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STATUS REPORT ON THE JOPAL PROJECT

Document prepared by the Secretariat

INTRODUCTION

1. At its fourth session, held in December 1999, the SCIT Plenary requested the Secretariat to conduct a survey on the current use of JOPAL and on the use of alternative sources of Non-Patent Literature (NPL). The survey focused on three issues:

- (a) current usage of JOPAL by intellectual property Offices (IPOs);
- (b) alternative sources of NPL;
- (c) how the service might be changed/improved.

2. This document provides some background on the JOPAL Project, analysis of the results of the survey and a summary of possible options in respect of the future provision of, and access to, sources of Non-Patent Literature by Member States of WIPO.

BACKGROUND

3. Prior art searching requires the study of patent documents and of technical and scientific publications worldwide. In respect of the latter, the likelihood of an article being retrieved during a search can be increased by improving the availability of information describing the article contents. This can be done in four different ways by:

- (i) capturing the bibliographic data;
- (ii) coding or indexing the document;
- (iii) capturing the abstract data;
- (iv) capturing the full text of the document.

4. JOPAL was initiated in this context with the objective of developing a centralized database of classified bibliographic data to be used as a search aid by IPOs for prior art searching of technical and scientific publications (so-called NPL). The bibliographic details and classification of selected articles were produced as a by-product of the activities undertaken by the IPOs in the systematic maintenance of their search files and the details of the selected articles then submitted by the cooperating offices to the Secretariat for data capture and inclusion in the database. The project represented a cooperation/work-sharing agreement between IPOs in the selection and classification of articles from technical journals in the list of non-patent literature included under the heading of PCT "minimum documentation." Originally published in paper form, the database is now provided as a searchable database accessible via the Internet from the WIPO Intellectual Property Digital Libraries (IPDL) site.

5. At the present time, the cooperating offices are the industrial property Offices of Australia, Austria, Brazil, Bulgaria, the Czech Republic, France, Germany, Japan, the Russian Federation, Sweden, the United Kingdom, the United States of America and the European Patent Office (EPO). However, Australia (responsible currently for 10 journals) has notified the Secretariat that it will terminate its participation with the last issues of the year 2000.

SURVEY FINDINGS

6. Forty-one IPOs responded to the survey and copies of their replies have been included in the project file (see SCIT/P 9/00, Annexes 3 to 44). An analysis of the replies indicates that 21 of these Offices have never made use of the service and of the remainder, 15 are current users. IPOs not using the JOPAL service included large offices who indicated in their replies that they used alternative sources of NPL (see below) and also small offices which did not undertake patent search activities and, as such, had no need for such a service.

7. Although initially a project aimed at IPOs with a view to reducing costs in search file maintenance, the use of JOPAL was extended in recent years to include Patent Libraries (and through them researchers, etc.) and recently, by its free publication on the Internet, it is available for access by the general public. A subsequent sample survey of Patent Libraries indicated that

one-third of those replying made use of JOPAL. To complete the usage picture, statistics of access to the JOPAL database on the WIPO IPDL site are given below. (Note: Figures for Madrid-express are given for comparison purposes only). The statistics show a small but regular usage of the database for which some 875 user accounts have been set up.

November 2000	jopal.wipo.int	Madrid.express.wipo.int
Successful requests	6704	70904
Successful requests for pages	3606	9883
Distinct hosts served	697	1622
Data transferred	27 Mb	265 Mb
Average data transferred per day	1 Mb	9 Mb

8. Although the replies in respect of alternative sources of non-patent literature used by IPOs included reference to some free sources, in the vast majority of cases this was not so and access fees were involved. This is particularly the case with regard to databases supporting literature searches in particular technical fields (e.g., BIOSIS).

9. The majority of the comments on possible changes/improvements referred to the desirability of extensions to the service by including abstracts and/or the full text of articles to support searching and also (electronic) access to the full NPL article. The current restriction of JOPAL to include only the classified bibliographic details of the article was considered limiting when set against the present day (commercial) availability of abstract and full-text databases.

CONCLUSIONS/FUTURE DIRECTIONS

10. The low usage of JOPAL by IPOs is not an indication that there is reduced interest in NPL. In fact the opposite is the case, and specific and significant steps are being taken by major IPOs to improve their coverage of, and accessibility to, sources of non-patent literature. These include the EPO where the availability of NPL to examiners has been improved to allow searching in more NPL publications and to allow faster access to NPL. This activity includes loading of copies of commercial databases in-house (INSPEC, ELSEVIER, BIOSIS, COMPENDEX, etc.) and an annual subscription to 1,400 journals from which 120,000 articles are copied and added yearly to the classified collection. Other examples include the cooperation within Europe by the EPO and some of its Member States to forge consortium contracts with publication houses/commercial hosts for access to their NPL databases. The need to address issues of NPL has also been recognized by the International Patent Classification (IPC) Committee of Experts in its deliberations on the reform of the IPC.

11. In this context, consideration has to be given to the steps that might be taken in the global arena to support access to NPL and the future role that JOPAL could play. In its present form, JOPAL does not appear to provide a platform of sufficient utility to IPOs to support their NPL prior art searching (although it is used by IPOs as one of the sources of information on NPL). On the other hand, although the additional NPL databases are available via the Internet for NPL searching, such services are typically fee-based as opposed to the free access that JOPAL provides.

12. Options for the future

(a) Discontinue the JOPAL service. This would appear to be impractical at this stage unless an alternative freely accessible service providing at a minimum a similar search database (i.e., containing classified bibliographic details) were made available to fill the void. Such an option for the future might arise if, for example, the EPO's bibliographic database related to NPL was to be made publicly available via the Internet. Such an option is, however, not currently planned.

(b) Continue to update and publish JOPAL as at present (assumes the willingness of the cooperating offices to continue to classify journals allocated to them) and to provide free access to the journal data (in PDF and database form) via the WIPO web site service for access by IPOs and the general public (the latter will assist in the promotion of patent awareness). Examine alternative delivery means for users with limited or no Internet access, e.g., e-mail of monthly PDF files, CD-R, etc.

(c) Investigate the extension of the JOPAL service to include links to commercial databases providing Journal coverage to obtain access to the full text of selected articles following a search within JOPAL. This option would involve fees for access to journal articles on an individual fee basis by IPOs and/or some form of WIPO-negotiated central agreement. The latter would be of course, subject to budget approval.

(d) Investigate other (alternative or additional) cooperation activities that Member States might propose that could lead to a modern, state-of-the-art NPL search and documentation service for possible provision as a function of a future Global IPDL service. Such investigation would need to take into consideration factors relating to the cost of any new services when measured against their potential use and the importance of NPL during the patent granting procedure. Such considerations should also recognize variations related to the technical field involved namely:

(i) In technical areas where developments have a short lifetime due to rapid technical advancement there is less reliance on patents. Prior art searching in technical journals is therefore at a premium as innovators continue to market and publish their developments in technical journals and rely on the first-to-market principle;

(ii) In some areas there is little or no coverage by abstracting services of journal titles;

(iii) Some technical areas have highly developed electronic search systems covering NPL.

13. The SCIT Plenary is invited to note the information provided in this document and give advice on the possible options for future action.

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