



The exclusive IP.com Prior Art Database

Companies have recognized the value of technical disclosures for many years, but implementing a successful strategy around them has been difficult. This problem was primarily due to the fact that there have been no good outlets for companies to release their disclosures in a timely and cost effective manner. Additionally, the lack of a single, world-accessible, publicly searchable database meant that even if individual companies published their disclosures, there was only a slight chance that it would be seen by patent examiners.

The IP.com Prior Art Database was created to alleviate this problem, and provide innovative companies with a fast and effective way to publish their innovation into a single, publicly searchable, library indexed, collection of prior art. In addition to providing ease of use, the IP.com Prior Art Database has extensive safeguarding measures, to provide evidence of document integrity and datestamp in the event you need to present it at trial.

IP.com Prior Art Database

How does the IP.com Prior Art publishing process work?

Getting your innovation published as prior art with IP.com is so simple, that it is easy to overlook everything that goes on "behind the scenes" at IP.com. We take a number of steps to increase the value of the documents you publish with us, such as making the contents automatically searchable, and providing solid fingerprinting and date-stamping in order to ensure your ability to use our records in the event you need to defend yourself at trial.



A disclosure is prepared using everyday business software (or a pre-existing file is chosen to be a disclosure).

Files in the following formats are accepted for the primary file (disclosure): Plain Text (txt), Microsoft Word (doc), Microsoft PowerPoint (ppt), Adobe Acrobat (pdf), Rich Text Format (rtf), and HTML (htm/html). An

additional file of any type may also be included as an 'attachment' - this attached file will not be searchable, however.

Using our publishing wizard, you upload your file(s), along with some bibliographic information about your file, to the servers at IP.com.

Publishing a disclosure requires that you either purchase a publishing voucher, or have a corporate account with pre-paid publishing vouchers.

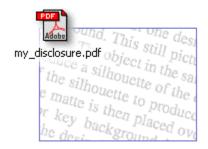




Files are scanned, and digital fingerprints are made for all the files you've uploaded.

Your files are scanned to ensure they do not contain any viruses which would make them harmful to distribute. Upon clearing the virus scan, each file receives a digital fingerprint. Fingerprints provide a digital signature of a file's contents. Altering a file in any way will produce a different fingerprint. In this way, fingerprints can be used to determine if a file has been altered.

Textual content is extracted from your document, in order to make your document searchable. Your primary file is automatically scanned for searchable text. Some files (files composed entirely of images, for example) may not contain any searchable text - you can choose to have the system alert you if a document you are attempting to publish will not yield any searchable text.





Additional IP.com-generated information is bundled with your document into a single zip file.

The bibliographic information, searchable text, fingerprint and datestamp information is prepared by IP.com and included along with your files into a single ZIP file that can be downloaded from IP.com.

The newly generated package (the zip file) is assigned a permanent IPCOM number.

IPCOM numbers are assigned to uniquely identify protected files at IP.com. Your package is given a number which can be used to reference it in future disclosures, patent applications, etc.





Your new disclosure is published and available online. Your document becomes available via the IP.com site, and you receive notification of the event.

IP.com's validation server scans for newly published documents.

A separate server under IP.com's control constantly scans the IP.com database for new disclosures. Once they are located, the package is downloaded. (This step is necessary to prove the file was accessible from outside IP.com's main system)





A third-party notarization is obtained for the entire IP.com package and sent back to the servers at IP.com. The downloaded package undergoes third party digital notarization (fingerprint & datestamp) to provide additional assurances as to the integrity of IP.com's data. This notarization is transmitted back to the servers at IP.com and stored with the publication.

New disclosures are printed in the subsequent issue of The IP.com Journal

In the following edition of the <u>Journal</u> information about new disclosures (including fingerprint and datestamp) is published. The <u>Journal</u> is then sent to participating libraries worldwide - providing even further assurances as to the date and longevity of documents with IP.com.



IP.com Prior Art Database

Advantages of IP.com's Prior Art Database

High visibility and accessibility

With the countless millions of websites in existence, and growing daily, the chances of an examiner finding relevant prior art on random corporate sites is unlikely. Even the best Internet search engines do not index every page of every website. When your innovation is published to IP.com, it joins the ranks of inventions from numerous other companies to form a comprehensive database of prior art. Patent examiners need only to search one location to find relevant prior art. Given the limited amount of time patent examiners have when reviewing patent applications, if your document is in a single, searchable location, it is much more likely to be found when it is needed most.

Adaptive to even the most aggressive publishing volumes

Publishing disclosures to industry journals is also lacking in many areas. Traditional publications are often limited by size, and editorial decisions are made regarding what to include and what not to include. However, your innovation isn't limited by the amount of available space in a publication, which means that a lot of material goes unpublished, and therefore, unprotected.

Used by leading technology companies and searched by worldwide patent examiners

Our database contains disclosures from companies such as Motorola, GE, Abbott Laboratories, Kimberly-Clark, and ChevronTexaco. Additionally, many other Fortune500 companies choose to publish anonymously to protect their identities. With companies such as these contributing to the volume, patent examiners have no choice but to search the IP.com Prior Art Database, and we have relations with various patent offices in order to allow them easier access to our data so they can do just that. Upon request from patent offices, IP.com will provide some/all of the following options: unlimited search and download, direct data feeds, and a subscription to The IP.com Journal.

Unbiased 3rd party verification

Unlike documents on a corporate website, documents published with IP.com have left the hands of the authors. This means you can be assured documents in the IP.com database have not been tampered with or altered. To this end, IP.com employs sophisticated digital document datestamping, fingerprinting, and notarization to ensure that document integrity can be verified in the future, should the need arise.

Protection from competitive intelligence

IP.com also offers the option for corporations to publish anonymously. This is only possible when using a 3rd party publishing company. If you were to place all your innovations on your own website, your competitors would have instant access to your R&D efforts. Publishing anonymously with IP.com allows you to secure

protection on your innovation without alerting your competitors to your current research efforts.

Data availability and redundancy

In addition to the data being available from IP.com, steps are taken to ensure your document's data is accessible from a variety of sources. IP.com provides free data feeds to any world patent office that requests this service. A limited number of alliance partners also receive copies of the IP.com data for integration into their own search systems. Additionally, IP.com publishes The IP.com Journal - a monthly printed digest (print & CD) of all disclosures from the previous month. The Journal is distributed to participating libraries worldwide.

IP.com Prior Art Database

Patents are incredibly useful tools in that they give the inventor the right to exclude others from making, using or selling the patented invention. However, this exclusive right must be enforced. If someone is using an invention for which you have a patent, you can sue for infringement to reclaim damages, as well as force the offending party to stop. Unless you initiate the infringement proceedings (or the threat of infringement proceedings), there is nothing to make the offending party stop using your innovation. In essence, patents only have power if you are willing to stand up in court to defend them.



The problem is that obtaining patents is not a trivial process. Legal fees, filing fees, maintenance fees, and lost time by your R&D staff can be quite costly. Spending this kind of money on a powerful innovation that can return hundreds or thousands of times the investment is clearly worth it. Yet, only a small portion of the items from a typical invention review qualify as such. More often, the majority of ideas that result from an invention review are good ideas that, for one reason or another, do not end up patented.

Why?

Typically, there are a number of inventions on which you may already have partial patent protection. Inventions that improve upon an existing patented invention are good examples of this. Another reason you may not wish to obtain patent protection on good ideas, is that you don't expect to ever gain back the money that would be spent pursuing the patent. This is highly typical for inventions that improve the operation of some aspect of your business, but is not part of your general business strategy. (A computer chip manufacturer that finds a better way of packaging would be a good example. Packaging sales are not part of the core business, and most likely patents in this area would never be pursued.)

So what happens to the innovation I don't patent?

Typically, nothing. You are free to use your invention without a patent ... until someone else patents the idea. That's when the problem occurs. At this point, they could force you into paying licensing fees, or to stop using the innovation altogether. In essence, forcing you to stop using an idea you had first, but never patented.

If I had the idea first, doesn't that give me the right to use it?

Unfortunately, having the idea first doesn't do anything for you. The only way to prevent another patent from issuing, or defeating one that has already issued, is by being able to prove not only that the idea already existed, but that it was available to the public as well. This is where technical disclosure comes in. Innovation you do not patent is at risk of being patented by others. Publishing that innovation establishes a clear trail of evidence that you had this idea, and made it available to the public. Therefore, it should be considered "general knowledge" by the patent examiners, and not be allowed to be patented. In effect, allowing you to retain your right to use your own innovation, without the hassle and expense of obtaining patent protection.

IP.com Prior Art Database

The IP.com Journal is the print and CD counterpart to the IP.com Prior Art Database. The IP.com Journal is published twice per month. It contains all disclosures digitally notarized and made available since the previous publication. It may also contain some disclosures which have been marked to appear in the print journal prior to being made available online. The IP.com Journal is just one of the methods that IP.com employs to ensure that disclosures published to our databases are permanent and forever available.



Each edition of the journal is distributed to libraries and law offices around the world.

The IP.com Journal contains a table of contents of included disclosures, printed summary information for each disclosure, an index of keywords, and one or more CD-ROM disks containing each complete disclosure along with its digital notarization record.

The printed summary of information includes the digital fingerprint for each file comprising the submitted disclosures. Since every computer file has a unique digital fingerprint, this provides a printed record that forever enables proof of the exact content of the original electronic publication.

IP.com Prior Art Database

Rates and Pricing

- What are the rates/pricing?
- Do you have special corporate packages? Yes.
- I am from a world patent office. How do I get free access?
 We're happy to accommodate examiners from world patent offices. Find out how to get set up for free.

Getting started	
 How do I get started? 	
Publishing	

- Why publish?
- What should I know before I publish (to be prepared)?
 Being prepared ahead of time can dramatically speed your way through the publishing process.
- How do I publish my disclosure?
 A quick overview of the publishing process, as well as our 'before you publish' reference guide are available.
- There are a number of publishing options, what do they mean?
 The publishing process offers a variety of different publishing options to allow you to finely customize how your disclosure is released. Learn about the different options before you publish and be an expert before you even start.

Searching

- How do I search the database?
 Getting the information you want is fast and easy. Learn the basics here.
- Can I cite a website as prior art?
 There are serious risks in citing a website in an article.
- How do I use 'My briefcase'?
 The briefcase is your tool for holding documents that interest you. Learn about it here.
- The time on my document doesn't seem to match when I published it, why? Times listed by the IP.com Prior Art Database are in UTC time, read this to learn more about UTC.

Journal Contents

- Is there any difference in the information available online vs. the information in the Journal?
 The IP complementary part of the IP comprise Art Database
 - <u>The IP.com Journal</u> is a complementary part of the IP.com Prior Art Database and IP.com's safeguarding products.
- When do disclosures published online appear in the Journal?
 Curious as to when the disclosure you just published will appear in the <u>Journal</u>?
 Find out here.
- What is the difference between the 'standard' and 'full' listing options when publishing?
 Should you go for more than the standard listing? Find out what print format is right for you.

Journal Delivery and distribution

- To where does IP.com send The IP.com Journal?
 Read an up-to-date list of places to which we send copies of The IP.com Journal.
- Can I purchase a subscription to The IP.com Journal?
 Interested in <u>The IP.com Journal</u>? Learn where to go from here.

Legal/Tech FAQ

- What is the site's cookie policy?
 Concerned about cookies? This page will explain how IP.com uses cookies during your interaction with our site. It also serves to dispel some of the myths surrounding cookies.
- Does publishing with IP.com satisfy the legal requirements for prior art?
 Unsure about the legality of documents published with IP.com? This page contains the information you need to know to set those concerns aside.

IP.com Prior Art Database

FAQ: Rates/Pricing

You may access much of the functionality of our service without charge. We charge a fee for some features, such as publishing and downloading.

We use the concept of "vouchers" throughout our site. When you purchase a voucher for a particular type of service, you can then redeem that voucher for that service in the future. This allows you to pre-purchase service vouchers in order to take advantage of bulk discounts or to set up corporate accounts where individual users do not make purchasing decisions.

Below are the different vouchers available for IP.com services.

Publishing vouchers

You need a publishing voucher for each disclosure you publish to the IP.com Prior Art Database. All documents published via our online publishing process consume one of these type of vouchers. Publishing includes online publishing of your documents as well as paper publication of the bibliographic information and abstract in the IP.com Journal.

# of Pubs	Price/Pub	Discount	Total Cost
1	\$200	-	\$200
Call for volume discounts			

^{*}Prices include a \$10 per document maintenance fee covering 15 years from the publication date.

Page-print vouchers

All documents published via this site are available online, and included on the CD-ROM portion of The IP.com Journal. Additionally, the printed portion of the Journal

contains the bibliographic data (and fingerprint data) from every publication.

You may optionally wish to have the ENTIRE contents of your disclosure to appear in the printed portion of the Journal. During the publishing process, you have the option to choose the standard Journal listing (included with the publishing voucher) or to have the entire disclosure included. If you choose to have the entire disclosure appear in the Journal, one page-print voucher is consumed for EACH page of your disclosure.

Note: regardless of whether or not you print your full disclosure in the Journal, it will be searchable and downloadable online. Printing your full disclosure in the Journal is NOT REQUIRED for your disclosure, but is available for those that desire this feature.

# of Pages	Price/Page	Discount	Total Cost
1	\$40	-	\$40
Call for additional volume discounts			

Print-only publishing voucher

If you would like your disclosure to be fully printed in The IP.com Journal, but not appear online or be included on the Journal CD-ROM, you can publish a 'print-only' disclosure with us. The cost of the print-only voucher is the same as a publishing voucher but without the \$10 online maintenance fee. This fee allows you to print a single page disclosure in its entirety in the Journal. You must purchase our standard page-print vouchers for any pages beyond the first page.

Print-only publishing is not available from the online publishing interface. If you are interested in publishing your disclosure in this manner, contact us directly.

The cost of a print-only publishing voucher is \$190.00 for a single page disclosure. Additional pages can be printed for an extra cost.

Search vouchers

If you would like to access the full search and display features of the IP.com Prior Art Database, you will need to purchase full access search vouchers. There are three voucher terms from which to choose: one year, one month (30 days) and one week. Each search voucher includes a limited number of document downloads. All search methods allow you to view a more detailed preview of the disclosure prior to making your decision to download the documents.

Purchased vouchers will be activated (begin the term) when you first search the IP.com Prior Art Database after your purchase of the voucher. Unactivated vouchers will remain in your account for a period of one year, at which time they expire and a new voucher will be required for searching.



Search Period	Document Downloads	Total Cost
1 Week	20	\$300
1 Month	100	\$600
1 Year	1,500	\$1,500

Corporate Subscriptions (multiple users)

Please contact us for corporate subscription pricing options at: pad-service@ip.com or 866.473.6826

Billable Search (per login)

Search Period	Document Downloads	Total Cost
1 Login session	0	\$20

Download vouchers

Documents are searchable online using our various search methods. You can view the bibliographic portion of any disclosure, a thumbnail representation of the document, as well as a portion of the text extracted from the document directly online. In order to retrieve the FULL document that was published (often containing additional attached files and original documents) you can download that document package. Downloading a document package consumes a single download voucher.

Some documents are available as free downloads. These documents are marked as such on the document view page. Certain types of documents published internally at IP.com are available to all users for free, documents you recently purchased are free, documents you've published yourself are free, and some/all documents are free for certain corporate subscriptions. All documents are free to verified users from world patent offices.

Price per Download	
\$40	

FAQ: Getting started

For individuals who wish to gain access to our system, there is no need to preregister for use. You can click the new-user login which will connect you to the site as 'guest' and allow you to have access to the site's functionality. When you access a function that requires registration (for-fee services) for the first time, a registration will be automatically created and the registration information will be emailed to you.

Corporate clients will most likely want to set up a corporate account with us in advance so as to take advantage of the additional options available to corporate clients, such as:

- Sharing vouchers across numerous 'child' accounts
- Multi-tiered access control for 'child' accounts
- and more ... see our corporate packages page for more details

What is the difference between 'guest' and registered users?

New users are automatically connected to the site as 'guest' users when clicking the 'new user' link from the home page. Guest users have full access to explore the system and use the search features as well as demonstrate the document publishing process. This is a great way to learn how to use our site or demonstrate its use.

If you attempt to access any of the for-fee features of our web-site, such as downloading a document, purchasing a voucher, or publishing an actual disclosure, an account will be automatically created for you and you will be emailed the registration info.

If I have an account, why shouldn't I just connect as a guest?

If you have a registration with us, logging in lets the system know who you are. This allows us to present you with information associated with your user account, such as:

- access to existing purchased vouchers
- access to free documents for your user account
- access to prior downloads and saved documents
- easy access to your own publications

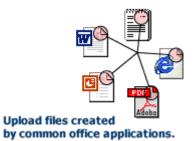
If you have registered with the system, it is highly recommended that you log in with that registration information as opposed to connecting as guest. This will help prevent the accidental creation of multiple user accounts for the same person. If you create multiple accounts, there is no way to transfer purchases from one account to the other. The system will also refuse to create more than one account per email address from the web registration page. If you need to have multiple accounts, you may be interested in a corporate package instead.

FAQ: Publishing preparation

Before starting the publishing process at IP.com, there are a few steps you should already have complete in order to make the process go as quickly and smoothly as possible.

Have the document you wish to publish in an acceptable electronic format

IP.com's publishing process accepts the most common office file formats, including Microsoft Word and PowerPoint, PDF, RTF, HTML and plain text (TXT).



Know if you would like to publish with, or without, authorship information

Certain steps in the publication process are altered (or skipped) if your intent is to keep your identity secret. Although IP.com will avoid collecting personally identifiable bibliographic information when you wish to publish without authorship information, it is up to you to make sure you don't overtly disclose your identity. If your intention is to be anonymous, you should re-check your document to make sure you don't have your company name, address, or other identifiable information included. It is also a good idea to make sure your publication does not follow a particular standardized layout, include specific company colors, or contain any other visual cues as to your identity.

Have any attachments ready for publication

You may wish to include other files with the document you intend on publishing. These would most commonly be images that you did not embed within the main document, but they can be files of any type. It is not required that you have any attachments to upload, however the publishing process will only allow a single file to be uploaded as the attachment. Therefore, if you have multiple files you wish to attach, you should combine them into a single file with a file zipping utility first.

Choose a title for you disclosure

During the publication process, you will be asked for the title of your disclosure. This can be an important component of your disclosure. The title you choose will be the title by which your disclosure appears in search results, as well as the title used in The IP.com Journal for inclusion in the printed index. Additionally, words that appear in the title are searchable, and may help increase the chance of others finding your document when searching the IP.com Prior Art Database.

Prepare a document abstract (optional, but highly recommended)

A well written abstract can be critical in finding your document in searches of the IP.com Prior Art Database. Even though IP.com offers full text searching as an option, the bibliographic search option DOES NOT search the disclosure text but DOES have the ability to search the abstract. For these types of searches, a good abstract can be essential in finding your document.





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Additionally, some types of disclosures do not contain much text, and will benefit from the description offered in the abstract. Typically, these are disclosures with a large number of images, or disclosures built from pages scanned from paper documents. The search engine is unable to extract text from pictures and scans, so the abstract may offer the only opportunity for the search service to get at the content of your disclosure.

Have a connection to the Internet, and current browsing software

The IP.com publishing service is available online, running in secure (encrypted) web space. You should be using a current web browser (Such as Microsoft Internet Explorer 6) to make sure you are taking full advantage of this security

IP.com Prior Art Database FAQ: How to publish

Publishing your disclosure with IP.com is fast and easy. Our web-based publishing process will walk you through the steps necessary to get your document into the database with a minimum of effort. If you've never published here before, you should read the help file on the **Steps to take before you publish** (click here) to guide you smoothly through the prepublication process.





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You may also wish to view or print our publishing options page to get an understanding of the different options available to you during the publishing process. If you get lost, online help is available for any feature during the publishing process.

The easiest way to see how the publishing process works is to experience it. You can click the 'new user' login button to proceed as guest, then choose to 'demo the publishing process'. You'll be able to walk through the publication process the same as if you were actually publishing in order to see the different options and access the online help.

IMPORTANT: If you have an actual user account, and you run the publishing process from your normal user account, it will actually publish your disclosure. Therefore, if you only wish to demonstrate the process, make sure to connect as guest. The page header will change to "Demo of publishing: ..." when running as demo.

IP.com Prior Art Database

FAQ: Searching the database

[excerpts only]

A number of search methods are available for retrieving publications of interest from the IP.com Prior Art Database. Documents may be previewed on-screen and, for a nominal fee, you can download the original document (including any attached files.)

How do I find publications in the IP.com Prior Art Database?

IP.com offers both bibliographic and full text searching of the database. Using the bibliographic search, you can compose complex queries utilizing Boolean logic, as well as field matching operators such as "field contains" or "field begins with", to achieve precise results. The full text search function allows you build queries that contain (or do not contain) specific words, word fragments, or forms of words. Both search methods allow limiting of results based on certain criteria, such as language, country, and publication date.

Access to the most recent publications as well as to a specific IPCOM publication is also available. In addition, a simple search option utilizes our full text search engine without presenting complex options.

How do I download interesting publications from the IP.com database?

You can use the "My Briefcase" feature as a storage location for disclosures of interest to you. To add items to your briefcase, simply click the "ADD to my briefcase" button from any search result, or document preview (fig. 1). Once you have placed all the documents of interest into your briefcase, you can select some or all of those publications for purchase and download.



In order to download publications,

you must be a registered user. If you are not yet registered, a new registration will be generated during the checkout process. Registration requires a credit card to verify your identity, even if your selections are free. IP.com accepts major credit cards; optionally, we can establish a corporate account (write website-sales@ip.com).

After you check out, the publications you selected are packaged together and made available for you to download using your web browser or FTP. You are sent an email with instructions for accessing your purchase. You can also access previous purchases by clicking the "View my ... prior purchases" link from the menu.

Why are prices sometimes lower for some users?

There are a number of reasons a document may be discounted/free for a particular user:

- the user has an annual subscription allowing unrestricted download access
- the user is from a world patent office (documents are free to patent offices)
- the user is the author of the document (your own documents are free)

However, in order for the system to accurately display pricing, the system needs to know who a user is (user cannot be connected as guest). Once you are logged in under your own user account, the system is able to determine if any discounts are in effect for you.

If you are a corporate user and are interested in an annual subscription, please write website-sales@ip.com. If you are an examiner at a patent office and do not have an account to enable your free downloads, please write website-patentoffice@ip.com. (To qualify for patent office access, your e-mail address must be from a verifiable patent office domain.)

IP.com Prior Art Database FAQ: Citing a Website

Can I cite a website as prior art?

There are serious risks in citing a website in an article. First, soon after you cite the website, the url might change or the site could be down all together. The problem with this is not only that the reader will go to a dead link, but this could seriously devalue the article. Depending upon the relevance or importance of the linked content, a dead link could be the equivalent of having several paragraphs of an article deleted prior to publication. Second, and even worse, the link might be live, but, since content on a web page can, and often does, change day-to-day, there is no way for the reader to know that the linked content is the same as it was at the time the webpage was referenced. If the content has changed the reader would be mislead. It could significantly change the readers? view of the article (or the author) and ultimately impact the conclusions or decisions made by the reader based upon the content. Simply put, there is no way for a reader to know whether the referenced (linked) content is the intended content. If that reader happens to be a patent examiner, they cannot rely upon anything outside of the four corners of the article, even if the cited link is live.

IP.com Prior Art Database

FAQ: Legal status

Given the compelling reasons for publishing your technical disclosures, it's not a question of whether to publish, but rather a question of where to publish. IP.com's online publishing services are the fastest, easiest, and most cost-effective way to release your innovation to the public. However, many people are skeptical of the validity of electronic publications and their status in the courts.

What is the opinion of the USPTO regarding electronic documents?

A white paper by the United States Patent and Trademark Office states that "An electronic publication, including an on-line database or Internet publication, is considered to be a "printed publication" within the meaning of 35 U.S.C. 102(a) and (b), provided the publication was accessible to persons concerned with the art to which the document relates."

Does IP.com have an independent legal opinion of the service?

The legal opinion on IP.com's publication process by McDermott, Will & Emery states that "Based on the above analysis, it is our opinion that invention disclosures made available on IP.com's website can be authenticated, satisfy the hearsay rule or the business records exception, and satisfy the requirement of an original in a patent infringement action in federal district court in connection with an assertion of invalidity under 35 U.S.C. §§ 102 and/or 103."

What steps does IP.com take to ensure document longevity?

In addition to the online maintenance of disclosures, IP.com publishes a monthly printed (i.e. paper-based 'non-electronic) publication, The IP.com Journal, which is available to libraries worldwide. The presence of The IP.com Journal in libraries means that not only do you not need to fear the "electronic-only" publication, but it provides publicly accessible archive copies in the instance the IP.com database becomes unavailable online.