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WIPO



PCT/TCO/SS/III/16
ENGLISH ONLY
DATE: September 6, 1972

WORLD INTELLECTUAL PROPERTY ORGANIZATION
UNITED INTERNATIONAL BUREAU FOR THE PROTECTION OF INTELLECTUAL PROPERTY
GENEVA

PATENT COOPERATION TREATY

INTERIM COMMITTEE FOR TECHNICAL COOPERATION

STANDING SUBCOMMITTEE

Third Session, Geneva, October 2 to 9, 1972

ADDENDUM TO DOCUMENT PCT/TCO/SS/III/9

Memorandum by the International Bureau

1. Document PCT/TCO/SS/III/9 contains a study of references cited during the prosecution of applications in the United States Patent Office.
2. In response to Circular letter No. 1462, which was addressed to the prospective PCT Authorities and which requested information on any recently undertaken studies on citation statistics or any comments on the comparability of their citations statistics with the findings of the study in document PCT/TCO/SS/III/9, the Patent Offices of the Netherlands, Germany (Federal Republic) and Sweden and the International Patent Institute submitted replies which are annexed to this document (see Annexes A, B, C and D, respectively).

/Annexes A, B, C and D follow/

ORGANISATION MONDIALE DE LA
PROPRIÉTÉ INTELLECTUELLE

Bureaux Internationaux réunis
pour la protection de la
propriété intellectuelle (BIRPI)



WORLD INTELLECTUAL
PROPERTY ORGANIZATION

United International Bureaux
for the Protection of Intellectual
Property (BIRPI)

Circular No. 1462
- PCT 081.5

July 4, 1972

Dear Sir,

./.

The attached document (PCT/TCO/SS/III/9) is a progress report on the efforts of the International Bureau to collect or establish statistics on the proportion of non-patent literature to patent literature cited in patent application prosecution.

Your attention is drawn to paragraph 3 of the report which notes that the International Bureau would appreciate receiving from the prospective PCT Authorities, any additional statistical citation information now available in their Offices or general comments on the statistical report already submitted and annexed to the attached document.

In order to assure that copies of any information or comments submitted reach the other participants at least several weeks before the October 1972 meeting of the PCT Interim Committee for Technical Cooperation, you are kindly requested to make such submission to the International Bureau before August 31, 1972.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'K. Pfanner', is written over the typed name.

K. Pfanner
Senior Counsellor
Head of the
Industrial Property Division

Octrooiraad

Willem Wilsenplein 6 - Telefoon (070) - 264001
's-Gravenhage Postrekening 17300

uw brief van uw nummer ons nummer bijlagen
 July 4, 1972 Circ. 1462 S 72/320
 PCT 081.5
 datum August 3, 1972

onderwerp Proportion of non-patent literature to patent literature cited in patent application prosecution.

Mr. K. Pfanner,
 Senior Counsellor,
 Head of the Industrial Property Division,
 WIPO,
 32, chemin des Colombettes
 1211 Geneva 20

Dear Sir,

1. With respect to the above subject the following information, derived from available statistics, relating to the prosecution of Netherlands applications for patents, is submitted in reply to your circular 1462.

2. An investigation conducted in 1958 with a sample of 100 applications produced the following results:

	number of references per application		total	percentage non-patent
	patents	non-patent literature		
chemical division	4.3	1.7	6.0	28%
electrical division	6.1	1.1	7.2	15%
mechanical division	5.7	0.1	5.8	2%
total	5.3	0.9	6.2	15%

3. A similar investigation in 1968 produced the following:

chemical division	4.6	0.7	5.3	13%
electrical division	5.0	1.2	6.2	19%
mechanical division	5.9	0.5	6.4	8%
total	5.4	0.7	6.1	11%

4. In 2. and 3. above, the numbers are the number of references listed on the internal search report; about half of these are actually cited to the applicant.

5. In an investigation made in 1968 on the applications searched by a sample group of 10 examiners from the electrical division, the following information was obtained:

	number of references per application		total	percentage non-patent
	patents	non-patent literature		
on search report	6.8	2.0	8.8	23%
cited to applicant	3.1	1.1	4.2	26%

6. The contents of our search files developed as follows:

	patents	non-patent literature	total	percentage non-patent
1958	5,150,000	120,000	6,270,000	2%
1968	7,460,000	460,000	7,920,000	6%

It is remarkable that although as regards file contents the proportion of non-patent literature has tripled in these 10 years, the overall citation proportion decreased somewhat (halved for C, fair increase for E, strong increase for M).

7. It is remarked that part of the information of 3 and 5 above was earlier submitted in our reply to BIRPI circular 840 of May 20, 1969, in answer to the questionnaire STAC I no. 98.

8. For current searches, which now are mainly performed by the I.I.B., we have no intention to collect statistics ourselves, since we would expect the I.I.B. to do this.

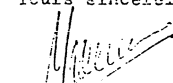
9. With respect to the Annex of PCT/TCO/SS/III/9 containing a report from the US Patent Office, we offer the following remarks.

(i) The graphs show that in US citations of patents, US patents number 10 to 15 times as many as non-US patents. In the Netherlands citations of US patents number 3 to 4 times as many as non-US patents.

(ii) In judging the importance of the age of citations we prefer to indicate the proportion of patent citations published in a certain year to the total number of patents published in that year. Several years ago we found that this percentage for the most recent 5 years is about twice the average, and for older years comes down to about half the average with only very slow further decrease.

(iii) The proportion of non-patent literature citations is obviously much lower (about 3%) than in the Netherlands patent office (over 10%).

Yours sincerely,


 J. J. van der Meulen
 Vice-President

DER PRÄSIDENT
DES DEUTSCHEN PATENTAMTS

8000 MÜNCHEN 2, den August 16, 1972
Zweibrückenstraße 12
Fernruf (08 11) 2 19 51 Fernschreiber 5 23 534
Fernrufdurchwahl (08 11) 21 95 Hausruf _____
Geschäfts-Nr.: 9330/10 - H5 Bd. II 6/72
Bitte in der Antwort die vorstehende Geschäftsnummer angeben.

Professor Dr. G.H.C. Bodenhausen
Director General
World Intellectual Property
Organization (WIPO)
32, chemin des Colombettes
CH 1211 Genf 20
- Schweiz -

Re: Circular No. 1462 - PCT 081.5 and Document PCT/TCO/SS/III/9
of July 4, 1972

Dear Professor Bodenhausen,

Referring to the above-mentioned letters I have the honor to inform you on my experiences with references cited in "isolated searches".

The two tables in the annex contain statistical data on publications ascertained in "isolated searches" from May to October 1971, and from March to June 1972. For the technological fields: mechanical engineering, mechanical technology, electrical engineering, chemistry, and physical science as well as for all technological fields together, an average of the number of publications ascertained and a breakdown according to DT patent literature, foreign patent literature, and non-patent literature are indicated.

With regard to the results, the following may be mentioned: the total of publications ascertained for all technological fields from March to June 1972 (the corresponding figures for

May-October 1972 are bracketed) amounts to 5,3 (6,3). The percentage distribution is as follows: 48,3 % (46,5 %) DT patent literature, 49,6 % (47,6 %) foreign patent literature, 2,1 % (5,9 %) non-patent literature. While the proportion of German and foreign patent literature in the publications ascertained has been steadily increasing, the proportion of the non-patent literature has decreased. In my opinion, this is due to the effects of the new Patent Laws of France and Germany which have as a result that patent applications are published at an early date. It is a well known fact that the non-patent literature relating to recent fields of technology is of particular interest as the respective publications did so far appear earlier in the non-patent literature than in the patent literature. However, owing to the deferred examination, the periods concerned are changing in favor of the patent literature.

Sincerely yours,



Dipl.-Ing. K.H. Köhne
Vice-President

Annex

PCT/TCO/SS/III/16
ANNEX B

A n n e x

Statistics on the number of publications ascertained in "isolated searches", split up according to technological fields:

A. May to October 1971 (approx. 3 500 searches)

Technological Field	Number of citations	DT patent literature		Foreign patent literature		Non-patent literature	
		average number	%	average number	%	average number	%
Mechanical engineering	6,6	2,90	43,9	3,46	52,4	0,24	3,7
Mechanical technology	4,5	2,16	48,1	2,12	47,1	0,22	4,8
Electrical engineering	9,0	4,26	47,3	4,21	46,8	0,53	5,9
Chemistry	1,6	0,53	33,1	0,85	53,1	0,22	13,8
Physical science	4,4	2,34	53,2	1,62	36,8	0,44	10,0
Average rate	6,3	2,93	46,5	3,00	47,6	0,37	5,9

B. March to June 1972 (approx. 2 500 searches)

Technological Field	Number of citations	DT patent literature		Foreign patent literature		Non-patent literature	
		average number	%	average number	%	average number	%
Mechanical engineering	5,1	2,21	43,1	2,89	56,3	0,03	0,6
Mechanical technology	5,2	2,64	50,4	2,53	48,4	0,06	1,2
Electrical engineering	6,3	3,24	51,2	2,85	45,0	0,24	3,8
Chemistry	5,0	2,02	40,7	2,77	55,8	0,17	3,5
Physical science	4,6	2,72	59,6	1,69	37,1	0,15	3,3
Average rate	5,3	2,56	48,3	2,63	49,6	0,11	2,1

REGISTRERINGSVERKET

Stockholm, August 28, 1972

KUNGL PATENT- OCH REGISTRERINGSVERKET
STOCKHOLM
SWEDEN

Citations in patent applications examined
during March and June 1972 (two months)

Technological fields	Number patent application	Citation Patent Literature				Citation Non-Patent Literature	
		Foreign	Swedish	%	%		%
Tele-communication	344	470	66	182	26	56	8
Electricity	383	760	80	153	16	34	4
Power Heating	301	581	79	143	20	7	1
Production Transportation	464	1040	81	225	18	9	1
Building Textiles	331	661	77	195	22	7	1
Plastics Foodstuffs	244	550	75	124	17	61	8
Inorganic Chemistry Metallurgy	400	694	67	252	25	86	8
Organic Chemistry Pharmaceuticals	472	774	67	203	17	180	16
T O T A L	2939	5530	74	1477	20	440	6

Mr. K. Pfanner
Senior Counsellor
Head of the Industrial Property Division
WIPO
32, chemin des Colombettes
1211 GENÈVE 20
Schweiz

Dear Mr. Pfanner,

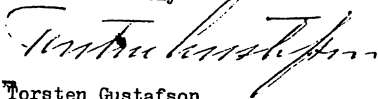
Referring to your Circular No 1462, PCT 081.5 of July 4, 1972 I have the honour to inform you about a sample in the Swedish Patent Office concerning the citation of non-patent literature in relation to citation of patent literature.

The sample consists of patent applications examined during March and June 1972, together 2 939 applications. The total references cited was 7 447, of these 5 530 or 74 % was foreign patents, 1 477 or 20 % was Swedish patents and 440 or 6 % was non-patent literature.

The chemical fields have as expected the highest percentage of non-patent literature followed by the electrical fields.

In the enclosed table you will find the sample broken down to the head fields of technology.

Yours sincerely



Torsten Gustafson
Deputy Director General

ANNEX C

PCT/TCO/SS/III/16



INSTITUT INTERNATIONAL DES BREVETS

BOITE POSTALE 5021 - LA HAYE (PAYS-BAS)

INSTITUT INTERNATIONAL DES BREVETS

Le 26 juillet 1972.

TELEPHONES:

SIEGE: (070)

SERVICE TECHNIQUE: (070) 24 54 77

ADRESSE TELEGRAPHIQUE:

BREVYPATENT

TELEX No. 31.651

VH/42/vn

Mr. G.H.C. BODENHAUSEN,
 Director General of the World Intellectual
 Property Organization,
 32, Chemin des Colombettes
 1211 GENEVE 20 - Suisse.

LA HAYE le July 26, 1972.
 97, Nieuwe Parklaan

Dear Mr. Bodenhausen,

Enclosed I am sending you a report with two
 annexes on the use of non patent literature.

Yours sincerely,

(P. van Waasbergen)

Encl.

REPORT ON THE USE OF NON PATENT LITERATURE IN THE I.I.B.

During the years a number of studies have been carried out by the I.I.B. concerning the documents cited in its search reports. These studies referred as well to the category and the origin of the documents, as to their age. Results of these studies will be summarized hereunder.

A study was carried out by Mr. Putz in 1967 and a paper about it was read at the Stockholm General Meeting of ICIREPAT. The paper was afterwards published. The aim of the study was to get an answer to the question: what would be the influence on the search results of certain cut-off dates applied to the consulted documentation?

This study referred to a sample of 729 searches of which:

- 182 referred to chemistry
- 114 " " electricity
- 97 " " physics
- 336 " " mechanical engineering etc.

All searches were performed during november and december 1967

Some conclusions of the study were:

- a. Of the cited documents 8,8 % was to be considered as NPL.
- b. The proportion of cited documents relevant for the novelty to the total number of cited documents was substantially the same for patent and non patent literature.
- c. The age of the NPL documents was not considered. For patents, however, it became clear that a cut-off date of e.g. 1946 would have had as a result that 25 % of all cited patents (42 % of all German patents) would have been missed.

B.

A study carried out by Mr. Phillips intended to investigate especially the use of NPL in I.I.B. searches. The study was based on "official searches" i.e. applications searched for the Netherlands and French patent offices. The sample taken in late 1970 had the following composition:

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ANNEX D

	overall	C	E	M
Netherlands applications	1018	489	383	146
French applications	651	354	144	153

C stands for Chemistry
 E stands for Electricity and Physics
 M stands for Mechanical Engineering etc.

The following results were obtained:

1. Documents cited:

	overall	C	E	M
- Number of documents/ application	3,2	2,9	3,6	3,6
- % of NPL of total number of documents	7,8	6,5	15,4	1,3

2. Age of NPL cited:

In the graph annexe 1 are indicated the cumulative totals of cited NPL as function of the age of the documents.

Moreover annexe 2 indicates in

- Column A : number of documents bearing date of year in question
- Column B : cumulative total of documents to date in question
- Column C : cumulative total as percentage of total cited documents.

It is immediately clear from these annexes that the older NPL does not play an important role.

3. Influence of cut-off dates

- a. It is clear that any cut-off date for NPL leads to a loss of information, but this loss may be justified in view of the very low return obtained from the documentation involved. It is, however, always possible that a very old document contains the information the examiner is looking for. As an example it may be mentioned that the eldest NPL in the sample was an article dated 1398 and it was the only relevant document cited in the report.
- b. It is interesting to see which would be the cut-off dates at which the cited NPL falls to 1 % and 0,5 % respectively of the total cited documents:

	1%	0,5%
overall	1958	1954
C	1956	1950
E	1956	1954
M	1967	1963

4. The division electricity and physics uses more NPL than the other divisions.

C A short study carried out in 1972 but referring to a much smaller sample gave higher percentages for the NPL:

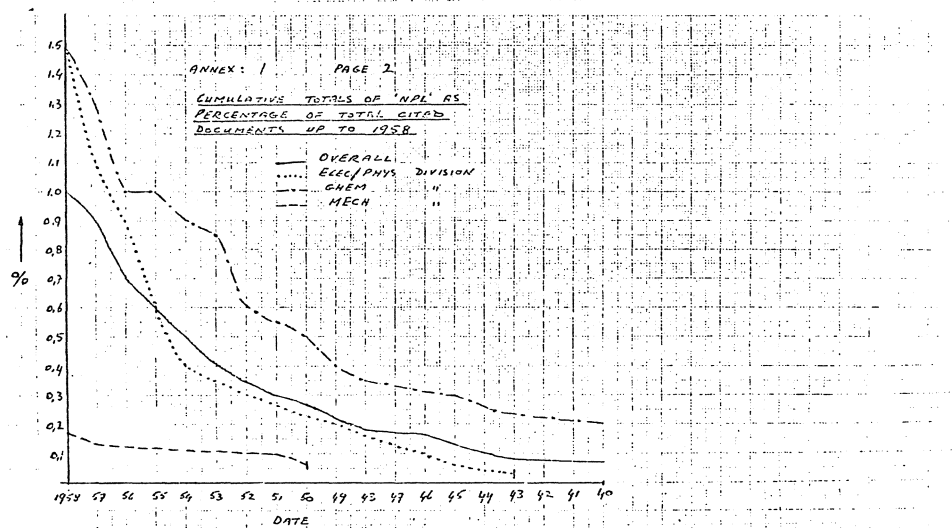
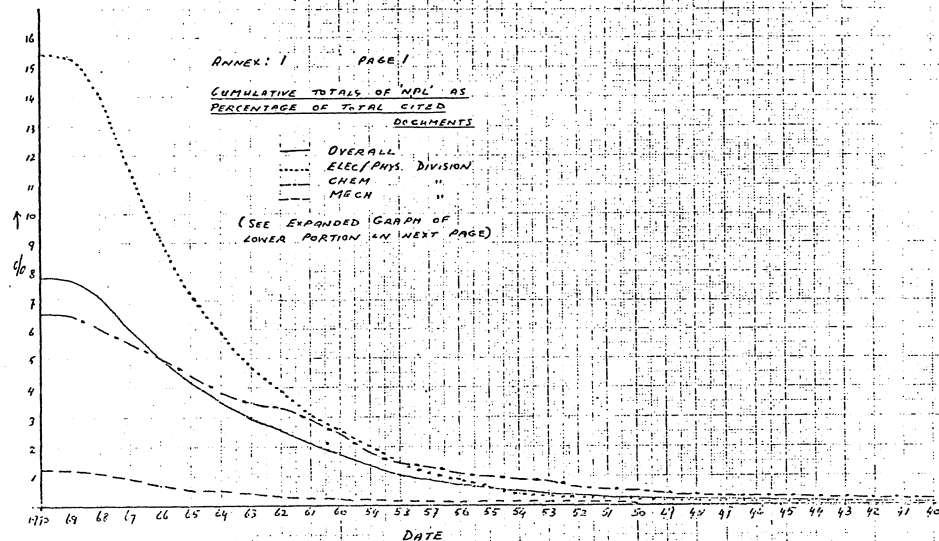
	overall	C	E	M
% NPL	10,7	10,2	21,0	0,36

The different studies give the impression that the proportion of NPL is growing. The height of the proportion and the distribution over the divisions are very much influenced by the composition of the sample.

J.W. P. van Waasbergen

ORDINARY SEARCH REPORTS

DISTRIBUTION OF NPL ACCORDING TO DATE



DATE	Overall			Elec./Phys.			Chem.			Mech.		
	A	B	C	A	B	C	A	B	C	A	B	C
1970	6	731	7,8	2	462	15,4	3	223	6,55	1	38	1,26
1969	59	725	7,7	41	460	15,3	14	220	6,5	4	37	1,23
1968	100	666	7,1	75	419	14,0	20	206	6,0	5	33	1,1
1967	92	566	6,0	68	344	11,5	17	186	5,5	7	28	0,93
1966	81	474	5,0	58	276	9,2	19	169	5,0	4	21	0,7
1965	62	393	4,2	41	218	7,3	20	150	4,4	1	17	0,56
1964	48	331	3,5	35	177	5,9	10	130	3,8	3	16	0,53
1963	39	283	3,0	26	142	4,7	9	120	3,5	4	13	0,43
1962	46	244	2,6	24	116	3,9	13	111	3,3	1	9	0,3
1961	31	198	2,1	13	92	3,1	17	98	2,9	1	8	0,27
1960	40	167	1,8	19	79	2,6	19	81	2,4	2	7	0,23
1959	28	127	1,4	16	60	2,0	12	62	1,8	0	-	-
1958	17	99	1,0	10	44	1,5	6	50	1,5	1	5	0,17
1957	16	82	0,9	7	34	1,1	8	44	1,3	1	4	0,13
1956	12	66	0,7	9	27	0,9	3	36	1,0	0	-	-
1955	8	54	0,6	5	18	0,6	3	33	1,0	0	-	-
1954	3	46	0,5	2	13	0,4	1	30	0,9	0	-	-
1953	11	43	0,4	4	11	0,35	7	29	0,85	0	-	-
1952	3	32	0,35	0	-	-	3	22	0,6	0	-	-
1951	3	29	0,3	0	-	-	2	19	0,55	1	3	0,1
1950	5	26	0,27	0	-	-	3	17	0,5	2	2	0,06
1949	4	21	0,22	2	7	0,2	2	14	0,4	0	-	-
1948	1	17	0,18	0	-	-	1	12	0,35	0	-	-
1947	1	16	0,17	1	5	-	0	-	-	0	-	-
1946	2	15	0,16	2	4	0,1	0	-	-	0	-	-
1945	3	13	0,13	1	2	0,06	2	11	0,3	0	-	-
1944	2	10	0,1	0	-	-	2	9	0,26	0	-	-
1943	1	8	0,08	1	1	0,03	0	-	-	0	-	-
1942	0	-	-	0	-	-	0	-	-	0	-	-
1941	0	-	-	0	-	-	0	-	-	0	-	-
1940	7	7	0,07	0	-	-	7	7	0,2	0	-	-

and earlier

End of document