Survey Concerning Citation Practices in Intellectual Property Offices

Response ID:160 Data

2. Section 1: Identification page

1. Please enter the ST.3 code of the member state or inter-governmental organization you represent.

EP - European Patent Office (EPO)

2. Please enter the name of the office or organization you represent. For instance, International Bureau of WIPO.
If your organization name is the same as your ST.3 code name, you may put "n/a".

European Patent Office

3. Questions about citation references provided by your Office: Sections 2 to 4

Section 2: Citation reference availability

5. Does your Office publish citation references associated with your Office's patent documents?

Yes
Please comment if necessary:

6. Select one option describing the availability, to the public, of your Office's citation references.

Available to the public

7. In which of the following location(s) associated with patent documents, published by your Office, can citation references be found?

Preliminary search report
Substantive search and/or examination report
Patent description
Bibliographic data
Please comment on any of the above mentioned locations, if appropriate: Citations appear in the patent description (as prior art identified by the applicant), in search reports (A1/A3), and examination reports. All relevant citations are consolidated on the front page (Bibliographic data, INID (56) of the published European patent (B1). Official documents are accessible via Espacenet and the European Patent Register.

8. If citation references are part of the bibliographic front page information, are they included in INID code (56)?

Yes

9. Beyond the locations listed as options in question 7 above, select the location(s) outside the patent document where citation references can be found:

Summary information (Internet)
Separate document
E-Dossier/File wrapper
Other location (Please provide details): Citations are available via Espacenet (Summary info), European Patent Register (E-Dossier), and as Separate documents (Search reports). Also accessible through the Common Citation Document (CCD).

10. Are hyperlinks included for the above Internet locations?

Yes
Please comment if necessary: Hyperlinks are available in Espacenet and European patent Register, enabling navigation to cited documents.

11. Does your Office give information about a patent document that cites the specific patent document the user is looking at (i.e., a forward citation)?

Yes

12. Are hyperlinks to the citing document provided?

Yes
Please comment if necessary: Hyperlinks to cited documents (backward citations) are provided in both Espacenet and the European Patent Register, whereas hyperlinks to citing documents (forward citations) are available only in Espacenet, which ensures bidirectional traceability of patent references.

13. Does your Office follow the recommendations set out in WIPO Standard ST.14 for the identification of citation references?

Yes

Please comment if necessary: EPO strictly adheres to WIPO ST.14 for category indicators (X, Y, A, etc.) in search reports and bibliographic identification of cited patent and non – patent literature.

14. Does your Office provide indications, to the general public, informing about who suggested or decided on including the citation references?

Yes

If available, where can indications of who created a citation reference be found by the general public?

Bibliographic data on patent document
Preliminary search report
Substantive search and/or examination report
Part of patent document
Other (Please specify where an indication can be found): Other – third -party observations
Please comment if necessary:

4. Section 3: Search Report Information

15. Does your Office prepare international search reports (ISRs) in the capacity as an International Searching Authority under the PCT?

Yes

5. Section 3: Search Report Information

16. Do you have quality control on citation references entered on search reports?

Yes (Please provide examples in detail): Internal quality audits; Examiner guidelines (EPO Guidelines for examination); Peer review mechanisms; Automated validation
Please comment if necessary::

17. Do your citation references include online URLs?

Sometimes (specify when): There is always a URL available for cited patents that link the patent record to Espacenet. For NPL we offer a link when the record has a DOI associated to it.

18. Are unique document identifiers used, e.g., DOI?

Yes

If applicable, which unique document identifiers are used?

Digital Object Identifier (DOI)
ISBN and ISSN
Other (please specify): The EPO uses identifiers such as DOI, ISSN, and ISBN for NPL, and assigns XP numbers to indexed documents. Patent documents are identified using standard WIPO publication codes.

6. Section 3: Search Report Information

19. Does your Office prepare Office-specific national/regional search reports (non PCT)?

Yes

7. Section 3: Search Report Information

20. Do you have quality control on citation references entered on search reports?

Yes (Please provide examples in detail): Internal quality audits; Examiner guidelines (EPO Guidelines for examination); Peer review mechanisms; Automated validation
Please comment if necessary::

21. Are relevance indicators stated?

Yes

22. Do your citation references include online URLs?

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ISBN and ISSN
Other (please specify): The EPO uses identifiers such as DOI, ISSN, and ISBN for NPL, and assigns XP numbers to indexed documents. Patent documents are identified using standard WIPO publication codes.

8. Section 3: Search Report Information

24. Please comment on any major differences between the provision of ISR and other search report citation references if any

No major structural differences: both follow ST.14.
ISR format aligned with PCT requirements.

9. Section 4: Centralizing/Tagging Citation References

25. Do you (intend to) add tags to identify citation references?

Yes

26. Does your Office have a centralized database containing citation reference identification data elements?

Yes

If possible, please specify any structural elements on which the database is founded, for example:

Relational database:
Other (please specify): Our master database has a specific internal format that is different from ST36 and ST96. This database is fed by data flows that are converted from ST36 / 96 or NPL proprietary formats.

Is the information in the database technically and legally exchangeable e.g., with other Offices?

Yes

27. Are citation references from your Office searchable by the general public?

Yes (please specify the location where the references are searchable e.g., http://www.): Espacenet (global search), European Patent Register (legal status and file inspection) and CCD. The citations can be retrieved for all patent documents containing citations. There is, however, no search possibility offered to find patents citing a given record.

28. Please add any further comments you may have about any of the questions in section 4 above:

The EPO's citation data is fully structured and exchangeable using WIPO ST.36 and ST.96 XML formats. All citation references, including those from the examiner and the applicant, are stored in a centralized relational database. This data is made available to the public in real-time via the European patent Register and is globally searchable through Espacenet. Furthermore, the EPO actively participates in the IP5 Common Citation Document (CCD) project, ensuring high-level technical interoperability and legal exchangeability with other major IP offices.

10. Questions about your Office's published documents that may be cited (within a citation reference): Sections 5 to 7
Section 5: Location of published patent documents which can be considered to be an (or the) authentic source

29. Which mediums represents the (or an) authentic legal rendition (authoritative source) of your Office's published patent application?

Website (if multiple website separate each address with a semi- colon ";"): European Publication Server: https://data.epo.org/publication-server/
SFTP Bulk publication: EPO Bulk Data Distribution via SFTP (European Patent Office bulk data services)

30. Which mediums represents the (or an) authentic legal rendition (authoritative source) of your IPO's published granted patents?

Website (if multiple website separate each address with a semi- colon ";"): European Publication Server: https://data.epo.org/publication-server/
SFTP Bulk publication: EPO Bulk Data Distribution via SFTP (European Patent Office bulk data services)

31. Regarding the medium indicated above, is there one or more (file) formats that should be looked at (in preference to other formats)?

Yes

If yes, please select all formats that should be considered in preference to other formats

.pdf (Adobe)
.xml

32. Is your Office using commercial providers for publishing patent documents?

No

11. Section 6: Availability of location identifiers

33. Which, if any, text- based identifiers do your published patent documents contain:

Page numbers
Line numbers
Paragraph numbers

34. Which, if any, identifiers of non-textual elements occur within the description part of your published patent document:

Image/figure numbers within the description: Referred to as "Fig.1", "Fig. 2", etc.
Chemical formula numbers: "Formula (I)"
Tables: "Table 1"
Gene sequences: Referenced by SEQ ID NO: 1
Mathematical formulas: "Formula (I)"
Computer programs: "Program listing"
Webpage identifiers (URL with heading/section reference): "URL#section"
Other (Please specify): For certain elements (e.g. tables and chemical formulae), the full-text data may include embedded image data that are XML-tagged.

12. Section 7: Paragraph number details

35. Does your published patent documents include paragraph numbers?

Yes

13. Section 7: Paragraph number details

36. Paragraph numbers are typically created by:

Applicant / Inventor

37. Paragraph numbers are recreated:

During the publication process
When numbered paragraphs are amended

38. Describe any special treatment you give to long paragraphs:

No specific word limit applies. Each paragraph retains a unique identifier (e.g. [001]), in practice, paragraphs are generally not subdivided, ensuring stable citations and faithful publication.

39. Describe how you treat numbered paragraphs that are subsequently amended:

Other (Please specify): Paragraph numbering may be maintained or adjusted following amendments, with possible adaptation in the final text under the Rule 71(3) EPC.

40. If necessary, please provide additional comment on any part of the questions or answers given above in this section.

The EPO uses ST.36 (XML), which provides structured paragraph identifiers, supporting stable referencing and automated citation.

14. Section 8: Citing documents based on machine translations

41. Does your Office currently allow to cite machine-translated documents in search or examination reports?

Yes

15. Section 8: Citing documents based on machine translations

42. When citing a document without paragraph numbering, how does your Office identify the relevant passage in the machine translation?

EPO examiners are required to identify relevant passages in the original document whenever possible. If passage identification is impossible, the whole document can be cited, and the written opinion should refer to the enclosed translation. (Guidelines for Search and Examination at the EPO as PCT Authority, B-X, 9.4). If only a specific paragraph of the machine translation is needed, the search division may copy that paragraph into the search opinion, but the full machine translation will be made available to the applicant as well (Guidelines for Search and Examination at the EPO as PCT Authority, B-X, 9.1.3).

43. How does your Office ensure that applicants can access the exact machine translation used by your Office?

Other (Please specify): The exact machine translation is made available to the applicant both by being sent directly (e.g. as annex to the written opinion) and by being uploaded to the electronic file accessible via the online register.

44. Does your Office record or store the machine translation used by the examiner for internal or public reference?

Yes, and it is made publicly available

45. Does your Office have a preferred format for citing machine translations in search or examination reports?

No

46. Has your Office encountered cases where an applicant disputed the relevance of a citation based on a machine translation?

Yes (Please provide details): If an applicant wishes to dispute the relevance of a citation based on a machine translation, they must provide substantiated reasoning and bear the burden of adducing evidence showing the extent to which the quality of the machine translation is defective and should therefore not be relied upon. (Guidelines for Search and Examination at the EPO as PCT Authority, G-IV, 4.1).

47. Should there be a standardized method for referencing the machine translation engine and date of translation in the international search report?

No

48. Should WIPO Standard ST.14 be revised to include recommendation on how references to machine translations should be cited in a patent document?

Yes

16. General questions about Citation Practices: Sections 9-10

Section 9: Examples of citation references published by your Office, if this information is available.

49. If possible, please provide a patent (application) number and a publicly available internet address that contains one or more typical examples of patent and non-patent literature citation references.

Specify application number and kind code, e.g., WO 2005/110961 A1 : EP 2 353 504 A1; EP 2 079 261 A1
Specify Internet address and any instructions helpful to find patent (application) number, e.g., IA=IB2005001265&REF=RSS : https://worldwide.espacenet.com/
Specify where in the document the citation references can be found, e.g., page 1, lines 19 and 25, search report at end of document : Fount in the Search Report at the end of the Original Document PDF and in the interactive Citations tab.

17. Section 10: Additional comments about citation practices

50. If applicable, please make any further comments, e.g., you may wish to comment on difficult aspects of citation practices for your IPO:

e.g., users are confused about the part of a document a citation reference was referring to : At the EPO, there is an established practice on how to deal with cases involving machine translations, including cases where machine translations do include references (e.g. paragraph numbers) or where such references do not align with those in the original document. There is also an established practice for citing non-textual content (e.g. video), equally ensuring sufficient information for identification and accessibility.
e.g., citation references do not refer to the authentic rendering of a patent document : The alignment between the machine translation and the original document must be clear, including where the translation is presented in a different format.
e.g., it is not clear how or whether to state a url as part of a citation reference : In order to ensure long-term accessibility of internet citations, dedicated processes and instructions have been established by the EPO (see Guidelines for Examination in the EPO, B-X, 11.6 and G-IV, 7.5.6).