

30th anniversary of EPO-SIPO co-operation

Press backgrounder

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A look back at 30 years of co-operation between the European and Chinese patent offices

Europe has played a significant role in helping China develop a modern system of intellectual property protection. With support from the EPO, China's State Intellectual Property Office (SIPO) has, in a relatively short span of time, developed from the ground up into one of the world's leading patent offices. Our 30-year co-operation has seen major achievements in areas such as staff training and exchanges, the sharing of data, and the development of state-of-the-art automated systems. For Europe, this co-operation has brought tremendous benefits, providing easier access to the rapidly growing amount of Chinese patent data, and making the Chinese patent system more accessible for European companies and inventors doing business there.

The early years

As early as 1979 a delegation of Chinese experts visited the newly-opened European Patent Office in Munich on an exploratory mission, with a view to setting up China's own patent system. In 1980 the Chinese Patent Office (CPO), the forerunner of the SIPO, was established and China joined the World Intellectual Property Organization. Relations between the two offices intensified in the early 1980s with a series of meetings and staff exchanges. On 11 June 1985, CPO Commissioner Huang Kunyi and EPO President Paul Braendli signed the first formal co-operation agreement in Munich. The EPO-SIPO partnership was born.

The Chinese patent law that entered into force in 1985 was largely based on European principles, as China had also had important exchanges with several countries in the region, notably Germany and France. This law has since been revised three times - a fourth revision is currently ongoing - and each amendment has brought it further into line with international standards. Chinese patent law thus created the legal basis for transforming China's manufacturing economy into one based on domestic innovation.

From technical support ...

The first ten years of co-operation between the CPO and EPO centred on an intensive programme of training for Chinese patent examiners, especially in patent searching and documentation. Many Chinese examiners visited the EPO for

extended internships, and EPO staff held courses in Beijing. Staff exchanges and contacts have always been one of the defining threads of our co-operation, and over the past 30 years nearly a thousand staff members from the SIPO have come to Europe for training. In addition, thousands of people in China and Europe, including government officials, patent lawyers, judges, university professors and businesspeople, have attended training workshops organised by the two offices. The early bilateral capacity-building and training was later complemented by EU-funded technical assistance programmes: from 1993 until 2011 the EPO implemented two major projects on the protection of intellectual property rights on behalf of the European Union. These focused on areas such as patent legislation, IP awareness and enforcement.

... to a strategic partnership

Co-operation grew over time from largely technical assistance to more strategic collaboration, helping China to revise its patent regulations and introduce state-of-the-art tools for processing patent applications. These efforts played a crucial part in preparing China's accession first to the Patent Cooperation Treaty (in 1994) and then to the WTO (in 2001) by paving the way for a modern state-of-the-art IP system.

Co-operation milestone: SIPO adopts EPOQUE

China's decision in 1995 to introduce the "EPOQUE" technology developed by the EPO for patent documentation and searches was a turning point. In-depth discussions between the two organisations showed how much China would benefit (in terms of costs and compatibility) from adopting a system already in successful use at the EPO, and how much the EPO would gain in exchange from accessing patent documentation from China in electronic form. With the explosion in the number of Chinese patent applications, the EPO was in urgent need of patent data from the CPO, to ensure the quality of its patent examination process, and the completeness of its free digital patent database, Espacenet, launched in 1998. For European firms and investors, the adoption of EPOQUE meant that patent search and examination procedures in China would be based on documentation and methods similar to the EPO's. It also ensured that full account would be taken of European patent data, which would in turn ensure patents of reliable quality in China. In addition, the agreement placed the EPO and its

member states in a strong position internationally: with their benchmark tool they would gain a leading role in the field of patent documentation technology. It became clear that EPO-SIPO co-operation was going to have a profound effect on the world patent system too.

In 2007 the two offices signed a strategic partnership agreement, which lifted their bilateral co-operation from a purely technical to a strategic level at which they could jointly address technical developments, procedural and legal changes, and the harmonisation of tools and procedures. To this day, this agreement remains the only one of its kind that the EPO has formalised with a co-operation partner.

Delivering concrete benefits to businesses

Throughout their co-operation, the EPO and the SIPO have always considered co-operation a means of bringing tangible benefits to users and the public. One example of this is the combined effort on machine translation. The launch in December 2012 of the Chinese-English component of the EPO's free machine translation service Patent Translate was a breakthrough in bringing down the language barrier and enabling anyone to access the rapidly growing volume of Chinese patent applications in the global patent system. In 2014 alone, over 928 000 patent applications were filed in China. Accessing this data is important for patent offices in improving the legal certainty of the patents they grant. Providing a tool to translate it on-the-fly means that millions of patent documents in the two most important languages of technology have become freely available for companies, inventors and researchers the world over. Today, Patent Translate is available for all 28 European languages of the 38 EPO member states, plus Chinese, Japanese, Korean and Russian. More than 7.2 million Chinese documents are now available for machine translation in the EPO's Espacenet patent database. And the Chinese-English component of Patent Translate is in great demand, with 40 000 Chinese-English and 17 000 English-Chinese translation requests coming in every month.

Europe and China agree to use same classification

Another milestone was the SIPO's decision in 2013 to adopt the Cooperative Patent Classification (CPC), a highly refined system for classifying patent documents developed jointly by the EPO and the US Patent and Trademark Office. Based largely on the EPO's own classification tool, the CPC makes it possible for patent applications to be classified in the same manner in both Europe and China. This produces gains in quality and efficiency in the patent grant process for both offices. It also helps companies and researchers to make more accurate searches of the state of the art in their technology. The CPC is on its way to becoming the new global standard for classifying patents, and is already being used by more than 45 offices worldwide.

Towards a global patent system

Many of these achievements form the basis for progress in harmonisation also at the global level. Today, the EPO-SIPO partnership is a cornerstone of "IP5 co-operation" – a forum set up in 2007 by the world's five largest patent offices, namely the SIPO, the EPO, the Japan Patent Office, the Korean IP office and the USPTO. Together they handle about 80% of the world's patent applications. These days, companies operate globally and often file for patent protection in multiple countries in

parallel. Of the approximately 2.2 million applications received at the IP5 offices, an estimated 300 000 are cross-filed to two or more offices. Harmonised patent procedures can thus bring big advantages for patentees in terms of both procedural transparency and cost reduction. In June 2014, the EPO and SIPO launched the Global Dossier, a tool which provides a single point of access to information on how applications are progressing at different patent offices simultaneously. This ushered in a new era of transparency for users and the public alike.

Key dates in SIPO-EPO co-operation on patents

1977	EPO begins its operations
1979	A delegation of senior Chinese government officials visits the EPO in Munich; China makes known its intention to set up its own system for the protection of inventions, and the two sides agree to co-operate in future
1980	Chinese Patent Office (CPO) begins its operations
1985	First Chinese patent law enters into force (revised three times since then, with a fourth revision underway)
1985	EPO and CPO sign their first bilateral co-operation agreement; until then co-operation on IP worldwide had mostly progressed multilaterally
1993-2011	EPO implements several multi-million euro EU-funded projects in China to support the country's efforts to develop a modern and effective system for the protection of IP rights
1994	CPO becomes a PCT Authority
1998	EPO's in-house system for searching patents, EPOQUE, is introduced by CPO for use by its patent examiners (meaning that the Chinese office can perform most of its prior-art searches online, rather than using paper documentation); CPO renamed SIPO
2001	China accedes to the WTO
2005	"EU-China IP Dialogue" established
2006	Chinese traditional medicine database is included in the EPO's EPOQUE search tool for examiners
2007	EPO and SIPO sign strategic partnership, upgrading their relationship from a technical to a strategic one; the partnership is reinforced in 2011
2008	China adopts a national IP strategy
2007	Launch of IP5 co-operation – a grouping of the five largest patent offices in the world, namely China, Europe, Japan, Korea and the US

		Quotes on EPO-SIPO co-operation
2007	China is now the world's third-largest publisher of patent documents, after Japan and the US. Over half of the new patent documents entering the state of the art in 2007 are in Chinese, Japanese or Korean. As a service to industry, the EPO expands its East Asian patent information helpdesk, staffed by Chinese-speaking experts	"Currently, global development is entering a new stage, one dependent more on new innovations, and one in which all major economies are paying even closer attention to intellectual property." <i>SIPO Commissioner Shen Changyu</i>
2010	China moves into top five countries of origin of patent filings at the EPO (passing both France and Korea and jumping into 4th place)	"This anniversary is an opportune moment for us to consider how we shaped the evolution of the patent system in China and in Europe, to offer effective patent protection on a global basis." <i>EPO President Benoît Battistelli</i>
2011	SIPO overtakes USPTO to become the largest IP office in the world in terms of patent applications received; China is now the world's largest publisher of patent documents	"The achievements of this co-operation have not only led to important improvements for industry and business both in Europe and in China, but have also progressively supported innovation and technology exchange between our two regions." <i>EU Commissioner for Trade Cecilia Malmström</i>
2012	Launch of Chinese-English component of EPO's free machine-translation service Patent Translate	
2012	Entry into force of the EPO-SIPO agreement on the electronic exchange of priority documents (PDX agreement).	"Determined to move quickly towards a modern patent system, China drew heavily on the EPO's experience. The EPO, as the newest of the world's big patent offices, enabled China to benefit from its own recent experience of taking a fresh look at a whole range of key IP issues." <i>Prof. Pascal Griset, historian, Sorbonne University</i>
2012	ZTE becomes first Chinese company to enter the top 10 list of filers at the EPO (10th place)	
2014	Following an agreement signed in 2013, China begins to classify its patent documents using the Cooperative Patent Classification (CPC), the joint classification scheme of the EPO and USPTO based on the European system	"Gaining access to the booming Chinese market remains a top priority for European companies. However, investing in China relies for its success on the existence of an effective IP system, including a well-functioning patent system." <i>Jérôme Chauvin, Deputy Director General, BUSINESSEUROPE</i>
2014	Launch of the Global Dossier service providing access to European and Chinese dossier content for a family of patent applications, and making it easier for companies filing at both offices to track their applications.	"The level of confidence that the rapid development of China's patent system has engendered among European enterprises operating in China is highly significant: IP protection is no longer the chief concern for European companies investing there. Their confidence in the development of China's IPR protection system, particularly in terms of enforcement, is rising, and they are regular users of the IP system in both Europe and China." <i>Alex Liu, Chairman of the Beijing IPR Working Group, European Union Chamber of Commerce in China</i>
2014	Huawei is the first Chinese company to enter the top 5 list of filers at the EPO (5th place)	
2014	Huawei and ZTE are the no. 1 and no. 3 companies worldwide for PCT publications	
2015	SIPO now has some 10 000 patent examiners (up from 7 800 in 2013 and under 1 000 in 2002).	"Companies today are increasingly working together on a global scale. Chinese and European companies, however, can work together only if they have each protected their own inventions through patents. As a result, intellectual property (IP) is becoming increasingly important for Chinese-European relations." <i>Tony Tangena, president of epi</i>
2015	At the European Inventor Award in Paris, the late Chinese cancer researcher, Jian Zhou, is announced as co-winner of the Popular Prize, after receiving the most votes from the public in an online poll	