

Patent Cooperation Treaty (PCT) Working Group

Seventeenth Session
Geneva, February 19 to 21, 2024

GLOBAL IDENTIFIER AND THE PCT

Document prepared by the International Bureau

SUMMARY

1. The International Bureau proposes to introduce global identifiers for natural persons and legal entities which, if implemented, could help to streamline the management of processes affecting intellectual property applications and rights across different Offices and systems. The Working Group is invited to consider some potential opportunities and questions for the PCT System relating to the implementation of such global identifiers.

BACKGROUND

2. The tenth session of the Committee on WIPO Standards (CWS) noted that the International Bureau had launched a pilot to assess feasibility of global identifiers for natural persons and legal entities and identify potential challenges (see paragraphs 63 and 64 of the Report of the session, document CWS/10/22 and the presentation, CWS/10/ITEM 9B IB). The CWS requested the International Bureau to collaborate with some interested Offices on the pilot and to report the results of the pilot to the CWS (see paragraphs 69 and 70 of document CWS/10/22).

3. At the eleventh session of the CWS in December 2023, the International Bureau presented the progress achieved on the global identifier pilot project (document CWS/11/17). The CWS noted the results and work plan of the global identifier project (see paragraphs 74 and 75 of the Summary by the Chair of the session, document CWS/11/27). A single global identifier aims to be used to uniquely identify a natural person or a legal entity consistently, accurately and securely across IP systems and jurisdictions across the globe. The global identifiers could be used in almost all transactions between actors in the IP ecosystem. Therefore, the use of global identifiers will play a pivotal role in IP ecosystems. The global

identifier pilot project began in February 2023 and Phase 1 covering business analysis and scoping was completed in October 2023. Five national, regional, and international Offices with their associated industry stakeholder groups participated in Phase 1 (see paragraphs 7 to 10 of document CWS/11/17).

4. Phase 2 of the pilot, scheduled to start in March 2024, will involve the International Bureau developing a sandbox for participating Offices and other stakeholders to test with mock data. It is proposed that the International Bureau will also start implementing a global identifier to its services and Offices will prepare their implementation. In Phase 3 that is scheduled to start in 2025, the International Bureau will develop a production system and support Offices' implementation of the global identifier, with testing in the sandbox continuing with real data (see paragraphs 25 to 27 of document CWS/11/17).

5. The global identifiers pilot has developed or identified, *inter alia*:

- (a) provisional specifications for a global identifier;
- (b) high level business requirements for validating the identity of an individual or entity represented by the identifier;
- (c) data protection issues concerned with the collection, storage of and access to data associated with a global identifier;
- (d) a prototype blockchain-based platform for storing the identifiers and securely associating personal data with an identifier; and
- (e) potential use cases for the identifier.

6. The main business use case considered in Phase 1 was around global assignment of patent portfolios, but consideration should also be given to other aspects of patent processing, including the international phase of the PCT and national phase entry.

USE OF A GLOBAL IDENTIFIER WITHIN THE PCT

7. At present, names and addresses of people and legal entities acting as applicants, inventors or legal representatives within the PCT system are managed separately for each individual international application with which they are associated. There is no fully reliable mechanism for identifying all of the applications in which an individual plays a role. Statistics are based on matching of names and addresses following data cleanup; changes of names and addresses under Rule 92*bis* relating to multiple international applications are partially automated by the International Bureau but rely to some degree on manual checks. This can be a source of significant cost and delay to applicants with large portfolios needing to record changes of names and addresses across many international applications. Portfolio management is possible within ePCT, but is a self-service arrangement by the "eOwner" of the application, which is distinct from the actual ownership or identity of the legal representative as such.

8. A global identifier could bring significant benefits to the PCT System in terms of efficiency of processing and the quality of patent information. Noting that international applications were filed at more than 80 different receiving Offices in 2022 using a variety of IT systems and that not all Offices would initially be ready to issue global identifier codes, any such system would need to be introduced gradually.

9. A possible approach would be to adjust the request form and accordingly the ePCT interface to permit the option of including a global identifier code alongside each name and address. Preferably, the code, name and address would be inserted as a single action that reduced the work in entering a name and address for which a global identifier existed and

ensured that the code, name and address set matched the global identifier information. Applicants having entered the code would then be able to benefit from the services that it unlocked, most notably in terms of portfolio management and quick self-service Rule 92*bis* changes. Services might be provided to match earlier-entered names and addresses to the global identifier.

10. Some questions that would need to be considered in connection with movement on the global identifier pilot would appear to include:

(a) *Data protection* – Personal information held in association with the global identifier must be accessible to receiving Offices and the International Bureau to the extent necessary to provide efficient services and validate data but be secure against misuse and permit efficient administration by the subject of the global identifier or their legal representative (see also document PCT/WG/17/8 for related data protection challenges).

(b) *Consistency between global identifier and the PCT record* – Noting that the global identifier system would be administered in a distributed system not directly part of the PCT, if the name and address associated with a global identifier is changed, should this automatically trigger a change of existing records created in the PCT System using that identifier?

(c) *Consistency within the PCT System* – Should it be possible to change some names and addresses associated with a global identifier, but not others, in cases where the new names and addresses represent the same person or entity (as distinct from registering a change of owner or representative for part of a portfolio)?

(d) *Authority to act* – If an attorney is authorized to act for some international applications using a particular global identifier, but not all (or alternatively in a wider context, to act for PCT international applications belonging to an applicant with a particular global identifier, but not their Madrid and Hague registrations) should a change of name and address associated with an identifier nevertheless have effect across all of the relevant applications?

11. The most difficult of the consistency issues would appear to be around the case where the data associated with a global identifier is changed around the time that an application is filed, such that either:

(a) a new application is filed with new valid data that does not match the names and addresses for the same identifier within existing international applications; or

(b) with an older name and address valid at the time of filing, but by the time the record copy is received by the International Bureau, other names and addresses associated with the global identifier have been changed under Rule 92*bis*.

12. The other cases would be handled relatively easily by splitting off records that did not match the global identifier records, either to form a separate new global identifier, or losing any association with a global identifier.

13. *The Working Group is invited to comment on the issues set out in this document.*

[End of document]