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Moving From Print to Electronic Dissemination: Why, When and How Patent and Trademark Office Experience Summary of Remarks

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The U.S. Patent and Trademark Office (USPTO) is an Executive Branch agency under the U.S. Department of Commerce. I am pleased to be sharing the podium with colleagues from sister Commerce agencies, Census Bureau and NOAA. The USPTO is located in Crystal City, an Arlington, Virginia "neighborhood" located next door to National Airport in the Washington, DC area. You are here at the National Airport Hilton. You are on our turf! I hope you take the time to tour the public patent and trademark search facilities which are included on your overall conference schedules. You should find them fascinating facilities... but watch where you glance or sit. Our patrons like to maintain the strictest confidentiality in their work!

Fundamental to the information dissemination policy of the USPTO is the underlying purpose of the U.S. patent system. In return for an exclusionary monopoly bestowed on an inventor by patent protection, an inventor fully discloses the invention to the USPTO, which in turn prints and disseminates this information. This sharing of technology implicit in every U.S. patent granted, spurs economic growth by providing information which is used for a variety of purposes, including but not limited to competitive intelligence, research and development, and fostering creativity leading to the development of new inventions. Clearly the quality of our lives is impacted directly by a strong patent system, so getting this information out to those who need it is an imperative.

The USPTO is a Federal agency that has been completely user fee funded since 1991. The USPTO receives no taxpayer dollars. Various "biases" have been expressed by today's panel members thus far in regard to information dissemination. With our budget supported entirely by user fees, the bias of the PTO is our users, both current and potential. In recent years, the USPTO has actively undertaken a series of customer focus sessions with its many and varied user groups, and has administered a series of surveys to evaluate our current array of products and services, and to determine what new products and services our customers want and in what format they require them. In the Commissioner's Annual

Review, information dissemination is not defined as our mission, but as our business. Patent and trademark filings do vary from year to year, so fees taken in from these filings also vary. This most certainly impacts decisions made about the USPTO's information dissemination policy as we attempt to meet the needs expressed by our users.

To this end, the USPTO maintains a diverse portfolio of information products supplied in a variety of formats to its many users and customers. The USPTO's Information Dissemination Organization's Catalog, distributed via GPO's Federal depository library network, for which you will find a flyer on the handout table outside, outlines this portfolio. In the Catalog you will find listings for our CD-ROM products, magnetic tapes, document supply services, and Internet services. Our pricing philosophy is based on cost of dissemination. We have a number of customers who buy our data, add value, and offer the information for a wide variety of prices, including free!

A foundation for the USPTO's information dissemination strategy is the nationwide Patent and Trademark Depository Library (PTDL) Program, a program which had its foundation in 1871 with the distribution of printed patents to libraries. This Program now supports 81 member academic, public and state libraries, most of which are also GPO Federal depository libraries. The PTDL Program provides source documents, training, toll-free lines, equipment, access to specialized databases not available to others outside the PTO, and onsite support to its network. The USPTO also provides information to GPO depository libraries through the provisions of Title 44. There are exchange agreements in place with foreign counterparts to the USPTO. In other words, the USPTO pushes its information out the door in a variety of ways few truly know all about.

As most of my fellow panelists have already alluded to, the bottom line in determining information dissemination mechanisms is to achieve the right balance of cost versus customer. What follows is one example of how the USPTO moved from print to electronic format. The USPTO printed and disseminated printed patents to PTDLs from 1871 to 1982. Patents issue weekly on Tuesday. Every week for over one hundred years, the USPTO would print copies for PTDL distribution, box them and pay for shipment. By the year 1977, PTDLs were receiving 4 to 5 boxes a week. These boxes were densely packed and very heavy, and were about the size of a typical GPO depository shipment... in other words, an expensive shipment. In 1978, the USPTO began to explore microfilm for distribution of depository copies as a more cost effective means of distribution. By 1982, all PTDLs agreed to accept microfilm over paper copy. Many were quite anxious to convert for space reasons. But the key to the success of this transition was the time the USPTO took to achieve buy-in with the PTDLs prior to conversion. The conversion began as a voluntary conversion, but by the time it evolved to a mandatory conversion, the reasons were sufficiently clear to the PTDLs, and the replacement product was high quality.

The next conversion, from microfilm to CD-ROM (the product known as USAPat) is currently underway. Again, the reasons for this migration in format are clearly for reasons of cost. Again, the transition time is over a long period to achieve buy-in from the PTDLs and to build a quality product by the time the transition is complete. The success of this transition is still an unknown. But if the USPTO does a good job in building a product which the PTDLs find acceptable in their role as primary service providers for the USPTO, the transition should be relatively painless. It should be noted that conversion from paper to

microfilm to CD-ROM only impacted the PTDLs and our foreign exchange offices. The USPTO continues to print paper patents for the patent examiner search files and the public search files.

The USPTO has yet to completely replace a printed source document or publication with an electronic only version. Instead, the variety of its offerings have increased over the years in direct response to user and customer needs and have been made possible by new technologies (made possible, incidentally by the existence of a strong U.S. patent system!). The USPTO is in an enviable position of having a good idea of who its primary users are, and how to get in touch with them. The goal of the agency is to balance its limited resources with the information needs of its users and customers. In doing so, it relies heavily on the PTDL network to provide public access points for this vital information across the country. Because the agency is so directly accountable to its users, changes in how information is provided are always done in consultation with these users, and always keeping the balance of cost versus customer in mind.