

Problems in use of the US Patent & Trade Mark Office's "assignment database"

The following single-page document and attached ANNEX 1 and ANNEX 2 contain 23 hyperlinks

A PDF bundle of 23 screenshots of the 23 hyperlink targets is available on-line:

http://www.ipfraud.info/Problems_in_use_of_the_US_Patent_&_Trade_Mark_Offices_assignment_database_HYPERLINK-TARGET-SCREENSHOTS.pdf

Problems in use of the US Patent & Trade Mark Office's "assignment database":

This observation relates to the USPTO's so-called "assignment database". The database contributes to the following displays:

- (1) [PAIR](#) "Assignments" search results (i.e. [Abstracts of Title](#)),
- (2) [PAS](#) "documents which have actually been recorded" search results and
- (3) Datasets: https://www.uspto.gov/sites/default/files/documents/USPTO_Patents_Assignment_Dataset_WP.pdf [4.2.1]

The database contributes as infinite a variety of relevant, irrelevant, correct, incorrect, inconsistent, contradictory, accusatory and false "information" as the USPTO's [Keyword](#) & "[Conveyance type](#)" Search boxes can generate a result.

It must be apparent to the USPTO that the words "Assignment" and "Conveyance" are inappropriate headings for a service which enables [anyone interested](#) to submit a request to record a "[document](#)", [any "type" of "document"](#), relating to a US Patent.

Optionally, the request may be made on a [paper form](#) headed "**RECORDATION FORM COVER SHEET**". The form is addressed "to the Director of the U.S. Patent & Trade Mark Office" and states "**Please record the attached [documents](#)**" *.

- The person filling in the form is asked to sign the form and is informed in the footnote that "**[Documents](#) * to be recorded** (including cover sheet) should be faxed to ... or mailed to: Mail Stop Assignment Recordation Services, Director of USPTO, P.O.Box ...". * Emphasis added

Optionally, the request may be made on an [electronic form](#) headed "**Patent Assignment Recordation Form**".

- The person filling in the form is invited to "Select nature of conveyance" from a list which includes options which are neither an assignment nor a conveyance.
- The person filling in the form is encouraged, in the "Conveyance Type" footnote, to "check the appropriate box" "if the nature of the conveyance is an "Assignment", "Merger", "Change of Name" or "Nunc Pro Tunc".

There is no corresponding encouragement with regard to "**attached documents**" (i.e. "**Documents to be recorded**") otherwise headed

- "AGREEMENT relating to the sale and purchase of certain assets",
- "Agreement for Sale",
- "Sale Agreement" etc.,

i.e. documents otherwise "[couched in terms of an agreement to assign](#)" and within which are [no words expressing an assignment in the present](#).

In other words, the USPTO encourages and allows Correspondents in the US to enter or select a description on [the Form](#) which bears [no relation whatsoever](#) to the description attributed to the "**attached documents**" by the [lawyers](#) who drafted them.

["Assignment information on the assignment database reflects the documents which have been actually recorded"](#). "[Finally](#)"

ANNEX 1

Chartered Institute of Patent Agents (UK):

*"The Minutes of the meeting of the CIPA Patents Committee on 28th November 2000 state: **Recordal of Assignments**: The Committee disliked the wording proposed by the Patent Office for entry on the Register ("and supporting documents"); It was stated that the Patent Office would not agree to put on more specific wording * which would warn **the observer** that he should consider the documents himself. ..."*

* e.g. "SEE DOCUMENT FOR DETAILS" (the USPTO's wording)

ANNEX 2

26 March 1996 Judgement, refusing to rectify recordals made in November 1994 in respect of UK Patents corresponding with US3982402, US4269540 and US4297054:

Mr Justice Jacob, ruling

*"One cannot expect the Comptroller's officers (who at this level are not legally trained) always to summarise accurately the effect in law of documents such as assignments. **Anyone interested** can always get a copy of the actual document, which is open for inspection on the public file". [Not true]*

... "Clearly it is most important for the proper functioning of the patent system that information concerning ownership of, and other interests in, patents should be as readily available as possible."

20 June 2008, UK Patent Office to Her Majesty's Revenue & Customs:

I am currently the Registers Manager within the UK Intellectual Property Office and my staff have informed me that they have contacted you in the past on matters relating to stamp duty and the transfer of Intellectual Property Rights.

We currently have a case which has thrown up some issues around our practices and procedures governing stamp duty. In particular, the checks we make in relation to the registering of assignments and registrable transactions relating to Intellectual Property. Our practices are such that we may be in a position where, despite acting on good faith, we have registered transactions using instruments which should have been stamped. In doing this, could you tell me what the likelihood is of the Office being fined for these actions, especially in light of the comments made by Justice Jacob in the Co-Flexip Stena case [1997] (RPC 179)?

Click "using", above, for examples of one week's registrations not using instruments.