

## **Scan and Shred Policy**

### **Introduction**

The purpose of this notice is to inform customers of new procedures regarding the destruction of patent documents filed at the Intellectual Property Office. These procedures will be effective from **1 May 2009**.

The Office is now processing patent applications electronically. Systems have been implemented to ensure that all submitted information is properly captured. Therefore, there is no longer a need to retain original paper documents.

The destruction of original documents will have no effect on how the Office processes applications or the security of information.

### **Background**

The Office routinely disposes of paper patent documents according to an approved Disposal Schedule. This Schedule has been updated following the introduction of electronic case management.

All new patent applications filed since 26 June 2006 have been scanned, and the quality and accuracy of this information is such that there is no need to retain original documents. The Office has introduced a Scan and Shred Policy according to which these original patent documents will be disposed.

Applications that have been granted or terminated prior to the introduction of electronic working are outside the scope of this process and these documents will continue to be disposed of according to the original Disposal Schedule.

### **Basis of the Scan and Shred Policy**

With purely electronic processing of patent applications the accuracy and quality of electronic images is of prime importance.

BS10008 is the British Standard which governs the legal admissibility of electronic documents in legal proceedings. Compliance with this standard will also mean conformance to ISO 15801, an International Standard governing the trustworthiness and reliability of electronic information. The Scan and Shred Policy has been certified by an independent consultant to comply with BS10008. Compliance with these Standards gives the Office a methodology by which it can demonstrate that the

electronic copy of a document is authentic, so meeting the requirements of evidential weight and legal admissibility.

### **Timescale of retention**

All documents will be retained for 5 years from the date of scanning before being shredded. This means that all documents will be retained for the whole of the pre-grant processing period plus an extra margin for safety.

Any documents relating to matters dealt with by Litigation Section will be retained for 10 years from the date of scanning.

### **Original documents submitted with Patents Form 21**

There are instances where, when registering the acquisition of rights in a patent or patent application, original documents are submitted with a Patents Form 21 as evidence to establish the transaction. In accordance with the Scan and Shred Policy such original documents will be destroyed in due course.

Form 21 has therefore been amended to warn that such original documents will be destroyed in due course, and to clarify that original documents are not required since photocopies are sufficient.

Furthermore, the acknowledgement letter sent by the Office to confirm that a transaction has been registered will contain an extra paragraph warning that submitted documents will be destroyed in due course, and may be returned on request within one month of the date of the letter.