

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**

GENEVA

## **STANDING COMMITTEE ON INFORMATION TECHNOLOGIES**

### **PLENARY**

#### **Fifth Session**

**Geneva, July 10 to 14, 2000**

#### **REPORT**

*adopted by the SCIT Plenary*

#### **INTRODUCTION**

1. The Standing Committee on Information Technologies (SCIT) held its fifth Plenary (“SCIT Plenary”) session in Geneva from July 10 to 14, 2000.
2. The following Member States of WIPO and/or the Paris Union were represented at the session: Algeria, Argentina, Australia, Austria, Bangladesh, Brazil, Bulgaria, Canada, China, Côte d’Ivoire, Croatia, Cuba, Czech Republic, Democratic Republic of the Congo, Denmark, Egypt, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guinea, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Ireland, Jamaica, Japan, Kenya, Kyrgyzstan, Latvia, Madagascar, Mexico, Morocco, Netherlands, Norway, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saudi Arabia, Singapore, Slovakia, Slovenia, Spain, Sudan, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Turkmenistan, Uganda, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Viet Nam and Zimbabwe (67).
3. The following State member of the UN and/or Specialized Agencies was represented by observers: Syria (1).

4. Representatives of the African Intellectual Property Organization (OAPI), the African Regional Industrial Property Organization (ARIPO), the Benelux Trademark Office (BBM), the European Community (EC), the Eurasian Patent Office (EAPO) and the European Patent Office (EPO) (6) took part in the session in a member capacity.
5. Representatives of the following organizations took part in the session in an observer capacity: World Health Organization (WHO), World Meteorological Organization (WMO), Organization of African Unity (OAU), League of Arab States (LAS), International Federation of Inventors' Association (IFIA), International Organization for Standardization (ISO), and Patent Documentation Group (PDG) (7).
6. The list of participants appears as Annex I to this report.
7. The session was opened by Mr. P. Back, Deputy Director, United Kingdom Patent Office, in his capacity as SCIT Chairman.

#### ADOPTION OF THE AGENDA

8. Following a request from the Delegation of the Netherlands, a new item was added to the agenda, entitled "Status report on the JOPAL Project".
9. The agenda appears as Annex II to this report.

#### IT MANAGEMENT IN THE INTERNATIONAL BUREAU (Document SCIT/5/2)

10. In introducing the document SCIT/5/2, the International Bureau updated the Committee on the status of work to implement common Information Technology management tools within the International Bureau. A project on metadata had recently been started and, taking advantage of its use in the PCT IMPACT Project, an electronic document management software package (Documentum) would be deployed throughout the entire Information Technology area. Following a point of correction from the Delegation of the Netherlands, the reference to document SCIT/4/4 in the document was amended to read SCIT/4/8.
11. The Delegation of the Netherlands requested clarification on which activities, listed under paragraph 7 of document SCIT/5/2, represented those carried out by the IT Projects Division. The International Bureau confirmed that the activities in question were C (PCT Information Systems), D (WIPONET), E (IPDL Project) and G (FOCUS Project).
12. The Delegation also asked for reassurance from the International Bureau that those projects, taken from the Strategic Implementation Plan, that had been re-classified as "on-going development or support activities," had not in fact been dropped from the work of the Information Technology area. The International Bureau replied that the purpose of re-classifying some activities did not mean that they had been dropped as they reflected operations that the International Bureau was already undertaking and would continue to carry out. As they did not meet the broad concept of the Project Life Cycle criteria, i.e., having a beginning, a middle and an end, they could not be defined as projects.

13. The Delegation of the United Kingdom welcomed the document, which it found as a helpful note on the arrangements that the International Bureau was putting in place. Of particular use was the suggestion that the Business Management Section be asked to produce feasibility reports on new proposals arising from the SCIT. These would then be presented to the SCIT to facilitate informed discussion prior to adding new items to the SCIT work program.

14. The Delegation of Egypt requested the International Bureau to produce, for the next meeting of the SCIT Plenary, a Human Resource Plan for Information Technology, which would reflect the changes currently taking place. Furthermore, to facilitate the adoption of the Project Management Institute (PMI) approach, there should be a link between the project management training offered to staff and the proposed benchmark exam. Finally, the Delegation requested the preparation of a comprehensive project plan for the WIPO Worldwide Academy. With regard to the last point the International Bureau undertook to pass on the request to the appropriate area within the International Bureau.

15. The Delegation of Cuba insisted on the need for Information Technology human resources training for staff of Intellectual Property Offices in developing countries and equitable access to WIPONET services.

16. The Delegation of France asked for clarification on the status of the division of funds between the various projects and operational activities. Did the International Bureau intend to seek Member State approval for the re-allocation and, taking into account the fact that the SCIT is not competent to take budgetary decisions, how did the International Bureau see the link between the SCIT and the Program and Budget Committee.

17. In reply, the International Bureau explained that the Program and Budget document for 2000-2001 only showed two sub-programs (12.1 and 12.2) for Information Technology. One of the objectives of the new Information Technology management approach had been to make the budget allocations more transparent and to give individual project managers financial accountability for the funds allocated to their projects. The purpose of the table contained in the document was to show the mapping from the sub-division of funds back to the approved Program and Budget for the 2000-2001 biennium. The figures in no way changed the overall level of the budget. Finally, the International Bureau recognized that the SCIT did not have financial authority but believed that, for the Committee to make informed decisions about Information Technology activities, it was important for them to have available the necessary financial information.

18. The Delegation of Sweden thanked the International Bureau for the information in the document on the increased efficiency resulting from the better utilization of resources and the manner in which the budget had been allocated. The Delegation then spoke to confirm its understanding of the process whereby projects are originated in the Business Management Section and then pass through the Projects Division for implementation before being handed over to the Services Division as operational systems. Finally, a question was raised concerning the mechanism whereby performance against budget is reported.

19. In replying to the Delegation of Sweden the International Bureau said that the Program and Budget document for 2000-2001 included Main Activities and Expected Results for each sub-program and that these had been redrafted for the Information Technology area and were contained in the annex to document SCIT/5/2. A program performance reporting mechanism existed where reports were considered by the WIPO General Assembly. The Office of Information Technology would contribute to this report under Main Program 12.

The International Bureau also suggested that future project/activity progress reports made to the SCIT could include financial reporting.

20. The Delegation of Japan suggested that work should be done within the International Bureau to ensure close cooperation between related areas, such as the PCT, Madrid and Hague systems. The Delegation supported the comments made by the French Delegation on the division of Information Technology funds and appreciated the reassurances of the International Bureau that the figures shown in the document represented already approved budgetary amounts. The Delegation also suggested that the benefits of the IMPACT Project should be stated clearly in the column headed "Expected Results" in Annex 1 of document SCIT/5/2.

21. The Delegation of France took the floor again to seek clarification from the International Bureau on the status of the proposal made at the SCIT Plenary meeting held in December 1999, that unspent funds for the 1998-1999 biennium be re-appropriated in the current biennium. The International Bureau confirmed that the unspent balance was estimated at 15.3 million Swiss francs and was not included in the figures given in the document as authority to commit expenditure against these funds had not yet been given by the Member States.

22. The SCIT Plenary noted the contents of document SCIT/5/2 and its annexes.

#### IMPACT PROJECT: UPDATE ON ELECTRONIC FILING (Document SCIT/5/3)

23. The International Bureau began its introduction of this agenda item by presenting the IMPACT Project Manager, Mr. Michael Helke, and invited delegates wishing to have further information concerning the project to contact him or any of the other members of the IMPACT Team present in the room. The International Bureau stressed the close linkage between the technical and legal prerequisites for e-filing, pointing to the fact that, indeed, this was the very reason for convening the present meeting of the SCIT in parallel with the informal consultations on PCT e-filing.

24. The Delegation of the Netherlands raised several points concerning the transfer of responsibility for the development of the standard for e-filing to the PCT Assembly whilst recognizing that something needed to be done. In raising these points, the Delegation noted that the issues being raised were related to the issues concerning current structure and work program implementation (see paragraphs 93-113). Furthermore the Delegation regretted the absence of a revised plan of action for this activity.

25. In response, the International Bureau referred to WIPO document A/32/5 dated February 20, 1998 (cited in SCIT/5/3) where it was stated that e-filing was, from the outset, considered to be an integral part of the PCT Automation Project (now called IMPACT). The International Bureau highlighted that, at the present stage, it would be premature to ask the SCIT to develop a standard related to PCT e-filing, given that the legal basis for the standard

was not yet finalized. The International Bureau furthermore stressed that it was its intention to coordinate closely with the SCIT and the PCT Assembly with respect to the further elaboration of this standard. With regard to a new plan of action for PCT e-filing, the International Bureau explained that the IMPACT Team was in the process of integrating the PCT e-filing project plan into the IMPACT Project plan and that a complete project plan would be presented to the PCT Assembly in September.

26. The Delegation of Australia indicated that it was particularly interested in access to PCT documents by electronic means at the time when the relevant applications entered the national phase and asked for an update on the time frames in respect to those aspects of the IMPACT Project which would deliver these services.

27. In its reply, the International Bureau stated that this functionality was covered by the first phase of the IMPACT Project, the so-called IMPACT Communication System, which was already under way, and that deployment of the various components of that sub-system would begin by June 2001.

#### WIPONET PROJECT STATUS (Document SCIT/5/4)

28. The International Bureau introduced the WIPONET Project Manager, Mr. Colin Buffam, and highlighted a correction to paragraph 3 of the document whereby the text “1999/2000 biennium” should be replaced by the text “1998/1999 biennium”. In giving a brief overview of the Project’s evolution, the International Bureau informed delegates that, following the high cost estimates received from the bidders in response to the initial RFP, the WIPONET Project had been rescoped to fit within the approved budget. The bid evaluation process was now completed and WIPO had entered into contract negotiations with a consortium that the International Bureau considered as a preferred bidder. The International Bureau recalled that it had invited Member States to participate in the bid evaluation process. Principles applied whilst developing the new approach included requirements that the Project must be equitable in benefiting Member States and that it should reflect financial discipline, such as the limit of 30 hours of Internet access per month for Member State Intellectual Property Offices being deployed under Phases 1 and 2 and any additional requests for services would need to be fully justified.

29. The International Bureau said that the Annex to document SCIT/5/4 provided a list of Member States which, according to the latest information available, were eligible to receive WIPONET equipment and connectivity during the current biennium. Member States were invited to confirm the accuracy of the list based on the criteria used for selecting the Member States given in the list. Delegates were informed that one such change had already been recognized and Ghana had been added to the list.

30. The International Bureau informed the meeting that it was confident of delivering the Project during the present biennium, as outlined in the document. It added that the WIPONET would continue to evolve in line with the business needs of Intellectual Property Offices. The Intellectual Property Office needs analysis, which was approved by SCIT during its December meeting, would provide direction for WIPONET’s further expansion and use.

31. In response to a question posed by the Delegation of Austria, the International Bureau confirmed that the re-allocation of the unspent funds from the 1998-1999 biennium had not yet been approved and that a proposal will be presented to the Program and Budget Committee at its forthcoming meeting in September 2000.
32. The Delegation of Egypt raised concern over the 30 hour time limit for the use of WIPONET and said that consideration should be given to the speed at which particular Intellectual Property Offices were connected to the Internet. The Delegation felt that applying a limit without this consideration could be unfair to those offices with slow connection speed. The International Bureau replied that the limit of 30 hours a month was a starting point to provide an opportunity for equitable access to all eligible Member States and could be increased and funded from within the WIPONET Project or other budgetary areas within WIPO, should there be a justified need. The International Bureau also confirmed that the limit of 30 hours per month will be calculated cumulatively, enabling Intellectual Property Offices to carry forward any unused hours.
33. The Delegation of the United States requested clarification regarding the list of countries given in the Annex to SCIT/5/4, asking whether the list referred to countries without Internet access or Intellectual Property Offices without Internet connectivity.
34. The International Bureau replied that the Annex to document SCIT/5/4 listed Member States in which no Intellectual Property Office had Internet connectivity. It did not indicate the absence of Internet access within the Member State.
35. The Delegation of Japan requested a breakdown of the 24.6 million Swiss francs WIPONET budget mentioned in document SCIT/5/4. The Delegation also requested clarification on the exact role WIPONET would play in PCT e-filing.
36. The International Bureau replied that a document detailing budgeting information and justifying the re-appropriation of unspent funds was being prepared for the Program and Budget Committee meeting in September 2000. Concerning the relationship between WIPONET and the PCT, the International Bureau confirmed that WIPONET would facilitate secure access to services related to the PCT.
37. The Delegation of China supported the phased implementation of WIPONET and inquired as to when the security mechanisms would be provided for offices already connected to the Internet. The Delegation also requested clarification regarding the roles and responsibilities of the Intellectual Property Offices and the International Bureau.
38. The International Bureau replied that services such as security and virus checking had been identified as essential for Member States, and that these services would be available to all connected Intellectual Property Offices once the WIPONET central services became operational. Concerning the second question, the International Bureau was in the process of preparing a document that detailed the roles and responsibilities of both the International Bureau and Member States for the purposes of the WIPONET Project. In this document, the International Bureau addressed matters such as payment by the Intellectual Property Office of local telephone charges relating to connection to the local WIPONET access point and the provision of office space and furniture for the equipment.

39. The Delegation of Spain raised the issue of multiple language support for WIPONET services. The International Bureau indicated that this issue was one of the key criteria for the selection of the preferred bidder. It is planned that connectivity support would be available in local languages and that the WIPONET web site would support multiple languages. The training schedule will be planned in conjunction with the delivery of the WIPONET services to Intellectual Property Offices and as far as possible tailored to meet the needs of the National Offices.

40. The Delegation of Morocco expressed support for WIPONET, particularly for its role in technical assistance to developing countries.

41. The Delegation of Guinea requested clarification regarding the conditions to be met to access WIPONET services for those Intellectual Property Offices already connected to the Internet.

42. The International Bureau replied that WIPONET central services will be available to all Member State Intellectual Property Offices already connected to the Internet. An example of these services would be access to secure electronic mail or the hosting of National Intellectual Property Office web sites. The International Bureau also emphasized that it would welcome suggestions for the expansion of the proposed set of WIPONET services to meet evolving business needs.

(Note for information: An informal presentation of the pilot WIPONET web site was given on Monday, July 10, 2000, before the start of the afternoon session.)

#### INTELLECTUAL PROPERTY DIGITAL LIBRARIES PROJECT STATUS (Document SCIT/5/5)

43. The International Bureau introduced the IPDL Project Manager, Mr. James Fullton, and then gave a brief background summary of the Project for Delegates. The International Bureau indicated that previous work on the IPDL Project was focused on evaluating needs and capabilities through the construction of prototypes and highlighted that a major challenge for the Project was to develop a fully operational system, taking into account the lessons learned from the prototypes. The final system should be designed to meet the needs of both the WIPO Member States and the general public.

44. The International Bureau emphasized the need for a close cooperation between it and the WIPO Member States on the question of standards. This cooperation would assist the International Bureau in developing the coordination and integration tools for interconnecting existing Member State collections, and for publishing the collections of those Member States that do not desire to do so under their own national systems. Of equal importance to the success of the Project, Member States with the capability of doing so would be invited to make their existing electronic data repositories or raw electronic data available to the International Bureau in standard formats, using standard communication technologies suitable for the secure, precise, and efficient exchange of data. This exchange would include regular updates to existing collections. The International Bureau gave as an illustration of this cooperation a project being carried out with the Office of Singapore, details of which were made available to the SCIT in a separate document.

45. The International Bureau reiterated the importance of standards in the development of the IPDL Project in order to avoid the expense and difficulty of performing data conversions. The International Bureau also said it would avoid as far as possible the duplication of existing IPDL systems and attempt to provide other highly utilitarian functions such as the exchange of unpublished priority documents related to non-PCT patent applications, thus providing an important service to WIPO Member States as part of the IPDL Project.

46. The Delegation of Japan inquired as to how much of the budget currently allocated would be used for the implementation of Phase II of the IPDL Project. The Delegation also requested clarification as to what constituted “unpublished data.” In reply, the International Bureau indicated that the budget indicated in document SCIT/5/2 for the IPDL Project was for the current biennium and therefore was for Phase I of the project. The term “unpublished data” included priority documents and any other unpublished data that Intellectual Property Offices may wish to exchange.

47. The Delegation of Egypt asked whether, concerning the question of connectivity, the IPDL Project overlapped with the WIPONET Project and, concerning content, did the IPDL Project overlap with WIPONET and IMPACT. The Delegation also asked if the International Bureau was considering using the IPDL site to generate revenue.

48. The International Bureau responded that WIPONET addressed connectivity to the Member States, and the IPDL Project provided content for Member State offices and other groups through WIPONET and the Internet. In response to the question on the possibility of using the IPDL Project to generate revenue, the International Bureau said that such a question should be followed up with the International Bureau’s senior management and an existing International Bureau committee charged with the development of the International Bureau’s information dissemination policy.

49. The Delegation of Hungary requested details on the first phase of the Project, with an emphasis on when the Madrid and Hague collections would be made available in the IPDL system. The International Bureau responded that this matter should be resolved by the aforementioned information dissemination policy and suggested that the objective would be to have the data available by the end of this year.

50. The Delegation from ARIPO indicated that, in its opinion, the proposed Phase IV came too late in the project development cycle, and requested that it be moved to the time frame suggested for Phase II. The International Bureau replied that Phases I and II emphasized the publication of existing electronic data collections and that Phase IV, which covered the scanning of paper documents and conversion into searchable format through OCR techniques, would have significant financial implications, and as such would not be prioritized over existing electronic data collections.

51. The Delegation of India proposed that a CD-ROM based publication containing data on Traditional Knowledge be incorporated as part of the IPDL Project. The Delegation requested that this material be made immediately available through the IPDL system. The International Bureau agreed to the proposal, and announced that a preliminary evaluation of the CD-ROM provided by the Delegation indicated that a basic prototype system could be made available in two to three weeks, with no significant budgetary implications.



52. The Delegation of France indicated that the IPDL system and collections should be made freely available or at a marginal processing cost and consideration should be given to the possible commercial side of data dissemination. The Delegation also indicated that standards development should be completed during Phase I, and not continued into Phase II, given the existence of WIPO standards for data formats. The Delegation also stressed that the IPDL system should be thought of as a virtual system, and not a centralized collection of data that possibly duplicated existing services.

53. The International Bureau recalled that the question of pricing for the services offered by the IPDL system would be clarified by the previously mentioned information dissemination policy currently under preparation by the International Bureau. The International Bureau announced that it did not plan to duplicate existing on-line collections in Geneva. The International Bureau would seek the guidance and input from the Member States as to how to resolve the significant problem of network-based linking of different data collections. The International Bureau noted that, while there were existing standards concerning the publication and exchange of data, the use of those standards by the Member States was not consistent, thus increasing the difficulty in integrating different data collections.

54. The Delegation of Austria asked, with reference to SCIT 5/5 Paragraph 8, if the stated activities would start prior to the next meeting of the SCIT Working Groups and would the status of these activities be reported. The International Bureau replied that the nature of the activities allowed for some of them to be started before the meeting of the SCIT Working Groups while others would follow. Those activities which started before the next meeting of the SCIT Working Groups would be reported on at the next session of the Working Groups.

55. The Delegation of the Netherlands, in supporting the comments raised by the French Delegation, emphasized the need for standardization, to be completed during Phase I.

56. The Delegation of Portugal supported the comments of the Netherlands and France, and inquired as to how the International Bureau would coordinate input from Member States on these issues.

57. The Delegation of Australia fully supported the need for standards in relation to the IPDL Project and suggested that the discussions on setting up a SCIT Task Force on IPDLs be postponed until Tuesday, July 11, 2000, when issues concerning the functioning of the SCIT would be discussed.

58. The Delegation of the Netherlands requested clarification on whether the International Bureau had made any indication of its understanding of the need for standardization in document SCIT/5/5. The International Bureau drew attention to paragraph 8, sub-paragraph C, of the said document, which indicated that Phase I of the IPDL Project would define a “detailed approach to Phase I services, standards and data collections.”

59. The SCIT then approved paragraph 10 of document SCIT/5/5.

(Note: Following the discussions on Tuesday morning, July 11, 2000, the SCIT Plenary approved the establishment of a SCIT Task Force to support the IPDL Project and requested the International Bureau to take the necessary steps to set it up.)

## AIMS PROJECT (Document SCIT/5/6)

60. The International Bureau had recently been informed that one of its main human resources automation systems would no longer be commercially supportable from the end of 2001. Therefore, it proposed that the scope of the AIMS Project be widened slightly to include the planning for the support and replacement of this vital system. Secondly, although the document SCIT/5/6 included a preliminary budget estimate for the project of 15 million Swiss francs over four years, the International Bureau had no intention of asking for additional funding for this project in the current biennium. The AIMS proposal represented not just an automation project, but a high level of change management within the way the Organization managed its working practices.

61. The Delegation of Egypt said that there was a need for customer awareness in the introduction of an ERP system into the International Bureau. WIPO's internal and external Information Technology networks had to be integrated and complimentary. To this end, it was particularly important that the project manager for the Information Technology component of the AIMS Project had to come from within Information Technology. Only then would the Office of Information Technology have a global Information Technology vision for WIPO.

62. The International Bureau confirmed that it could be expected that the project management methodology applied to the AIMS Project would be the same as that currently being used in the Office of Information Technology and that the Information Technology project manager would be found from within the Information Technology area. The project team would then be responsible for ensuring that the business requirements of systems such as the WIPONET re integrated into the final ERP solution. With this clarification the Delegation of Egypt said that they were able to agree in principle to the AIMS proposal.

63. Following a question from the Delegation of the United Kingdom regarding the meaning of an "agreement in principle", the International Bureau recalled that the Information Technology Strategic Implementation Plan included a project entitled FINAUT 2000 ERP. AIMS represented a re-scoping of this original project proposal and it was for this reason that it was being presented for the approval of SCIT Members. Approval did not represent any commitment by the Member States to fund the Project. With this explanation the document was approved.

## DISASTER RECOVERY PROJECT STATUS (oral Report by the International Bureau)

64. The International Bureau gave a progress report on the disaster recovery program since the last meeting of the SCIT Working Group in December 1999. The International Bureau had looked at two possible solutions :

- (a) the use of third party disaster recovery services; and
- (b) the establishment of a WIPO-owned and operated site.

65. Due to cost, time and other implications of setting up a WIPO-owned site, the use of third party services was considered by the International Bureau to be the most viable option. The International Bureau was in the process of analyzing the requirements of the mission critical Information Technology infrastructure and services in order to determine the scope of the disaster recovery service that would be needed for the International Bureau data center.

66. A brief description of how a disaster recovery procedure would actually work using a remote site was explained. Some of the issues highlighted were the development of business continuity plans for the organization and configuration change management. The SCIT Plenary was requested to take note of the progress made in the preparation of a draft disaster recovery plan which will be made available within the next few months.

#### STATUS REPORT ON WIPO'S PARTICIPATION IN THE PRODUCTION OF GLOBALPAT (Oral Report by the International Bureau)

67. The International Bureau gave a report on the developments since the last SCIT meeting in December 1999. The International Bureau reminded the delegates that the first stage of the GLOBALPat Project had provided a back-file classified collection of patent documentation relating to the period 1970-1996 and a monthly front-file for the period January 1997 to December 1998. A continuation of the Project had been planned but the USPTO had notified the EPO of withdrawal of its support from the Project. Under the first stage of the Project, WIPO had financed the supply of free copies of GLOBALPat to 47 Member States and, following a request from the EPO for WIPO's participation in a continuation of the Project, the SCIT Plenary approved such action in December 1999 (see document SCIT/4/8, paragraph 40).

68. Since the December 1999 SCIT meeting, the International Bureau had met with the EPO to discuss the form of WIPO's participation in the Project and the different technical options that might apply to the future supply of GLOBALPat. From a financial viewpoint, WIPO's participation would take the form of a firm commitment to purchase a number of sets of GLOBALPat. The issue of these sets would be aimed at the original offices previously sponsored by WIPO during the 1998-1999 biennium and also those small Intellectual Property Offices that received free issues of GLOBALPat in the first round from the USPTO by virtue of exchange agreements with that Office.

69. The EPO is currently obtaining cost estimates for the various technical options for further discussion with WIPO. The International Bureau would subsequently plan to issue a circular to confirm the lists of offices to receive free issues. The total number of copies funded by WIPO was expected to be of the order of 100. Providing no significant delay was encountered, then continuation of GLOBALPat production would be possible from Autumn 2000.

## STATUS REPORT ON THE JOPAL PROJECT (Oral Report by the International Bureau)

70. The report was taken as an additional Agenda item at the request of the Delegation of the Netherlands. As such, the International Bureau emphasized that the reported findings should be taken as an interim report only. A project file including all comments received to date was being prepared in readiness for submission, together with any further analysis that might be undertaken, to a subsequent meeting of SCIT. With regard to the current position, some 40 Member States had replied to the survey. The survey had focused on three issues:

- (a) current usage of JOPAL by offices;
- (b) alternative sources of Non-Patent Literature;
- (c) how the service might be changed/improved.

71. The findings so far indicated that a purely numerical analysis of the replies to date in respect of current usage would not be appropriate. There were obvious reasons why both larger and smaller offices with no search or examination requirements would not use the service. With respect to the availability of alternative sources of Non-Patent Literature, a number of offices had provided information that should be of interest. With regard to proposals for the future, a number of offices had suggested extensions to the service, including access to abstracts and the full text of the articles.

72. Following interventions by the Delegations of Egypt and Australia, the International Bureau provided further details of a supplementary information that had been requested for inclusion in the survey report. These included statistics in relation to the total number of articles indexed per year, the contributions made by offices involved in indexing the journals and their estimated effort to achieve this. Requests had also been made through Trilateral Office contacts to extend the survey to include usage by Patent Libraries which had previously been beneficiaries of the JOPAL service. The returns had also included proposals for development of the service. These would be progressed by the International Bureau most specifically with the offices concerned and the Trilateral offices.

73. In conclusion, the SCIT agreed that the JOPAL report should include proposals for the future development of the Project and should be submitted for consideration at the next session of the SCIT Plenary.

## PROPOSAL BY THE CZECH REPUBLIC CONCERNING THE PRESENTATION OF CHEMICAL FORMULAE IN PATENT SPECIFICATIONS (Document SCIT/5/8)

74. Discussions were based on document SCIT/5/8 and comments by the EPO reflected in a white paper made available to the participants of the Plenary session in the English language.

75. The Delegation of Australia stated that, as a general principle, the concept of standardization of chemical presentations, as complex information, had some merits. In this respect, the Delegation referred to sequence listings used in WIPO Standard ST.25 and Annex C of the Administrative Instructions of the PCT, providing a very detailed standard for setting out those chemical structures. Interestingly, the sequence listings have particular advantages as they enable to search and there was a huge advantage to be obtained from that. As regards standardization of chemical structures, the Delegation said one should avoid any

departure from the work being done by the International Union of Pure and Applied Chemistry (IUPAC), as they were the chemists dealing with the vast knowledge of chemical structures and they were actively dealing with it in a meaningful way. The Delegation further pointed out that, in terms of the presentation of chemical formulae, the nature of chemistry was such that one could have a chemical compound which one could sensibly write out as a string of letters, but there were other situations where in fact the graphical presentation was extremely important. As a consequence, the issue of standardization was not a simple thing to achieve. The other aspect about this was, while the sequence listing has clearly some significant advantages to be obtained in a searching environment, it seemed to the Delegation doubtful that there were similar advantages to be obtained with chemical structures in general. It seemed that the prime rationale for moving away from a graphic presentation to a text representation was really about file space on electronically stored versions. It was the view of the Delegation that one could look at the issue, and see whether there were some sensible approaches that would achieve the desired objectives, but one should accord it an appropriate priority in the overall realm of the tasks of the SCIT to ensure that the priority it was accorded was consistent with the problem to be dealt with and the difficulties expected to be faced in overcoming that problem. The Delegation also said that the specific aspect raised by the Czech proposal related to the file size of a chemical patent document and wondered whether that really was not an issue of file formats and had a significant overlap with what was to be discussed within the framework of a standardized file format for electronic filing of PCT international applications. The Delegation concluded that the first step in the task initiated through the Czech proposal would be a feasibility investigation to look at what the issue was and whether the broad concept of what to achieve was a sensible project to be carried out.

76. The Delegation of the United States of America pointed out that the issue of what was called a complex work unit which included mathematical formulae as well as chemical formulae and tabular information was information of extreme importance to be kept in electronic form and to be made available in addition to the electronic form in character-coded format for search purposes. The Delegation hoped that one could look to have the standardization of the deployment of COTS (Commercial off the Shelf) products that did provide the availability to capture the information in a character-coded format, thus making it searchable in a full-text environment. The Delegation supported the comments made by the Delegation of Australia with respect to structure searching as well as the aspect of providing uniformity as to nomenclature and form of layout. According to experience by the United States Patent and Trademark Office (USPTO), it was important to be able to search by chemical structure as opposed to merely by name. The Delegation expressed its desire that in the case of forming a Working Group on the above-mentioned subject matter, that Working Group should look extensively at the broader question of complex work units, in particular the ability to capture such complex work units in a character-coded format and in addition to exploring nomenclature in layout uniformity that it provided for the study of structure searching as well.

77. The Delegation referred to instances where the USPTO had been faced with mega sequence applications comprising of hundreds of thousands of pages in paper format. The daunting task that faces an office that has to deal with search and examination of these applications was related to the ability to be able to recognize the information in a way that was best interpreted by a computer and consequently it was the position of the Delegation that the space saving aspect was one of much less concern with respect to these chemical structure searches.

78. The Delegation of Sweden supported the positions expressed by the Delegations of Australia and the United States of America.
79. The Delegation of Japan said that it was essential to give sufficient consideration to easy searching, easy comprehension of details of an invention and its clear scope as an Industrial Property right. The Delegation stressed that it was very important when pursuing this matter further to fully take into account the opinions of examiners within Intellectual Property Offices, as well as the requirements of external users.
80. The Delegation of France believed that it was interesting to look into this matter. However, it felt a necessity to clearly distinguish the aspects of representation and saving space in the coding of chemical information from search elements. The Delegation referred to the experience of its own Office in this area and in particular to the production databases of chemistry patents which provided for searching of molecular structures and stressed that the problem of chemical indexing or identifying the right chemical formulae was not a simple problem. The Delegation supported the intention to carry out studies in this area and offered to take part in them. The Delegation however underlined the importance to separate the search aspect from the coding aspect.
81. The Delegation of Spain referred to its efforts, since 1986, in editing all the formula of Spanish patent documents in the Latex form which was based on UNIX. Although that presentation of chemical formulae was regarded very useful, the Delegation was of the view that the aspect of storage space was less relevant and the editing work would require greater attention in the present Information Technology environment.
82. The Delegation of Egypt stressed the two aspects of the subject matter under discussions and recommended to set up a task force of the SCIT which should be instructed to present a solution that would meet the requirements for searchability and the requirements for space saving.
83. The Delegation of the Netherlands, while expressing some sympathy for the space saving aspect of the subject matter to be studied, was not in favor of a study on the searchability of chemical formulae due to the commercial activity in that particular area. The Delegation furthermore agreed with the Delegation of Australia that there was no need for the SCIT to enter into the area of work being dealt with by organizations like IUPAC, e.g., with respect to the standardization of nomenclature.
84. The Delegation of Canada said that, according to the examiners of their Office, sometimes it was detrimental to move all the formulae to the end of a patent document. As storage was getting cheaper and cheaper, the space saving element was not really an issue.
85. The Delegation of the EPO supported the comments made by the US Delegation. In particular, the Delegation pointed out that the applicants should have the right and the possibility to express clearly their intentions for presentation of formulae in the patent document and also that the documents should be easily readable by the public. The Delegation referred to the fact that the chemistry community had the privilege of having the graphics inside the patent documents, whereas mechanics, electricity and physics engineers had to flip forward and backward through the document at the expense of time. As a consequence, the Delegation fully agreed with the position taken by the Delegation of the United States of America.

86. The Delegation of the Russian Federation supported the views expressed by various delegations in so far as a need existed to study the issue of searching patent applications containing such formulae.

87. In concluding the discussions, the SCIT Plenary agreed to request the International Bureau to prepare a paper which could serve as a basis for the Plenary to define the problem to be addressed, the objectives of the task, estimated resources required, expected results and a time frame for the work to be done. The paper should be circulated to SCIT Members for comments before the end of September 2000, and be presented in its final version to the SCIT Plenary for consideration in good time before its next meeting.

**OTHER MATTERS: ADMISSION OF OBSERVERS (Documents SCIT/5/7 and SCIT/5/7 Add.1)**

88. Discussions were based on documents SCIT/5/7 and SCIT/5/7 Add.1, concerning the request for observer status in SCIT meetings and in its working groups made by two private commercial corporations, namely the publishers of World Patent Information (WPI) and The Copyright Group.

89. The views expressed in the discussions took into consideration the activities of both corporations, concentrating more closely on those of the publishers of World Patent Information. With regard to the latter, the Delegations of Australia, Austria, Denmark and the Netherlands pointed out the merits of the activities of WPI concerning the usefulness of disseminating information on SCIT matters to the public. In this connection, the Delegation of Hungary confirmed its opinion expressed at the fourth session of the SCIT Plenary, in favor of the grant of observer status to the publishers of WPI.

90. However, the SCIT Plenary focused its attention on the commercial nature of the activities of both corporations. In this context, the Delegation of France, supported by the Delegations of Germany, Portugal and The Netherlands, was not in favor of the granting of observer status to private commercial corporations, in view of the commercial interests and/or advantages they could derive from that. The Delegation of Australia stated that it would accept any consensus emerging from the discussions.

91. The SCIT Plenary, taking into account the orientation of the views expressed by the majority of the Delegations that took the floor and, in the absence of any formal opposition to the rejection of the requests submitted to it, did not consider it appropriate to grant the observer status to the corporations concerned.

**OTHER MATTERS: TENTATIVE SCHEDULE OF ACTIVITIES (Documents SCIT/5/9 and SCIT/5/9 Add.1)**

92. The SCIT Plenary considered the Tentative Schedule of Meetings contained in document SCIT/5/9 and agreed to postpone the third joint meeting of the SCIT Working Groups meeting (SCIT/WG/3) scheduled for November 2000, until after the sixth Plenary session, which will be held from January 22 to 26, 2001.

93. The Delegation of Australia introduced document SCIT/5/9 Add.1 ("SCIT Meetings in year 2000: Submission from Australia"). The Delegation had based the document on concerns arising from its experience at the last meeting of the SCIT Plenary and Working Groups, held in December 1999. Problems with the inefficiency of that meeting could be attributed to the current structure of the SCIT. The Delegation suggested lessons could be learned and not to take advantage of this opportunity would be to the detriment of everyone. The paper submitted by the Delegation was written in this context and was meant to be a vehicle to provoke discussions. The Delegation recalled that the SCIT had been set up some years ago and that provision had been made to review its structure at a future date. The Delegation felt that any mature organization should be able to reflect on its processes and that such reflection should not be seen as a criticism of the way that the meeting structure had been initially conceived. The SCIT should reflect upon its current structure, work program implementation and if it is achieving the goals that it was set. The Delegation believed that there should be a free and open discussion including suggestions for change, and suggested that the International Bureau could reflect at the views expressed and produce a common view on the desirable way forward. In expressing its own views, the Delegation noted that two of the three Working Groups did not meet, and that their composition was the same as that of the SCIT Plenary. The Delegation therefore wondered whether there was a need to make a distinction between a SCIT Plenary and SCIT Working Groups. The Delegation highlighted the method of working of other WIPO meetings, such as the Standing Committee of Patents, as a possible model for the SCIT to follow. A draft proposal is developed by the International Bureau, posted on a web site where Member States are invited to submit comments, the International Bureau absorbs those comments into the document and only then a final working paper produced for the relevant meeting.

94. The Delegation from the BBM referred to the frustration it experienced with the way the Committee dealt with the issue of trademarks. For example, there was a very important distinction to be drawn between the level of difficulty in implementing e-filing in patents and in trademarks, and that the needs of the users were quite different. The Delegation added that on the subject of marks, there were a great number of bodies that were trying to find solutions to e-filing and that the SCIT was not the only group working on the matter. The Delegation of the BBM supported the Australian document because it felt that the membership of the Working Groups did not correspond to their purpose, and it agreed that the SCIT should reexamine the way in which it worked, in particular the size of its meetings which were often too large to operate efficiently. The goals of the SCIT were now clear and at this stage what was needed were smaller and more active working groups that balanced different interests, particularly those between developed and developing countries. The Delegation would welcome a specific group for trademarks as they were not dealt with at all in SCIT meetings. Finally, the Delegation disagreed with the proposal of the Australian Delegation that a working group could work only in a virtual way; some allowance should be made for physical meetings, as e-mail did not deal with issues of translation.

95. The Delegation of Sweden welcomed the document from Australia, which fell into two parts: first an analysis of the problems, and then suggestions for further action. The Delegation completely agreed with the Australian views as regards the first part. When the SCIT had been created as a successor to the PCIPI, the Swedish Delegation had been apprehensive with respect to the proposed SCIT structure. The Delegation recognized that the SCIT track record has not been a success and was confused as to who did what in the current structure. Of particular concern was the question of the budgetary authority of the SCIT: projects are created, formulated and given a green light in the SCIT, whereas the funding and budgeting for the work lay with other WIPO Committees. With respect to the second part of



the Australian paper, the Delegation stated that it was not in complete agreement with the suggestions it contained but agreed that it was important that all SCIT Members had the possibility to submit their views. It would be valuable if the SCIT were in a position to take a decision on an improved structure for its work at its next Plenary session, and the timetable for the production of a paper on this matter should take into account the need to solicit the views of all Member States. The Delegation was content to leave the production of such a document to the International Bureau.

96. The Delegation of Denmark supported the document from the Delegation of Australia and agreed with the need for change. However, it could not support the creation of a group dedicated to trademarks, as this would only increase the number of SCIT meetings.

97. The Delegation of the United States of America said that much had been accomplished in the SCIT but agreed that the last session had not gone well. The Delegation suggested that the relationship between the SCIT Plenary and its Working Groups should be defined to a far more detailed level than at present. It recalled that when the Working Groups were established, their roles, responsibilities and relationships had not been clearly defined. In the Delegation's view, the composition of the Working Groups should be dependant on the task at hand, and in general their membership should be far smaller than the SCIT Plenary. Electronic meetings should be encouraged to the maximum extent possible and physical meetings reduced to a minimum, and should only be held when the task at hand demands. The Delegation suggested that the SCIT meet once a year rather than twice, based on the work involved. SCIT responsibilities should be re-defined, and the process for the approved initiation and implementation of Information Technology projects and standards reviewed.

98. The Delegation of Egypt said that it was necessary to continuously revise procedures based upon experience. The work of the SCIT could be divided into two phases: preparation and acceptance/approval. Preparation work could be done with small groups that have focused and clearly defined tasks. The Delegation said that, in order to reconsider the structure of the SCIT, there was a need to define its functions, authority and internal working process. All the Working Groups should be examined, with particular attention paid to their structure, representational balance, objectives, the tasks assigned to them, and the participation of delegates with no access to the Internet. The Delegation supported the comment of the Delegation from Sweden that in preparing for change, there needed to be thorough discussion. Finally, the role of the SCIT to provide a forum for an exchange of views between Member States should not be overlooked.

99. The Delegation of Mexico said that it agreed in principle to some change to the SCIT working methods. However, it was too early to decide at this meeting how working groups might operate or whether the number of Plenary meetings should be reduced to one per year. With regard to the issue of virtual meetings, the Delegation said that the problems of time zones and access to the Internet would need to be considered. On the question of the budget authority of the SCIT, the Delegation reminded the Standing Committee that the meetings of the Program and Budget Committee are open to all Member States. It also manifested its opposition to giving the SCIT any budget responsibilities.

100. The Delegation of Finland took the floor to support the intervention of the Swedish Delegation and said that the rapid developments in Information Technology, and e-filing in particular, meant that the SCIT could not wait and that proposals for re-structuring should be considered at the next Plenary session.

101. The Delegation of Sweden cautioned the meeting about the lack of Information Technology expertise and knowledge in some Intellectual Property Offices. It recalled the outcome of the recent WIPO Diplomatic Conference on the Patent Law Treaty in which the Director General had outlined a plan of action to start to bridge this gap and suggested that the SCIT might benefit from this work.

102. The ARIPO Delegation supported the emphasis on small working groups provided that smaller Member States were represented. Whilst it welcomed the promotion of electronic working, care would need to be taken to insure the participation of Intellectual Property Offices with no Internet access.

103. The Delegation of France, in recognizing the two main aspects of SCIT work, i.e., standards and strategic Information Technology projects, emphasized that both were inter-linked and that any delay in standards setting could impact project delivery. Therefore, a small and focused structure for working groups was very important. Finally, the Delegation recognized that major offices such as the Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM), and the Trilateral offices had a role to play, and urged them to better coordinate their activities.

104. The Delegation of the Netherlands said that it had compared the suggestions made in the document with the working methods of the Standing Committee which were agreed during the first meeting of the SCIT. Whilst the working methods allowed for regular sessions of the Working Groups, this had not happened in practice with only two meetings in two years. Therefore, the Delegation believed that the SCIT structure envisaged was not working as expected. The Delegation also referred to a section of the working methods dealing with task initiation which had never been fully adhered to. Of particular concern was the large number of tasks before the SCIT and the lack of progress in implementing them; priority tasks should be identified and the necessary resources allocated to them before any new work is undertaken. In this regard, the SCIT Members had an important role to play and needed to provide input to the International Bureau. Finally, the Delegation emphasized the need for a clear definition of responsibilities and for SCIT to have a degree of budgetary authority.

105. The Delegation of Portugal supported the view that the role of the working groups was vital to the success of the SCIT, as they are mandated to produce tangible proposals for approval by the Plenary. The Delegation would also prefer a faster mechanism for the development of standards.

106. Having considered the information contained in the document, the Delegation of Uganda recommended that the International Bureau work to clarify two main issues: the composition of the working groups *vis-à-vis* that of the SCIT Plenary; and the different specific roles which must be played by each of these groups to avoid a duplication of work.

107. The Delegation of the United Kingdom said that the question of the availability of appropriate Information Technology specialists should be borne in mind when considering priorities for the Working Groups. Before a proposal comes before the SCIT Plenary, it should be sufficiently developed so that the Standing Committee can either reach a quick decision or return the item to the Working Group for further consideration. The resourcing within the International Bureau and the resourcing of the Working Groups was, therefore, the critical factor. The Delegation also supported the further exchange of information between offices and greater collaboration in areas such as e-filing, a proper assessment of priorities, clearly defined responsibilities and resourcing commitments, as necessary.

108. The Delegation of Austria took the floor to remind delegates of the role of task forces in the work of the SCIT and to suggest that they be included in the work on re-structuring.

109. The Delegation of Morocco said that the discussion was timely as it coincided with the reform of WIPO, the main objectives of which were efficiency and simplicity. It agreed with previous speakers on the need for small working groups which should be representative to prevent developing countries becoming marginalized.

110. The Delegation of Germany took the floor to support the comments already made by Sweden.

111. The Delegation of the Russian Federation supported the document as moving in the right direction. There should be an opportunity for Member States to study the matter and give written comments prior to the next Plenary session.

112. In concluding the debate, the Chairman said that comments had identified five main areas for study:

(a) the need to define the mandate, objectives, and responsibilities of the SCIT Plenary, including its budget responsibility and the number and frequency of its meetings;

(b) the need to define the mandate (task-based) and processes for the creation and use of working groups and task forces, including their relationship with the SCIT Plenary, their size and composition, the use of electronic communication methods, the frequency of meetings and a representative membership;

(c) the need to define and accelerate the process for establishing standards, including their integration into projects;

(d) the need to define the process for initiating new projects; and

(e) the need to review and establish priorities, including their resourcing and a definition of where the responsibility for them lies.

113. The Secretariat undertook to post on the SCIT web site all comments received from Member States on this issue as they are received, and presented the following timetable for the work to be done prior to the next session of the SCIT Plenary:

September 1, 2000	Deadline for posting of first draft of restructuring document on SCIT web site by the International Bureau
September 29, 2000	Deadline for receipt of Member States' comments on first draft
October 13, 2000	Deadline for posting of second draft of restructuring document on SCIT web site by the International Bureau
November 9, 2000	Deadline for receipt of Member States' comments on second draft
November 27, 2000	Deadline for final draft by the International Bureau
January 22, 2001	Document for consideration by SCIT Plenary

*114. This report was adopted by the SCIT Plenary at its closing meeting on July 14, 2000.*

[Annexes follow]