

CWS/11/9

الأصل: بالإنكليزية

التاريخ: 5 أكتوبر 2023

اللجنة المعنية بمعايير الويبو

الدورة الحادية عشرة
جنيف، من 4 إلى 8 ديسمبر 2023

اقترح مراجعة المعيار ST.61

وثيقة من إعداد المكتب الدولي

معلومات أساسية

1. في الدورة الثامنة للجنة المعنية بمعايير الويبو (لجنة المعايير)، اعتمد معيار الويبو ST.61 (انظر الفقرة 28 من الوثيقة CWS/8/24). ويوفر هذا المعيار نموذجاً موحداً يمكن أن يصف الوضع القانوني لطلب علامة تجارية قيد المعالجة في نظام التسجيل، أو لعلامة تجارية مسجلة.
2. وخلال الدورة ذاتها، طُلب من مكاتب الملكية الفكرية تقديم جداول خرائط تبين التناظر بين أحداث الوضع القانوني الحالية والأحداث المحددة في معيار الويبو ST.61 وخطة تنفيذ مستقبلية (انظر الفقرة 30 من الوثيقة CWS/8/24). ونُشرت جداول الخرائط هذه في الجزء 3.13.7 من دليل الويبو على موقع الويبو الإلكتروني في الرابط التالي: https://www.wipo.int/standards/en/part_07.html.
3. ويُحدّث معيار الويبو ST.61 ضمن نطاق المهمة رقم 47، التي ينص وصفها على ما يلي:
"ضمان المراجعات والتحديثات الضرورية لمعايير الويبو ST.27 و ST.87 و ST.61؛ وإعداد مواد مساعدة لتسهيل استخدام تلك المعايير في مجتمع الملكية الفكرية؛ ودعم فرقة عمل XML4IP لتطوير مكونات لبيانات أحداث الوضع القانوني."
4. وتتجلى إحدى أولويات فرقة العمل المعنية بالوضع القانوني منذ انعقاد الدورة الأخيرة للجنة المعايير في التعاون مع فرقة العمل XML4IP لإعداد عناصر لغة الترميز الموسعة (XML) من أجل تسجيل الوضع القانوني للعلامات التجارية استناداً إلى معيار الويبو ST.61. وعلى وجه الخصوص، تجسّد عملهما في استعراض محتويات المرفق الثاني، الذي يحتوي على بيانات تكميلية يمكن تدوينها بالنسبة إلى كل فئة خاصة من فئات المعيار ST.61.
5. ودُعي خبراء عينهم مكتباً فرقتي العمل إلى اقتراح عناصر يُحتمل أن تكون غير موجودة بالنسبة إلى كل فئة من فئات الأحداث. وعُقد اجتماع إلكتروني لهؤلاء الخبراء في أغسطس 2023 بهدف تحليل هذه المدخلات الواردة من فرقتي العمل وإعداد اقتراح لمراجعة المرفق الثاني لمعيار الويبو ST.61.

المراجعة المقترحة لمعيار الويبو ST.61

6. في إطار المهمة رقم 47، تقترح فرقة العمل المعنية بالوضع القانوني مراجعة المرفق الثاني لمعيار الويبو ST.61. وترد المراجعة المقترحة للمرفق الثاني لمعيار الويبو ST.61 في مرفق هذه الوثيقة. ويقتصر محتوى المرفق على المرفق الثاني للمعيار ST.61 ومتمنه الرئيسي، ولا يتضمن المرفقات الأخرى. وتُظَلَّل التنقيحات التي ترد بنسق تعقب التغييرات، حيث يعني الشطب أن النص ينبغي حذفه، والتسطير أن النص ينبغي إضافته.

7. ويمكن تلخيص التغييرات المقترحة إدخالها على المرفق الثاني لمعيار الويبو ST.61 على النحو التالي:

الفئة	الحدث	الإضافة المقترحة
A	إيداع الطلب	– فئة العلامة التجارية (على سبيل المثال، علامة جماعية) – نوع العلامة التجارية (على سبيل المثال، علامة تصويرية)
B	إيقاف الطلب	– معلومات المحكمة
C	تنشيط الطلب	– سبب التنشيط
D	البحث والفحص	– نوع الفحص (على سبيل المثال، موضوعي) – بيانات تقرير الفحص – بيانات تقرير البحث
F	تسجيل العلامات التجارية	– فئة العلامة التجارية (على سبيل المثال، علامة جماعية) – نوع العلامة التجارية (على سبيل المثال، علامة تصويرية)
H	وقف حق من حقوق الملكية الفكرية	– معلومات المحكمة
L	طلب استعراض حق من حقوق الملكية الفكرية	– سبب طلب استعراض الحق
R	تغيير بيانات الأطراف	– السلع/الخدمات المنقولة

8. إن لجنة المعايير مدعوة إلى:

(أ) الإحاطة علماً بمضمون هذه الوثيقة ومرفقها؛

(ب) والنظر في المراجعة المقترحة لمعيار الويبو ST.61 والموافقة عليها، كما هو مشار إليه في الفقرتين 6 و7 أعلاه، وعلى النحو الوارد في مرفق هذه الوثيقة.

[يلي ذلك المرفق]

STANDARD ST.61

RECOMMENDATION FOR THE EXCHANGE OF TRADEMARK LEGAL STATUS DATA

ANNEX II

SUPPLEMENTARY EVENT DATA

Adopted Proposal presented for approval by the Committee on WIPO Standards (CWS) at its eighth eleventh session

1. Each status event code may be accompanied by supplementary event data. There is supplementary event data that is specific to events in a particular category and there is common supplementary event data which is common to all events. The common supplementary event data includes (1) the effective country or region, (2) the gazette issue number, (3) comment (i.e. free text); (4) a prior relevant event date, and (5) a relevant rule. The "effective country or region", is the country or region where the event has legal effect, which is particularly relevant for regional IPOs where the effect of an event, such as discontinuation due to non-payment of renewal fees, only has effect in some of the countries where the IP right is active. The "gazette issue number" is the issue of the national/regional gazette where the particulars of the national/regional event are made public. IPOs will be able to provide additional associated data which is not specified in the "comment" entry. The "prior relevant event date" is the date of a prior event which is relevant to the current event, such as the start of a fee payment time period which has expired. The "relevant rule" is an Office-specific rule, regulation, law, or other principle which was applied to reach the event outcome.

2. The Table below shows what supplementary data fields may be used for different categories. The first row shows common elements that may be used in any category, and subsequent rows show the data elements specific to each category. Note that the supplementary data elements indicated in this Standard are general descriptions of the types of data that may be provided.

Category Code	Category Title & Description	Supplementary event data
n/a	All categories This shows common data elements that may be used in any category.	1. Effective country or region 2. Gazette issue number 3. Comment (i.e. free text) 4. Prior Relevant Event Date 5. Relevant Rule (e.g. rule number)

Category Code	Category Title & Description	Supplementary event data
A	<p>Application filing</p> <p>This category is a group of events related to the filing of a trademark application. It covers any event that results in the creation of a new matter number, whether or not a new application document is filed at the IPO. For example, it includes when a national or regional IPO or the International Bureau of the World Intellectual Property Organization receives an application for the registration of a trademark together with any additional indications, elements, documentation and/or fees necessary to obtain a filing date under national or regional law or convention or the Madrid System as applicable. This category also includes events related to the creation of a subsequent designation, divisional application, continuation, or a conversion.</p>	<ol style="list-style-type: none"> 1. Related Document Identification (e.g., parent document ID) 2. Priority Date 3. International or Regional Application Filing Data 4. Applicant Data (e.g., name, contact info) 5. <u>Divided Applications</u> 6. <u>Kind of trademark (e.g., collective mark)</u> 7. <u>Type of trademark (e.g., word or figurative mark)</u>
B	<p>Application discontinuation</p> <p>This category is a group of events related to the discontinuation of an application. It includes, for example, when an application has been voluntarily withdrawn by the applicant, was deemed to be withdrawn, abandoned or lapsed or was refused by the IPO. The events in this category may move an application from the filing stage, examination stage or pre-registration challenge stage into the termination likely / termination stage.</p>	<ol style="list-style-type: none"> 1. <u>Reason Not In Force</u> 2. <u>Court information</u>
C	<p>Application revival</p> <p>This category is a group of events related to the revival, reinstatement or restoration of an application after it has been discontinued, where permitted by the IP Office. It includes, for example, when an application was revived following a request for application revival after payment of an outstanding fee, responding to an outstanding action or decision which had resulted in the application being discontinued, or following an appeal. The events in this category may move an application from the termination likely / termination stage into the filing stage, examination stage or pre-registration challenge stage.</p>	<ol style="list-style-type: none"> 1. Discontinuation Date 2. <u>Reason Not In Force</u> 3. <u>Reason for revival</u>

Category Code	Category Title & Description	Supplementary event data
D	<p>Search and examination</p> <p>This category is a group of events related to the examination proceeding and prior rights searches that occur before the acceptance or rejection of the trademark. It includes, for example, a formality examination or a substantive examination. It also includes a request for a prior rights search and an announcement of the intention of the IPO to register the trademark and/or grant an IP right. The events in this category may move an application from the filing stage or the pre-registration challenge stage into the examination stage.</p>	<ol style="list-style-type: none"> 1. Search Origin Category 2. Requester of Search (e.g., applicant, third party, or independently by the IPO) 3. Requester of Examination (e.g., applicant, third party, or independently by the IPO) 4. Publication Data 5. Priority Data 6. Related Documents Data (e.g., regional filing data, international filing data) 7. <u>Applicant Data</u> 8. <u>Type of examination (e.g., substantive)</u> 9. <u>Examination report data</u> 10. <u>Search report data</u>
E	<p>Pre-registration review request</p> <p>This category is a group of events related to the request for a pre-registration review. It includes, for example, a request for a pre-registration opposition, pre-registration re-examination, or pre-registration limitation. It also includes when such a request was inadmissible, rejected or withdrawn. The events in this category may move an application from the examination stage or the termination likely / termination stage into the pre-registration challenge stage.</p>	<ol style="list-style-type: none"> 1. Details of Court/Tribunal (e.g., name of court, tribunal, IPO body) 2. Party Name(s) 3. Representative's Details (e.g., name(s) & contact information) 4. Review Procedure Data (e.g., opposition date, reference, language)
F	<p>Trademark registration</p> <p>This category is a group of events which relate to the effective grant date of an IP right and/or the entry of the trademark into the IPO's register. It includes, for example, when a trademark is registered and/or an IP right was granted following an examination, an appeal, pre-registration review or inadmissibility, rejection or withdrawal of a pre-registration review request. The events in this category may move an application from the examination stage or the pre-registration challenge stage into the registration stage.</p>	<ol style="list-style-type: none"> 1. Name of Registered Owner 2. Reference to Pre-grant Review Decision (e.g., court or tribunal order following pre-grant review) 3. Priority Data 4. Classification Data 5. <u>Kind of trademark (e.g., collective mark)</u> 6. <u>Type of trademark (e.g., word or figurative mark)</u>

Category Code	Category Title & Description	Supplementary event data
H	<p>IP right cessation</p> <p>This category is a group of events related to the cessation of an IP right. It includes, for example, the cessation of an IP right following an IP right review, an appeal, a refusal to reinstate, or a lapse or expiry. The events in this category may move an IP right from the registration stage or the post-registration challenge stage into the termination likely / termination stage.</p>	<ol style="list-style-type: none"> 1. Legal Effect Start Time 2. Decision Authority Category (e.g., national court, tribunal, IPO) 3. Reason Not In Force 4. Court information
K	<p>IP right revival</p> <p>This category is a group of events related to the revival, reinstatement or restoration of an IP right after its cessation. It includes, for example, the request for the revival and the decision to revive an IP right, including by way of an appeal. The events in this category may move an IP right from the termination likely / termination stage into the registration stage or the post-registration challenge stage.</p>	<ol style="list-style-type: none"> 1. Reinstatement Reason Category (e.g., following payment of fee) 2. Cessation Date 3. Expiry Date
L	<p>IP right review request</p> <p>This category is a group of events related to a request for a review after registration of a trademark and/or the grant of an IP right. It includes, for example, a request for a post-registration opposition, post-registration examination, limitation, reissue, surrender, or invalidation. It also includes when such a request was inadmissible, rejected or withdrawn. The events in this category may move an IP right from the registration stage or the termination likely / termination stage into the post-registration challenge stage.</p>	<ol style="list-style-type: none"> 1. Party Name(s) 2. Representative's Details (e.g. name(s) & contact information) 3. Review Procedure Details (e.g. opposition date, reference, language) 4. Reason for right review request
M	<p>IP right maintenance</p> <p>This category is a group of events related to the maintenance of a granted IP right in full or amended form as the outcome of a post-registration challenge. It includes, for example, an IP right being maintained in full or amended form following an appeal, an IP right review or the inadmissibility, rejection or withdrawal of a request for an IP right review. The events in this category may move an IP right from the post-registration challenge stage into the registration stage.</p>	<ol style="list-style-type: none"> 1. IP Right Review Details (i.e. information about the IP right review, including court order details for example) 2. Decision Authority Category e.g., court, tribunal, IPO)

Category Code	Category Title & Description	Supplementary event data
N	<p>Termination</p> <p>This category is a group of events related to the termination of an application or an IP right without a possibility of its revival. It includes, for example, when an application or IP right was terminated by the IPO or a court. The events in this category are not available to all IPOs.</p>	<ol style="list-style-type: none"> Reason Not In Force
P	<p>Document modification</p> <p>This category is a group of events related to modifications of an application, IP right document or other document, which occur outside the context of a pre-registration review or IP right review. It includes, for example, amendments and corrections of errors in applications and IP right documents. The events in this category may occur during any stage.</p>	<ol style="list-style-type: none"> Publication identification Modified Part of Document Category (e.g., a figurative element, NICE classification, bibliographic information, priority claim, specification, claims, drawings) Modification Category (e.g., amendment or correction) Previously Published (erroneous) Content New (corrected) Content
Q	<p>Document publication</p> <p>This category is a group of events related to document publication by the IPO. It includes, for example, publication of an application, IP right document or bibliographic information by the IPO. The events in this category may occur during any stage.</p>	<ol style="list-style-type: none"> Publication Identification
R	<p>Party data change</p> <p>This category is a group of events related to the IPO recording changes in party data. It includes, for example, when the IPO records changes to a party concerned with the application or IP right, e.g. the applicant(s), owner(s), or representative(s). It also includes events related to the recording of changes in party contact information. The events in this category may occur during any stage.</p>	<ol style="list-style-type: none"> Party Data Change Category (e.g., owner holder change, representative change, owner holder contact information change, representative contact information change) Previous Party Details (e.g. name, contact information, country code) New Party Details (e.g. name, contact information, country code) Ownership Transfer Data (including assignment document number) Legal Proceedings Details (if applicable) Goods and Services list transferred

Category Code	Category Title & Description	Supplementary event data
S	<p>Licensing information</p> <p>This category is a group of events related to the IPO recording licensing information and amendments to such records. It includes, for example, when an IPO records that a license, pledge or security interest has been agreed to, amended, cancelled or transferred. The events in this category may occur during any stage.</p>	<ol style="list-style-type: none"> 1. License Data (e.g. registration number, record type, status, start and end dates) 2. Licensor(s) Data (e.g. name, contact information, country code) 3. Licensee(s) Data (e.g. name, contact information, country code) 4. Licensing Information Amendment Category (i.e. which terms were amended) 5. Territory of License Validity 6. Legal Proceeding Details (if applicable)
T	<p>Administrative procedure adjustment</p> <p>This category is a group of events related to the adjustment of an administrative procedure conducted by the IPO. It includes, for example, granting an extension of an administrative time limit or continued processing of a necessary procedure. It also includes a suspension, stay or interruption of an administrative procedure, or the resumption of a suspended, stayed or interrupted administrative procedure. The events in this category may occur during any stage.</p>	<ol style="list-style-type: none"> 1. Adjustment Category (e.g., time extension, suspension, stay, resumption, interruption, delay in communication services, as-of-right extension granted, IPO disruption, IPO irregularity) 2. Reason for Adjustment (e.g., natural disaster, IPO delay, court delay, applicant/owner holder delay) 3. Start and End Date (e.g., date at which the adjustment starts and date at which the adjustment ends)
U	<p>Payment</p> <p>This category is a group of events related to the payment of fees. It includes, for example, payment of a renewal, maintenance or other designation fee. The events in this category may occur during any stage.</p>	<ol style="list-style-type: none"> 1. Fee Category (e.g., registration fee, maintenance fee, renewal fee, designation fee) 2. Payment Details (e.g. payment status, year of fee payment, ,) 3. Renewal Details (e.g., length of renewal, scope changes, next fee due date)

Category Code	Category Title & Description	Supplementary event data
V	<p>Appeal</p> <p>This category is a group of events related to an appeal of a decision made during the prosecution of an IP right. It includes, for example, a request by the applicant, IP right owner, or third party for an administrative or court appeal of any decision made during the prosecution of an IP right and the procedural outcome of such an appeal. The substantive outcome of the appeal may be mapped to an event in another category, for example, application discontinued, application revived, IP right granted, IP right ceased, or IP right maintained. The events in this category may occur during any stage.</p>	<ol style="list-style-type: none"> 1. Appellate body 2. Decision Being Appealed 3. Appellate Decision Details 4. Decision Citation
W	<p>Other</p> <p>This category covers events which cannot be categorized under any other category. It is recommended to use this category as a last resort for unusual cases, where a liberal interpretation of the description of all other Categories would fail to adequately describe the national/regional/international event (e.g. legacy events or interim/internal events).</p>	<ol style="list-style-type: none"> 1. National or Regional Event Description
Y	<p>Correction and deletion of event information</p> <p>This category is a group of events related to the correction or deletion of erroneous event information that the IPO previously provided. It includes, for example, correction in the status event code of an application or IP right provided under this Standard or the correction or deletion of an event that was announced erroneously in a gazette, IP register or other published documentation. The events in this category may occur during any stage.</p>	<ol style="list-style-type: none"> 1. Status Event Identification (Status Event Code and Date, or Unique Identifier) 2. Previously Published (e-Erroneous) Content 3. New Corrected Content