee paid	
Examination procedure	14.03.2003	Request for preliminary examination filed International Preliminary Examining Authority: US	
	13.02.2004	Amendment by applicant (claims and/or description)	
	12.03.2004	Examination requested	
	21.10.2005	Despatch of a communication from the examining division (Time limit: MD4)	
	28.02.2006	Reply to a communication from the examining division	
	24.03.2006	Communication of intention to grant the patent	
	02.08.2006	Fee for grant paid	
	02.08.2006	Fee for printing paid	
Opposition(s)	05.07.2007	No opposition filed within time limit [2007/39]	

EPO File Inspection in register

European Patent Office

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Legal Notices

- About this file
- Legal status
- Event history
- Citations
- Patent family
- **All documents (31)**
- Search / examination (31)
- Received by EPO (13)
- Sent by EPO (17)
- Internal (1)

Quick Help

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SmartSearch

Search Results

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Search

SmartSearch:

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	Date	Document type	Procedure	Number of pages
<input type="checkbox"/>	08.08.2007	Communication regarding the expiry of opposition period	Search / examination	1
<input type="checkbox"/>	07.09.2006	Decision to grant a European patent	Search / examination	2
<input type="checkbox"/>	02.08.2006	French translation of claims	Search / examination	1
<input type="checkbox"/>	02.08.2006	German translation of the claims	Search / examination	1
<input type="checkbox"/>	02.08.2006	Filing of the translations of the claims	Search / examination	2
<input type="checkbox"/>	24.03.2006	Communication about intention to grant a European patent	Search / examination	5
<input type="checkbox"/>	24.03.2006	Bibliographic data of the European patent application	Search / examination	1
<input type="checkbox"/>	24.03.2006	Druckexemplar	Search / examination	11
<input type="checkbox"/>	08.03.2006	Intention to grant (signatures)	Search / examination	1
<input type="checkbox"/>	28.02.2006	Description	Search / examination	9
<input type="checkbox"/>	28.02.2006	Reply to communication from the Examining Division	Search / examination	2
<input type="checkbox"/>	21.10.2005	Annex to the communication	Search / examination	2
<input type="checkbox"/>	21.10.2005	Communication from the Examining Division	Search / examination	1
<input type="checkbox"/>	06.10.2005	Notice drawing attention to the payment of the renewal fee and additional fee	Search / examination	1
<input type="checkbox"/>	12.11.2004	Maintenance of the application	Search / examination	1



Search

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Patent

Industrial Design

Geographical Indications

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Patent - Result Listing

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1	<u>SURFACE GROOVE SYSTEM FOR BUILDING SHEETS</u>	Re	
Application No. :	PI 20010653	Patent No. : MY-141908-A	Legal Status : GRANTED & PUBLISHED (KIV)
Date of Filing :	13.02.2001	Date of Grant :	30.07.2010
IPC No. :	E04C 2/04		
Applicant :	JAMES HARDIE INTERNATIONAL FINANCE B.V.		

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Secondary sources of patent Information

▶ Collect data from primary sources and publish:

- **EPO's INPADOC database**
- WIPO's Patentscope (PCT NPE)
- Commercial providers

INPADOC

- Family and legal status information from 55 countries based on bilateral agreements (not all 38 member states) 
- Various range of events from different IPOs: 
 - e.g. JP only PCT NPE
- Various input streams (push/pull; register, gazette data); up to 10 per country
- Extensive data processing/standardization
- Accessible through
 - EPO Espacenet, OPS (free)
 - commercial providers buying the processed data

Index of PRS codes for GB documents

Part 1 : GB 727L to GB 933 Z

PRS codes			Short description	Latest update	View/down
GB 727L	P		CASE DECIDED BY THE COMPTROLLER ** APPLICATION TO AMEND THE SPECIFICATION REFUSED (SECT. 27/1977)	June 1997	PDE
GB 727M	P		DECISION ISSUED (SECT. 27/1977)	June 1997	PDE
GB 727P	P		APPLICATION NOT PROCEEDED WITH (SECT. 27/1977)	June 1997	
GB 727Q	P		OPPOSITION TREATED AS WITHDRAWN (SECT. 27/1977)	June 1997	
GB 727T	P		APPL. TREATED AS ABANDONED (SECT. 27/1977)	June 1997	
GB 727Z	P		APPEAL TO THE PATENTS COURT LODGED (SECT. 27/1977)	June 1997	
GB 7275	P		APPLICATION TO COMPTROLLER FOR REVOCATION OF PATENT AND AMENDMENT OF SPECIFICATION THEREOF (SECT. 72 AND 75/1977)	June 1997	PDE
GB 728A	P	+	ORDER MADE RESTORING THE PATENT (SECT. 28/1977)	June 1997	PDE
GB 728B	P	+	APPLICATION MADE TO THE PATENTS COURT (SECT. 28/1977)	June 1997	PDE
GB 728C	P	+	APPLICATION MADE FOR RESTORATION (SECT. 28/1977)	June 1997	PDE
GB 728D	P		APPLICATION DEEMED WITHDRAWN (SECT. 28/1977)	June 1997	PDE
GB 728E	P		APPLICATION NOT ENTERTAINED (SECT. 28/1977)	June 1997	PDE
GB 728G	P		APPLICATION FOR RESTORATION WITHDRAWN UNDER RULE 100 (SECT. 28/1977)	June 1997	PDE
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GB 728J	P		APPEAL TO THE PATENTS COURT ALLOWED (SECT. 28/1977)	June 1997	PDE



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USE OF ATAZANAVIR IN HIV THERAPY

Bibliographic data

Description

Claims

Mosaics

Original document

INPADOC legal status

Publication number: WO03020206 (A2)

Publication date: 2003-03-13

Inventor(s): BECHTOLD CLIFFORD M +

Applicant(s): SQUIBB BRISTOL MYERS CO [US] +

Classification:

- **international:** A61K31/4402; A61K31/472; A61K31/4725; A61K31/496; A61K31/551; A61K31/7072; A61K45/06; A61P3/06; A61P31/18; A61K; A61K31/4402; A61K31/472; A61K31/496; A61K31/551; A61K31/7042; A61K45/00; A61P3/00; A61P31/00; (IPC1-7): A61K

- **European:** A61K45/06; A61K31/4725; A61K31/551; A61K31/7072

Application number: WO2002US26675 20020821

Priority number(s): US20010316745P 20010831

[View INPADOC patent family](#)

[View list of citing documents](#)

[View document in the European Register](#)

Also published as:

- WO03020206 (A3)
- ZA200401412 (A)
- YU12204 (A)
- RU2316341 (C2)
- PL367873 (A1)

[more >>](#)

Cited documents:

- XP002961665 (A)
- XP002961666 (A)

[View all](#)

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Abstract of **WO 03020206 (A2)**

[Translate this text](#)

A method for reducing elevated plasma LDL and/or triglyceride levels in an HIV-infected patient is disclosed. In this method, atazanavir (BMS-232632) can be used to treat HIV infection in patients exhibiting elevated plasma LDL-cholesterol and/or triglyceride levels, can be substituted for an offending HIV protease inhibitor used in such therapy, or can be used in combination with an HIV protease inhibitor metabolized by cytochrome P450 monooxygenase.



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Classification Search

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- » What is an INPADOC patent family?
- » Are all the documents in an INPADOC family equivalents?
- » Why is the same document published several times in the same country?

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page 1

Family list

26 application(s) for: WO03020206 (A2)

Sorting criteria: [Priority Date](#) [Inventor](#) [Applicant](#) [ECLA](#)

1	USE OF ATAZANAVIR IN HIV THERAPY	in my patents list <input type="checkbox"/>
	Inventor: BECHTOLD CLIFFORD M [US] EC: A61K45/06 ; A61K31/4725 ; (+2) Publication AT341332 (T) - 2006-10-15 info:	Applicant: SQUIBB BRISTOL MYERS CO [US] IPC: A61K31/4402 ; A61K31/472 ; A61K31/4725 ; (+18) Priority Date: 2001-08-31
2	Use of atazanavir in HIV therapy	in my patents list <input type="checkbox"/>
	Inventor: BECHTOLD CLIFFORD M EC: A61K45/06 ; A61K31/4725 ; (+2) Publication AU2002332610 (B2) - 2007-11-08 info:	Applicant: SQUIBB BRISTOL MYERS CO IPC: A61K31/4402 ; A61K31/472 ; A61K31/4725 ; (+15) Priority Date: 2001-08-31
3	USE OF ATAZANAVIR IN HIV THERAPY	in my patents list <input type="checkbox"/>
	Inventor: BECHTOLD CLIFFORD [US] EC: A61K45/06 ; A61K31/4725 ; (+2) Publication BG108585 (A) - 2005-04-30 info:	Applicant: SQUIBB BRISTOL MYERS CO [US] IPC: A61K31/4402 ; A61K31/472 ; A61K31/4725 ; (+16) Priority Date: 2001-08-31
4	USE OF ATAZANAVIR IN HIV THERAPY	in my patents list <input type="checkbox"/>
	Inventor: BECHTOLD CLIFFORD M EC: A61K45/06 ; A61K31/4725 ; (+2) Publication BR0211544 (A) - 2004-07-13 info:	Applicant: SQUIBB BRISTOL MYERS CO [US] IPC: A61K31/4402 ; A61K31/472 ; A61K31/4725 ; (+17) Priority Date: 2001-08-31
5	USE OF ATAZANAVIR IN HIV THERAPY	in my patents list <input type="checkbox"/>
	Inventor: BECHTOLD CLIFFORD M [US] EC: A61K45/06 ; A61K31/4725 ; (+2) Publication CA2458807 (A1) - 2003-03-13 info:	Applicant: SQUIBB BRISTOL MYERS CO [US] IPC: A61K31/4402 ; A61K31/472 ; A61K31/4725 ; (+17) Priority Date: 2001-08-31
6	Use of ATAZANAVIR in HIV therapy	in my patents list <input type="checkbox"/>



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- Quick Help**
- » What does legal status mean?
 - » How might this information be useful to me?
 - » Why is the legal status not always available?
 - » How reliable is this data?
 - » What are legal status (PRS) codes?
 - » Can I copy this information?

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USE OF ATAZANAVIR IN HIV THERAPY

Bibliographic data | Description | Claims | Mosaics | Original document | **INPADOC legal status**

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 CA2458807 (A1) 2003-03-13:

CA F		2458807 A	(Patent of invention)
PRS Date :	→	2004/02/26	
PRS Code :	→	AFNE	
Code Expl.:		+ NATIONAL PHASE ENTRY	
PRS Date :		2007/08/13	
PRS Code :		EEER	
Code Expl.:		+ EXAMINATION REQUEST	
PRS Date :		2009/08/21	
PRS Code :		FZDE	
Code Expl.:		- DEAD	

Reliability

- Timeliness
 - update frequency
 - interruptions in case of system changes
 - synchronization between INPADOC weekly updates and primary source updates
 - INPADOC delay: 2 days- 3 months
- Completeness, correctness
 - missing data elements: e.g. date of legal effect

Patentscope PCT national phase entry

1. (WO2003020206) USE OF ATAZANAVIR IN HIV THERAPY

Office	Entry Date	National Number	National Status
Australia	27.02.2004	2002332610	
Bulgaria	17.02.2004	108585	Published: 30.04.2005
Canada	26.02.2004	2458807	
China	25.02.2004	02816688.0	
Czech Republic	25.02.2004	PV2004-288	Published: 15.12.2004
European Patent Office (EPO)	13.02.2004	2002797744	Published: 26.05.2004 Granted: 04.10.2006
Croatia	23.02.2004	P20040181A	Published: 31.08.2004 Refused: 18.02.2008
Israel	13.01.2004	159849	Published: 20.06.2004
Japan	27.02.2004	2003524520	
Republic of Korea	26.02.2004	1020047002851	Published: 06.04.2004 Refused: 27.04.2009
Mexico	24.02.2004	PA/a/2004/001721	
New Zealand	21.01.2004	530722	Published: 30.11.2007 Granted: 13.03.2008
Philippines	16.01.2004	1-2004-500085	
Philippines	16.01.2004	12004500085	Granted: 21.12.2007
Slovakia	23.01.2004	592004	
South Africa	20.02.2004	200401412	
South Africa	20.02.2004	2004/01412	

The information displayed on the National Phase Tab is based on data supplied to WIPO by the following national patent offices:

OFFICE	COVERAGE	
	FROM	TO
African Regional Intellectual Property Org. (ARIPO)	1996-07	2008-08
Australia	1997-12	2011-01
Austria	1980-11	2008-10
Belarus	2007-01	2007-06
Belize	2002-08	2007-02
Bulgaria	2004-01	2007-12
Canada	1994-02	2010-12
China	1998-01	2008-11
Croatia	1999-11	2010-11
Cuba	2009-11	2010-06
Czech Republic	1990-11	2011-01
Egypt	2008-01	2010-05
Eurasian Patent Organization (EAPO)	2006-11	2009-09
European Patent Office (EPO)	1980-05	2010-12
Finland	1980-01	2010-04
Georgia	2002-10	2010-11
Germany	1980-11	2010-09
Hungary	2007-01	2010-05
Israel	1996-12	2010-12
Japan	1991-04	2010-12
Kenya	1998-01	2006-05
Latvia	1998-01	2008-05
Lithuania	1995-04	2009-01
Malaysia	2008-06	2010-09
Mexico	2004-01	2008-12
New Zealand	1985-12	2010-05

Timeliness !



Comparability

- different laws and regulations and non-codified practices lead to
 - great diversity of events
 - notable differences between seemingly similar events
- EPO registers events of each country with separate code
- Not yet: Creation of secondary LS code to describe events that are equal or similar in several countries

Index of PRS codes for GB documents

Part 1 : GB 727L to GB 933 Z

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GB 727L	P		CASE DECIDED BY THE COMPTROLLER ** APPLICATION TO AMEND THE SPECIFICATION REFUSED (SECT. 27/1977)	June 1997	PDE
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GB 727P	P		APPLICATION NOT PROCEEDED WITH (SECT. 27/1977)	June 1997	
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GB 727Z	P		APPEAL TO THE PATENTS COURT LODGED (SECT. 27/1977)	June 1997	
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GB 728B	P	+	APPLICATION MADE TO THE PATENTS COURT (SECT. 28/1977)	June 1997	PDE
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GB 728J	P		APPEAL TO THE PATENTS COURT ALLOWED (SECT. 28/1977)	June 1997	PDE

Are "on-stop-shop" sources realistic ?

- "on-stop-shop": one central database or portal
- yes: INPADOC does exist
- however, depends on reliability needed:
 - **yes** for definitively expired patents (no LS change)
 - **no** when highly reliable LS is needed, because:
 - the primary source is authoritative source
 - deficiency of error correction notification
 - delay between primary and secondary sources
(active crawling as solution)

Is a traffic light system realistic ?

- Is protection valid ?



- "Risk management", ie
 - identify and explain limitations of "Yes" and "No"
- some offices have tried
- requires considerable efforts

Suggestions

- Raise awareness for need of availability of reliable data
 - registers do not received a lot of attention in IPOs
 - emphasis on PCT national phase entry, etc
- Continued and enhanced technical support for primary sources in DCs
- Study paper will produce recommendations, e.g for
 - Technical standards for LS data exchange
 - Harmonization of register structures
 - Standardization of online register interfaces
- Improve utility and comparability of LS by harmonization

Next WIPO activities

- WPIS plans to offer in future such **LS search services** as intermediary solution
 - Only LS search; claims analysis will not be offered
 - NGOs, IGOs and public institutions in DCs as clients
 - Agreements with IPOs to be concluded
- **Study** on "**Availability, Reliability and Comparability of legal status data**" to be presented to next CDIP
 - including survey results
- **Portal** to patent registers
 - Is there a register ? Online/URL ? What is there ?

Project on Patent Legal Status Data

Patent legal status data are an important component of patent information because they are used to determine, e.g.

- whether examination of a patent application is still pending, or
- whether the application has been withdrawn or was rejected;
- whether a patent has been granted and is still valid, or
- whether a granted patent has expired, lapsed, or been revoked.

As such, they play an essential role, e.g., in technology transfer since they answer the question which technology is still protected and where, or whether it will soon become freely available to the public (described as entry into "the public domain" in expert terms).

Legal status data need to be up-to-date to allow correct conclusions. However, given that the legal status of patents is linked to legal events or actions, the status changes over time and therefore poses particular problems to the availability and reliability of up-to-date information.

WIPO has the goal to narrow a knowledge gap in the world and to develop an enabling infrastructure for promoting technology transfer through effective use of patent information. WIPO has therefore launched activities for improving world wide availability, reliability and comparability of patent legal status data, e.g. to further develop patent legal status databases and widen the participation of countries in data sharing. As a first step, WIPO will prepare the following study:

Study on availability, reliability and comparability of patent legal status data

In the context of the Development Agenda project "[Intellectual Property and the Public Domain](#)" WIPO is currently preparing a [study](#) on availability, reliability and comparability of patent legal status data ("feasibility study"). It is planned to present the final results of this study to the session of the Committee on Development and Intellectual Property in the Spring of 2011.

Questionnaire on availability of patent legal status data

The most prominent and direct sources of legal status information are national patent registers or national patent gazettes or bulletins. In order to investigate the availability of such data for the above study, WIPO has issued Questionnaire C.N 3159 to its member Offices:

[Circular letter](#) and [Questionnaire](#)

[Circulaire](#) et [questionnaire](#)

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Comprehensive replies to this questionnaire are essential for the conclusions and recommendations of the study, and will allow the [portal](#) [IM4](#) to national patent registers to be updated.

For any questions or suggestions related to WIPO's patent legal status project, please contact us.

Think how to cope with technical limitations:

Improve or/and work-around

Thank you

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