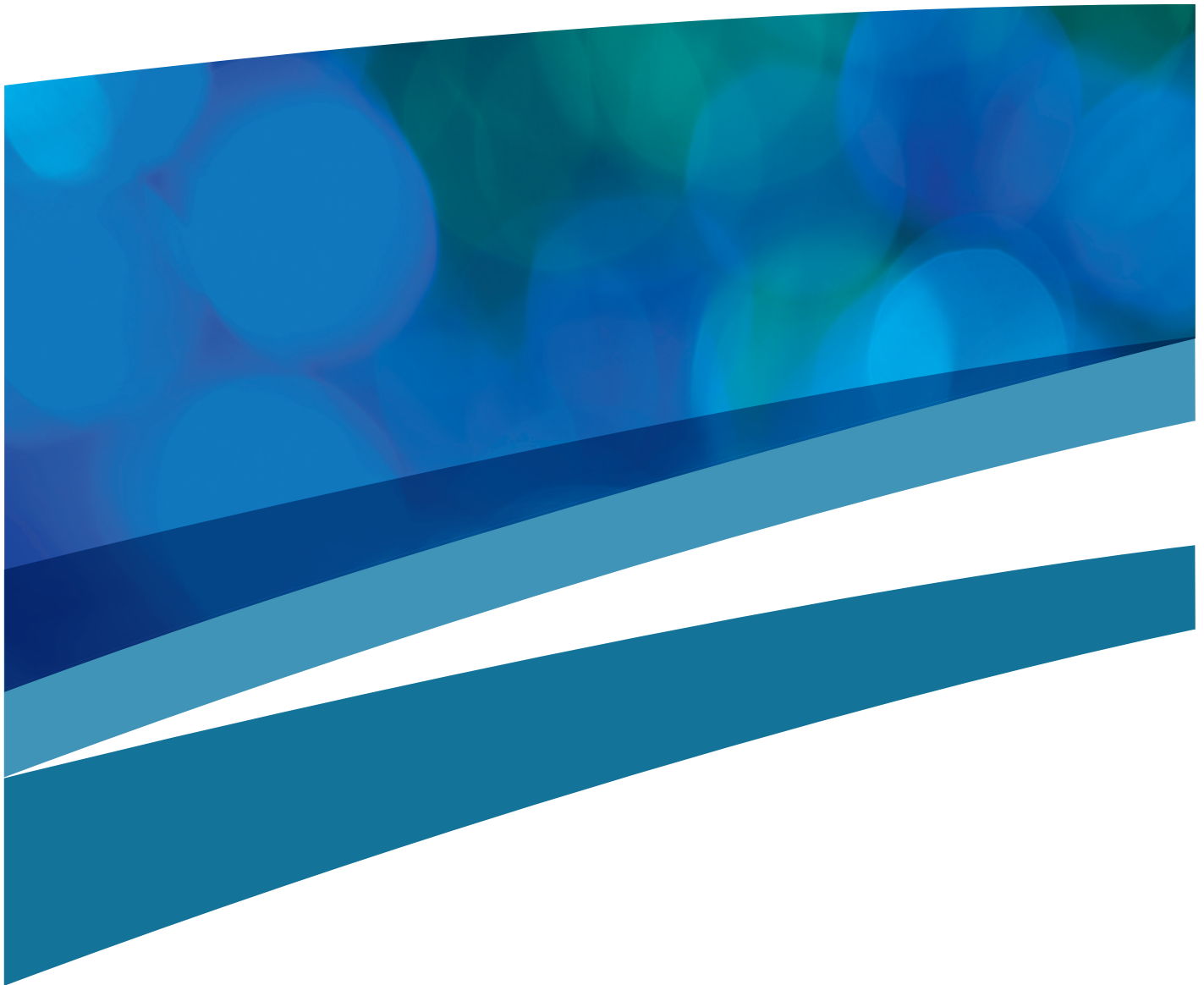




Intellectual  
Property  
Office

# Patents Customer Visit Programme 2015







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## Introduction

The Patents, Designs and Trade Marks Directorate (PDTMD) within the IPO is responsible for the grant of Patent and registration of Design and Trade Mark rights. In collaboration with our colleagues in Innovation Directorate we carry out a number of visits, and hold customer events to gauge their views on using our services and products.

The office has many formal consultation procedures and various official working groups which cater well for policy discussions with our stakeholders. The CVP forms an important part of these procedures as part of a wider operation to consult properly with our customers over everything from major policy changes to the day to day delivery of services where we need to deal with issues in relation to the transactions involved in delivering rights to our customers.

This is the third year of the Customer Visit Programme (CVP) and we have built on the foundations of the first two years to further our knowledge of the views of our customers about how we deliver our services. This year we have continued to broaden our programme to try and hear the voice of the smaller attorney and sole practitioner customer by holding events in Liverpool and Sheffield following our successful events in London and Glasgow last year. For the first time we also went international, visiting customers in the Republic of Ireland.

The CVP has continued to provide other opportunities for us. It has allowed us to continue to not only to raise the profile of services such as the Global PPH but also to seek our customers input on specific projects and get ideas for other services where we cannot easily use the existing consultation process. The informal environment remains a great opportunity to exchange views on how we work with our customers and resolve any problems we have in the way we work with each other. Our experience has shown that this final point can really help lead to a strong relationship between us and our customers.



Deputy Chief Executive

# Summary

## Purpose

The IPO has a statutory responsibility for granting IP rights in the UK. In fulfilling that statutory role we need to both maintain existing services and products whilst also developing new ones to ensure we can fulfil our responsibilities and to continue to meet the needs of our customers whether they are a multinational company, or a small firm or an individual user.

To get the intelligence we need to carry on delivering a world class service we need to engage with our customers. The Patents Customer Visit Programme (CVP) is a vital resource for us in achieving this and has established itself as a valuable source of information.

## The Visits

This year we have visited over 20 different customers. We also held customer events in Liverpool and Sheffield at the Business Intellectual Property Centres for some 15 or so attorney firms and sole practitioners in the North West and Yorkshire areas.

All the customers we met appreciated the opportunity to meet with us and we are more than grateful for their time. We are extremely grateful for the often candid views and opinions that customers expressed both on our existing service levels and also on our ideas and plans for new services.

## Conclusions

This is the third year of the visit programme and as in previous years we have received rich and varied views from our customers about how we deliver our services and our plans for the future. The most common areas of discussion this year included:

- Importance of maintaining a six month search target
- Examination Backlog
- Views on the EPO and EPO Services
- E-Services
- The Need for a National Filing Option in the EPO CMS software
- Questions about using the Unitary Patent and the Unified Patent Court

# Patents Customer Visit Programme (CVP) – An Overview

## The Benefits

The CVP remains a positive engagement exercise with our patents customers and has been cost effective in achieving its goals, most notably:-

- Continuing to develop as a vehicle for customer engagement using a combination of visits and events to reach customers of all sizes.
- Continuing to raise awareness of products and services offered by the IPO.
- Continuing to obtain customer input and engagement for the development and expansion of our online services.

## Services

Our customer visits have continued to raise the profile of the following services:

- The Patent Prosecution Highway (PPH) particularly the Global PPH
- Patents Opinions service
- IPO Mediation services
- The implementation of Gov.UK
- The Patent Box
- IP Attachés (with China of particular interest)
- Electronic Services

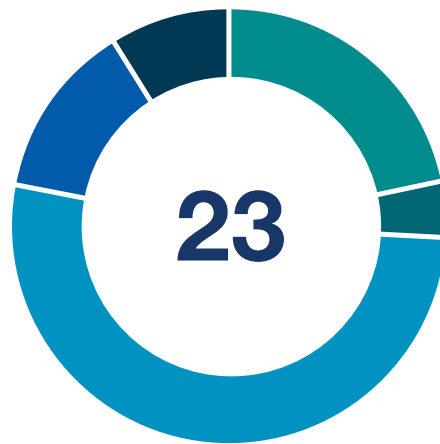
## Intelligence

We have also received substantial customer intelligence on the following areas:

- Importance of maintaining a six month search target
- Examination Backlog
- Filing Strategies
- Views on the EPO and EPO Services
- E-Services
- The Need for a National Filing Option in the EPO CMS software
- Questions about using the Unitary Patent and the Unified Patent Court
- The Internet of Things: IPO Experts Group

## Customers: Numbers and Type

As of 31st December a total of 23 visits or discussions had been held with customers of the IPO. Of these 18 were held at the customer's premises, 3 at the IPO and one each at Liverpool and Sheffield Business Intellectual Property Centres (BIPC).



In terms of customers we met:-

5

Inhouse Patent Teams (inc 1 attended by John Alty)

1

UK Government IP team

12

Attorney Firms (inc 3 attended by John Alty)

and hosted:

3

Events at the IPO

2

Events at BIPCs in Liverpool and Sheffield

### Liverpool and Sheffield Meetings

The programme in the last two years has readily identified that the intelligence and views of smaller customers are often substantial and no less valid than the London based firms with international clients. There is also the recognition that it is not possible to visit all our customers either as a result of their location or it is not economic to do so.

The experience of the programme in organising visits in London and Glasgow showed how this issue can be addressed. To that end, working with the BIPCs in Liverpool and Sheffield we were able to organise two events in June in Liverpool and Sheffield libraries. These meetings were highly successful and were attended by approximately 15 local firms.

### Visit Hosting

We were also happy to host two visits from an attorney and their client as well as an in house IP team. This was a useful exercise in that it allowed us both to meet and speak to the Examiners working in the technology of their client and understand the approach they will take when searching and examining their applications.

We were also able to host a team of three Japanese Examiners who were working in the UK on secondments.





## Chief Executive Customer Engagement

We have continued to arrange and support the CEO, John Alty on four visits this year. This gave the customers visited the chance to provide views on a wide range of subjects beyond the normal range of subjects covered during customer visits.

# Customer Filing Strategies

## Client Needs

Developing on from previous years this became a key feature in the discussion of filing strategies. Attorneys tell us that they work closely with their clients in order to clearly establish a cost effective IP protection strategy. The IPO forms a key part of this strategy given our high quality standards and low fees which enable more effective decisions to be made for and with the client.

In establishing client needs it has also become clear that the Patent Box is taken into consideration especially for SMEs. Though there is little empirical evidence to support it, many attorneys reported increased interest and a slight upturn in filings.

## Search Target

For many firms the speed of UK search and the availability of the Combined Search and Examination is a key driver to using the IPO. Six months is welcomed as a target but discussions suggest that exceeding this would be a reason not to file in the UK. One firm made the point that whilst the IPO continued to produce work ahead of the EPO it would be their preferred office filing, but this would change if the situation was reversed. In their case this was already an issue in the measurement headings.

## Combined Search and Examination (CSE)

The CSE remains a very popular tool for attorneys and from the many comments we received it is seen as a good option for domestic customers. With the current examination backlog this is likely to continue. For many the CSE is considered to provide a good indicator of whether to continue with the UK prosecution and/or file an international application.

## Examination Backlogs

These are becoming an increasing issue of concern for many attorneys. In particular a large number have noted that nearly all the examinations now arrive with a 12 month deadline for the compliance period. In one instance an attorney firm has discontinued UK national applications if there are PCT or EPO applications in the family.

## Subject Matter Specifics

There appears to be a continuing focus on excluded subject matter with a view that it is easier to obtain grant on some applications at the EPO rather than the IPO. More specifically this related to computer implemented inventions where the EPO is considered to be more amenable to grant than the IPO.

It was suggested by one attorney that in some areas such as measurement the EPO were ahead of the IPO for timeliness of examination. Whilst their preferred option was to file a CSE at the IPO, there were cases where a separate search and exam were considered a better option. In these cases, they would give due consideration to filing an EPO application due to the examination time.

## Unitary Patent and Unified Patent Court

The Unitary Patent is of interest to many attorneys and their clients and particularly the level of fees and other costs associated with the unitary patent. For many, a decision on unitary protection would be done on a case by case basis. How the Unified Patent Court will operate and the standard and quality of its decisions will also be key factors likely to influence decisions on which route businesses will choose to take.

The "top 4" renewal fee model was welcomed but it was noted that the savings to individual businesses would depend on where firms need protection and whether the scope of protection offered under the Unitary Patent offers commercial or financial benefits over current options. It would be a cost evaluation exercise to determine the value of obtaining unitary protection over multiple national applications especially if protection was only required in UK, DE and FR, as appeared to be the case with many clients.

Many firms expected to see a short term increase in filings with the IPO as they wait to see how the Unitary Patent and new Court operate.

## Costs Associated with International Filing

A number of firms and attorneys have made clear the fact that the cost of international filings is now an important question in how they proceed. It has become clear that the question of where to file is perhaps better phrased as "where else do I file other than the United States". Even for clients or applicants who would be considered to be multi-nationals where they file is becoming an issue of both cost and effectiveness. Whereas in the past they would automatically have chosen the EPO for European protection, there is a marked change to an interest in national patents with the UK and Germany being considered the primary markets.



## Litigation Forum

The IPEC was seen as a positive step and with the limitations it places on costs was also seen as a further reason for using the UK IPO for applications.

The information our customers provide on filing strategies is extremely helpful and informs us in setting our targets for the following year. This is particularly the case in undertaking searches where we aim to complete 90% within six months of request.

We have also noted the increase in use of the Combined Search and Examination and how useful it is for our customers.

On Examination backlogs we have recently recruited about 100 examiners and have another 50 due to start in September. We have currently reached a situation where our backlogs are relatively stable and with this new staffing we are aiming to reduce the backlog further.

The comments on the Unitary Patent, Unified Patent Court and Costs are all welcome and have helped us in understanding the driver for Patent applications to the IPO and the need to ensure we have sufficient resources available to meet this demand.

## Patent Prosecution Highway

Following on from previous years we often gave a presentation on the PPH to firms of attorneys. Comments made often indicated that the PPH can be a valuable tool in assisting applicants and when used in conjunction with the CSE could provide advantages to the applicant. As such it is becoming an important tool in determining a filing strategy where the IPO as office of first filing is often much quicker than other participants.

There is, however, a belief among a number of attorneys that USPTO Examiners pay little or no attention to the work done in the other offices. Some firms also reported that the USPTO “Track One” accelerated service was a better option to take.

In terms of markets many attorneys appreciate the efforts made to increase the number of countries involved. China is appreciated but many asked for Brazil and India to be included.

One firm identified some difficulty in finding the appropriate form on gov.uk and we subsequently made changes to the external website to make the form available with the other patent forms within two days of the meeting.

We will continue to engage with other offices to expand and develop the PPH network. We will also continue to encourage offices within the PPH network to make the most of the efficiencies which the PPH system can provide and to minimise the burden upon users of the system, e.g. by maximising the use of online dossier access systems in the PPH process.

In response to feedback from a customer visit we have also made the PPH request form available from the general patent form page of our website as well as on the dedicated PPH web pages.



## The Patent Box

Firms are now familiar with the patent box scheme and anecdotal evidence suggests that it has resulted in more enquiries and a small rise in filings. There is some concern about the transition arrangements to the new scheme leading to calls for guidance and information.

A further issue was raised this year concerning the advice being given to smaller firms about Patent Box applications. Specifically, there appears to be trend to draft an application with narrow claims with the aim of quick grant for tax purposes rather than to prosecute the patent for infringement purposes. It was suggested on at least one occasion that this was not appropriate action for an attorney to take as, by its very nature, it would result in an inferior product in scope that may harm the applicant should the patent prove to be more valuable than first thought. The question was raised as to whether such an approach would stand up to scrutiny should the applicant complain later that their interests had not properly been looked after by the attorney, should the invention be found to be more valuable than the tax credit available.

We acknowledge the concerns expressed with regard to the transitional arrangements for the new Patent Box scheme.

HMRC/HMT consulted on the new Patent Box rules in October 2015 and published draft legislation December 2015. The 2016 Finance Bill, which contains amendments to the Patent Box, was published at the end of March. A formal government response to the consultation is intended to be published in the coming months. We are working with HMT/HMRC to define some of the detail.



## The Unitary Patent and Unified Patent Court

The Unitary Patent and Unified Patent Court (UPC) featured in many of our discussions. Common with previous years, costs remain a key question for many attorneys. In general many attorneys are waiting to see these before advising their clients. As outlined earlier, whilst the “top 4” renewal fee structure has been broadly welcomed, uptake will depend heavily on whether the client would benefit from protection in more than four states and whether the extra territory adds value.

The almost EU wide scope of protection and the jurisdiction of the UPC remains a consideration for a number of firms. Firms continue to look at a balanced portfolio approach determined by where they need protection. There remains a general consensus amongst firms that national filing would increase as firms consider market demographics.

The standard of decisions from the court was another consideration. Many firms rate the UK court system highly and the quality of the decisions they produce. The IPEC is particularly well regarded for these reasons and for the cap on costs. In their view trust in the new system will be largely determined by the quality of decisions issued by the UPC especially in the early days.

We're pleased that so many people are aware of and interested in the Unitary Patent and Unified Patent Court, especially as both are expected to be available from early 2017. With decisions on UP and UPC fees now made, firms can now begin planning how to advise their clients in managing their patent portfolios. For the UPC, firms will need to consider whether to opt out or not.

## The EPO and EPO Services

Many customers commented on the current staff unrest at EPO. Whilst this is not new, it was clear that the recent events are, in the eyes of UK users, having a detrimental impact on the reputation of the EPO. Users also appear concerned about the potential impact of the unrest on the services the EPO offers. A number of attorneys suggested that the Administrative Council should be more active in restoring industrial relations. Work to improve the independence of the Boards of Appeal was also an area of particular interest and one that users wanted resolving in order to maintain trust in the EPO.

Users questioned the EPO's use of internal renewal fees which must be paid annually to EPO to keep a patent application in the system. It was suggested that these are a disincentive for EPO to respond promptly and to consider applications within a reasonable time frame. It was acknowledged that one way to minimise internal renewal fees was to request acceleration of an application. Those users who had requested acceleration through the EPO's PACE service generally found it useful but there were reports that in some cases it has little impact on decisions or actions.


Costs continue to be a concern. One attorney reported that their US customers are now looking at National Offices because of the costs involved in seeking a patent through EPO. This view was echoed by the US firm who report that cost and delay were the main reasons for not using the EPO. There were also concerns about EPO's ability to cope with additional workload should applications increase significantly following the introduction of the Unitary Patent.

We heard many positive comments about EPO. Generally EPO examiners are considered efficient and helpful and users could understand how they have arrived at decisions. However, this was not always the case and some users suggested EPO should do more to improve consistency across examiners particularly around reporting reasons for objections. The European Patent Office

(EPO) is at the heart of the European Patent System and so it is vital that the organisation maintains the trust and confidence of its users. The EPO is undergoing a series of reforms that will ensure it has modern and efficient working practices that will enable it to continue to provide a world class service to users.

The ongoing industrial unrest at the EPO is a concern for users and for the IPO. We have been working with other member states and with the management of the office to find a way forward. At a meeting of the organisation's Administrative Council (its supervisory body) in March, the Council, in agreement with the President of the Office, adopted a resolution on the social situation. The resolution signals the Council's deep concerns about the unrest and its expectation that all parties will recognise their





responsibilities and work in good faith to find a way forward see – <https://www.epo.org/about-us/organisation/communiques.html#a23>.

The EPO is actively responding to calls for improved timeliness with initiatives such as "early certainty from search" which appears to be having a positive impact. We understand that the office is looking at rolling this out to exam and opposition – we will continue to monitor progress in these areas. To minimise delays and costs we would encourage all applicants to use professional services, and where appropriate to make use of the free acceleration route (PACE – <http://www.epo.org/news-issues/news/2016/20160101.html>).



# Patents

## Search and Examination Practice

Overall this year has seen fewer issues raised about Search and Examination practice.

Claims to a program on a medium for generating a system were discussed on a number of occasions. Office practice at the present time is not to allow this type of claim. However, discussions with those wishing to use this type of claim suggest that they may challenge this in the future. Furthermore, it has been made clear that this is not just a UK issue but that it is one troubling attorneys in a number of jurisdictions.

Use of “Claim 1 at least” has been an issue raised regularly in recent years but was raised on only one occasion, showing that the work of previous years in reducing this does appear to have had the desired effect as the number of complaints were down. Where it was raised, the attorney described it as frustrating.

Examiner Opinions accompanying search reports are still considered helpful and a number of attorneys felt that perhaps we did not take full advantage of them by issuing more.

Quality issues were raised on a number of occasions. These ranged from what were considered to be poor inventive step arguments, to a view that some late examinations or searches appeared rushed. These should be taken in the context whereby most rated our examination reports very highly. One even went as far as stating that the approach to amendments was particularly welcome as the examiner clearly set out their report referring back to the attorney’s amendments. This made the client discussion much easier than when they are discussing reports from other IP offices.

## Excluded Matter

Excluded matter was again a subject for discussion at many meetings. On several occasions visiting staff gave a short presentation on how the IPO deals with such applications. UK practice now appears to be clearly understood, though some would disagree with our interpretation of the court decisions favouring the EPO jurisprudence.

However, at one meeting we were told that the EPO system is profoundly broken and is seen as a political device to stop patents being granted. Too often it was felt that by using the “objective technical problem” approach it was left up to an examiner’s whim to allow or refuse a patent application. There was even a suggestion that some EPO cases were being refused where the IPO would allow them.

One particular issue raised by several attorneys was in the business method area. Specifically, following the Alice decision in the US, US originating applications now often contained far more technical detail that had been normally associated with applications of this type. This led to the view that a blinkered approach to business methods may not be appropriate and that perhaps we were overlooking the technical content of the application.

## Examination Backlog

The examination backlog attracted more attention this year than in previous years. Whilst many appreciated our efforts to improve the backlog through recruiting examiners the fundamental objection was that on average most were waiting five years or more for a first examination report. What some found particularly galling was the imposition of a 12 month period for getting the application in order, a view that could be summed up by the comment “you’ve had five years and now you want us to do it in 12 months”.

The issue was further compounded where divisional applications were filed within the 12 month period presenting serious difficulties in a number of cases. There was a strong suggestion that we could be more flexible with time limits in this case allowing more time for putting any divisional application in order by taking the 12 months from the filing of the divisional application.

However, despite the negative comments about the backlog there was little or no suggestion that the compliance period should be removed.

## Formalities

Formalities have continued to support the visit programme, with staff spending significant time with Formalities teams in various firms’ offices. This has allowed them to develop relationships with firms, resulting in increased communication

between the two and in some cases avoiding potential problems e.g. the pre-checking of filing requirements and removing individual page references.

Drawings continue to be an issue for many attorneys. Colour drawings remain a major issue in particular with many attorneys wanting to see these allowed. The costs of drafting drawings in black and white are becoming significant, which could be reduced with the adoption of modern technology.

One issue raised by attorneys this year was in dealing with changes of details on applications through Forms 20/21. One firm pointed out that they would rather do this online but under the current arrangements they have amended their procedures to include a check on details, given the number of errors they have encountered.

In general Formalities discussions were an opportunity to meet and discuss basic issues and establish a relationship.

## PCT National Phase

The handling of National Phase PCT applications was again raised by one customer. Specifically, it was felt that as the Form 9 & 10 was filed together it should be treated as if they were a CSE.

## Harmonisation

Harmonisation was discussed on a number of occasions with attorneys generally being supportive of the agenda. Grace periods formed much of the discussion but other issues raised included the rules and quality of US provisional applications. This is perhaps indicative of another theme that emerged when discussed concerning the difficulty of balancing US and European views due to culture and practice.

## Examiners

Throughout the three years of the CVP, attorneys have continually reported that IPO examiners are helpful and approachable. This continues to be a theme that has been reported on by many attorneys who clearly value the availability and flexibility of our examiners. Notably this year many firms felt able to name examiners who have provided good service.

This appears in marked contrast to the approach of EPO examiners where many attorneys report difficulty in speaking to an examiner and often intransigence on points. One attorney remarked that it is as if they have a written procedure that forbids them talking to attorneys.



## ISA

The role of the IPO as an ISA was raised on a number of occasions. In expressing this view one firm made it clear that they would much prefer this to having to use the EPO.

We take the quality of our search and examination very seriously and the comments we receive through the CVP are instrumental in ensuring we maintain our high standards.

We are aware that the compliance period places a burden on many applicants and this is in part due to our backlogs. As commented earlier in this report we have taken on an additional 100 examiners and have another 50 due to start in September. This is part of our plans to reduce the examination backlog and ultimately ensure that we provide a timely examination report. We are also grateful that Examiner Opinions are being well received – this is another tool in trying to resolve objections earlier in the examination process.

We note the concern about Excluded Matter and especially the point about potentially technical subject matter in what would appear to be a business method application. Through our Examiner training regime we have identified this to the relevant examiners but we are bound by court precedent on how we deal with matters of excluded matter.

We are particularly pleased that many customers find our examiners approachable and helpful.

Work on patent harmonisation has continued under John Alty's leadership in Group B+. John has formed a sub-group to maintain focus, and has continued to engage industry to ensure that work moves in a direction which works for them. The next phase is crucial with the development of concrete proposals expected at the next meeting of the sub-group in spring 2016.

## Designs

We have continued to ask about designs when visiting attorneys. As in previous years many observed that OHIM was their first choice for filing a design, primarily because of the coverage offered and the comparative cost difference. The IPO is in the process of digitising its designs examination processing system, which will reduce the costs of delivering the service. As a result, the government consulted on reducing designs application and renewal fees as soon as the new designs examination processing system is launched.

Attorneys also highlighted OHIM's online service as another reason for choosing to file for European designs. In September, the IPO launched the beta version of the online designs application service, which has proved exceptionally popular with customers. Feedback from customer visits reinforced customer interest in introducing this new UK online service for designs application, as well as helping test prototypes at various stages of development to help drive improvements to the system before it was launched. The new system has proved exceptionally popular with around 70% of users choosing to file online.

The quality and knowledge of designs staff at the IPO was also recognised by one firm in particular, who thanked us for the skill and knowledge of our examiners and the service they provided in supporting them on applications.

The government is aiming to create a modern designs system that is an attractive option for those users who would benefit from a UK registration.

The government has already:

- Launched an electronic application service for designs;
- Introduced criminal sanctions for intentional copying of a registered design; and,
- Put in place a cheaper and simpler process for appealing decisions of the IPO by going to an expert in IP law (the "Appointed Person") rather than a court.

The government is:

- Preparing to accede to the Geneva Act of the Hague Agreement on Designs, allowing designers to register up to 100 designs in over 64 territories by filing a single international application;
- Planning to reduce the fees for registered designs;
- Examining the use of the Intellectual Property Enterprise Court small claims track for registered designs;
- Looking for a suitable legislative vehicle to bring forward changes to design law to enable designers to mark their products with a weblink rather than registered design numbers; and,
- Developing a targeted outreach programme to educate designers about the benefits of protection and help them make the right choices to meet their needs.



## E-Services and Customer Insight

Most customer visits undertaken last year included a member of the Customer Insight team to discuss E Services topics. Key subjects discussed are covered in the following paragraphs.

### Patent Renewals

The CVP played a pivotal role in influencing and shaping the development of the IPO's online patent renewals service which launched in 2014. Customer visits in 2015 played a part in building customer take-up of the new service and in evidencing the need to expand the service to allow more than 10 patents to be renewed in a session. The expansion to 30 was made in the summer 2015 and take-up has continued to grow. Paper-based renewals now account for less than 5% of all patent renewals at the IPO.

### View Patent Cases

Customers visited as part of the CVP feature heavily among the triallists for this service, the first of whom came on board in March with a successful log-on to a basic service. We have since grown our triallist base to 70 users, having demonstrated the service during customer visits. Customers have shown exceptionally strong interest in using the service. Visit teams have also captured valuable feedback regarding the direction in which customers would like to see the service expanded or improved to meet their needs. This fed several iterations of service expansion during the second half of 2015, notably to provide email notifications of new documents and to extend the range of documents that could be downloaded through the service.

### Online Design Application

During 2015 the Apply-for-a-Design project progressed from discovery into alpha phase and then into beta at the end of September with a basic live service. Feedback at customer visits reinforced customer interest in the new online service. Hands-on filers at several attorney firms visited were also engaged in usability testing prototypes at various stages of development to inform iterative improvement. In this way the visit programme has played a key role in the successful launch of the service and its rapid adoption by customers. E-filing take up of this service climbed to an incredible 71% in only its 3rd month of operation, December 2015.

## Online Patent Application

At an earlier stage of development than the apply-for-a-design project, the apply-for-a-patent project (now Patent Transformation Project) has drawn heavily on the customer visit programme during 2015 for a customer steer. Most usefully, customer visits in the summer and autumn were used to test whether prototypes that had been devised for private applicants could also meet professional users' needs. The results of tests at 3 different attorney firms (since validated at formal laboratory-based usability tests) confirmed that agents' approach to completing a patent application required a substantially different model. A key point highlighted during the visit was the established custom of uploading pre-drafted specification documents and a separation of roles in larger firms, between the person entering information into an application, and the person authorising content prior to submission.

## GOV.UK

With IPO's website moving to GOV.UK in October 2014, one of last year's key meeting objectives has been to build understanding of how IP Professionals have experienced and adapted to the move. Throughout the year, the same 2 concerns arose consistently at customer meetings, not only from attorneys, but also from formalities and records staff:

- a) Disappointment at losing the 'IP Pro' area of the website.
- b) Frustration that the GOV.UK site search engine returns results from across the whole of UK Government rather than purely IP and IPO related results.

On both of these matters, customer visits have proved useful opportunities to demonstrate key features of the new site – notably to show that the 'Law and Practice' main menu heading on the new homepage is now home to all the tools, manuals and guides that used to be in the IP Pro area; and also to demonstrate how to use the 'Organisations' filter in the site search in order to restrict results to IPO content. Both of these invariably proved to be welcome revelations that appeased considerably any residual discontent with the move to GOV.UK. These 2 insights also have helped shape wider communication about our website, including customer seminar content.

## A Searchable MOPP

Several Customer Visits in 2015 yielded criticism of IPO's online Manual of Patent Practice (MOPP). This had grown to a user-unfriendly 974 page online pdf document. Customer feedback led the IPO Website team to work with GDS (the Government Digital Service) to create a dedicated search tool for the MOPP which went live in December 2015.



## CMS (Case Management Service)

This is the online service that EPO have developed as a replacement for EOLF (aka EPOline). CMS was known to the majority of customers visited in 2015, in contrast with 2013 and 2014, when awareness was low. A consistent message from customers across this period has been that they will not willingly move from EOLF to CMS unless the latter supports National Office first filing, notably with the UK IPO. We have fed this back to EPO. In parallel EPO have surveyed customers across Europe this year and concluded that excluding National Office filing options is indeed a showstopper for their transition to CMS from EOLF. In October 2015 they confirmed they will not start the planned 2 year parallel running period which culminates in EOLF's closure, until their first National Office filing options are available in CMS. This message is proving reassuring to customers.

## E-Services Wishlist

Customer visits have been valuable opportunities to capture customers' views regarding new online services they would like IPO to develop. This was in addition to concepts and services tested during visits. A standard question asked at customer visits is: 'What are the key things you can't already do online with IPO that you would like to be able to do online?' The collective views from customer visit discussions with 48 different customer organisations over the last 3 years have yielded suggestions that we work on 43 different new services. In addition to the frequently requested View Patent Cases, Patent Renewals and Design applications services that are now live, the most requested additional services have been:

- a. Online access to deposit account balances & statements.
- b. Allow colour drawings (not a service, but keeps coming up).
- c. Software integration (with document/case management systems).
- d. Patent Certified Copies.
- e. TM Opposition.
- f. Change of Agent (both Patent and TM).
- g. Assignment / Change of Owner (both Patent and TM).
- h. Change Address (both Patent and TM).
- i. Electronic Citations (hyperlinks that are clickable in our search reports).
- j. View my Cases for TMs.

## Summary

The visit programme in 2015 has proven to be an exceptionally useful tool for the Customer Insight team. We have used it to test ideas, secure feedback and inform projects with timely customer views. We have also used it to build valuable relationships for future engagement that will play a big role in keeping customers at the heart of service and policy development at the IPO.

# Finance and Fees

## Fees

Fees for IPO patent services were raised by a number of attorneys. Many see the patent fee levels as low which contributed to the IPO being seen as very good value for money, with many attorneys proffering the opinion that we should charge more for our patent services. Whilst they understand the quality of service they get from us there is a belief amongst some clients that the patent fee levels indicate a poor service as in “you get what you pay for”.

Attorneys suggested a number of options for raising patent fees ranging from making them 25% of EPO fees to raising them to £400. In most cases the attorneys reiterated that our patent fees are considered to be low when compared to the attorney drafting and prosecution costs.

Acceleration of patent processing for a fee was also raised by a number of attorneys. One firm went so far as to suggest a fee the equivalent of an EPO application to ensure that acceleration was not applied for on all applications.


## Deposit Accounts

On most visits we asked what the customer wanted to see from our deposit accounts system. Almost universally, customers wanted to be able to access their accounts electronically and to see balances in real time. Many raised the issue that whilst they can see their balances on EPO accounts these can often be inaccurate and it is difficult for them to reconcile.

One suggestion made by several attorneys was to have a minimum balance trigger email to enable them to top up quickly and easily. This was of particular use to the Irish attorneys as for them, bank transfers take longer than if they were in the UK.

It's good to know that our customers consider our patent services to be good value for money. The suggestions made for potential changes to our patent fees are now being considered as part of a broader fees review.

We have recently started sending daily balance e-mails to those Deposit Account customers that have opted in so they receive an e-mail on a daily



basis that gives them the balance as at that time (so they get the balance around 8am) and this includes all transactions up until then. The only items not showing would be anything that they had submitted electronically between midnight and the time of running but this is currently as 'live' as we can get the balance – hopefully this meets most of the customer needs (they also get a full statement on a weekly or monthly basis depending what they've signed up to – this gives the item by item break-down).

In addition to this around September last year we introduced a web based payment option for customers to make payments via their credit card – so Deposit A/C holders can 'top up' via this method.

# General Matters

## The Internet of Things

There has been some discussion about the Internet of Things. It is clear that this will present a challenge to how we handle and process applications using this type of technology. In the past, IT based applications have tended to gravitate to individual examining groups who deal with computer or telecom based applications. However, the wide ranging nature of the Internet of Things disrupts this and will lead to exposure of groups to computer technology based applications that they are perhaps not used to.

## Search and Advisory Service

A number of attorneys requested that we reinstate the Search and Advisory Service. This was a useful service that in their view led often to a better quality of application being submitted. One firm went as far as to suggest that any fees paid for the Search and Advisory Service could be used to offset the application fee.

We have noted the growing number of applications that can be said to relate to “the internet of things”. So that our examiners are prepared we ensure that our training is consistent across the office to enable them to handle this type of application. Our examiners will work collaboratively to ensure we provide the best service we can but on the particular idea of a “team of experts” this is something we will consider once the pattern of applications becomes clearer.

Unfortunately we are not in a position at the present time to reinstate the Search and Advisory Service. However, as we make progress on our backlogs this is something we would consider in the future.



## Business Support

We have continued to ask about how attorneys support business in their local area. Responses have ranged from helping out with clinics to having a business development fund.

An interesting development is the wish to provide advice on a qualitative level, with an aim to properly develop a clients IP strategy across the range of rights rather than concentrate on one that is purely filing based. Reports from several firms suggest that this has a more beneficial effect both for them and for their client than filing for volume.

Utilising the services of homeworkers on customer visits has borne fruit and has benefited the CVP enormously. Through their work with the CVP, at least two homeworkers have developed good relations with firms in their area as well as the BIPC centre. At least one has attended events at the BIPC and spoke at an event on the role of the Examiner alongside an attorney at an Inventor's Club.

We are grateful for the feedback received through the Customer Visit Programme which provides an insight for the Business Support teams as to how businesses are being supported within the local areas.

The change in approach to providing support to businesses on a qualitative level is welcome and we are keen to work to support this approach on a wider basis.

The support of the homeworkers based in Liverpool and Sheffield has assisted us to work with and support the BIPCs within those regions.





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