

On Data Formats for the „epoline“ System

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Recently D. K. SPEISER in his capacity as Chair of the *epi Online Communications Committee* („OCC“) has delivered a report¹ on certain considerations and conclusions concerning technical details of the on-line filing procedure („OLP“) as implemented by the epoline system of the EPO. According to this report, the OCC conveyed the message to the EPO that representatives using the present on-line filing („OLF“) system have a severe liability problem stemming from the danger of possible omissions caused by the software. The report further states that the problem of incomplete disclosure originates from the desire of the EPO to receive the texts in a particular common format called *Portable Document Format* („PDF“). The arguing as put forward by the OCC starts with an assertion saying that the PDF format is not the native storage format for most word processing and drawing programs but requires a separate conversion step. To convert the output of those products into the needed PDF format a *PDF converter software* is required and up to now there is no PDF converter known that works error-free. From the OCC's point of view which meanwhile has been adopted by the epoline project, the inclusion into the electronic filing of the original technical documents on which the on-line application is based in other formats like MS-WORD or AUTOCAD is deemed to be a sound solution.²

This discussion as reported by the OCC sheds some light on a particular aspect of a matter which perhaps has not drawn as much attention amongst wider circles as it should deserve. The electronic communication infra-

structure with all its technical regulations will exert a considerable influence on the shape of the daily work of the patent professional and surely will as well form a technological and, last but not least, economic framework. In detail, relevant questions might e.g. be:

- Should it be deemed justified if the EPO sets some sort of regulation including a technical framework which urges or even effectively forces patent professionals acting before the EPO to install a particular proprietary software from a single vendor, i.e. by imposing data formats which can be created only on IT systems based on MS-Windows?
- With regard to data exchange formats, should proprietary solutions be encouraged or are there any advantageous open standards available for use with regard to the various aspects of the electronic communication between the EPO and the patent professionals?
- Can such open standards serve to balance the exploitation of the benefits of the introduction of electronic communication between the EPO and the patent professionals?
- Which steps should be made in order to identify and utilise such open standards?

As a starting point for a further and more technical discussion a paper on some implications of the choice of data formats for text representation is provided by AXEL H HORNS (*epi*, PAK) on-line on the *epi* website under the URL <http://www.patentepi.com/english/200/210>

¹ D. K. Speiser: Report of the Online Communications Committee for the time period May-June 2002. *epi* Information 02/2002, pages 71-72.

² D. K. Speiser: Report of the Online Communications Committee for the time period June-October 2002. *epi* Information 04/2002, pages 124-125.