



Access for PTOs to prior art documentation in SDOs

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- **Do contributions to the development of a standard constitute prior art?**
 - Does the SDO have confidentiality clauses and - if so - for which phase of the consultation processes?
 - Are the submissions and contributions to an SDOs working group to be considered publicly available?
 - Yes: EPO Board of Appeals, T 0202/97 - 3.5.2 (Fahrzeugelektrik Pirna et al. ./ . Erich Jäger - Kfz-Anhängersteckverbindung)
 - No: EPO Board of Appeals, T 0273/02 - 3.5.01 (Gemalto et al. ./ . Toshiba - IC card)
[decisions are res iudicata on the basis of the parties' submissions]
- **Is there a need for a common minimum "Policy on Document handling" at SDOs?**
 - Is information about submissions to and protocols of meetings, and draft standards available at the SDO (archiving)?
 - Is PTO allowed to access available information, or does SDO restrict access?
 - Is information that is available and accessible effectively usable by PTO?
 - Is reliable comprehensive bibliographic data for a given document available at the SDO (date of submission, author, name of the meeting, etc.)?
 - *cf.* - EPO Board of Appeals, T 1659/07 - 3.5.03 (Nokia et al. ./ . IPCom - TFO-Betrieb/IPCOM);
- EPO Board of Appeals, T 0738/04 - 3.4.01 (Giesecke & Devrient ./ . Microchip Tech).
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