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STANDING COMMITTEE ON INFORMATION TECHNOLOGIES STANDARDS AND DOCUMENTATION WORKING GROUP

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REQUEST FOR THE REVISION OF WIPO STANDARD ST.80

Document prepared by the Secretariat

1. In the course of laying the groundwork for the implementation of the 1999 Act of the Hague Agreement Concerning the International Registration of Industrial Designs, the International Bureau realized that the internationally agreed numbers for the identification of (bibliographic) data (INID codes) provided by WIPO Standard ST.80 were insufficient to render possible a clear publication of the announcements to be made under the 1999 Act in the *International Designs Bulletin*. The International Bureau also considered that INID codes for post-registration announcements should be developed.
2. Consequently, the International Bureau has prepared a project brief on the revision of the list of INID codes under WIPO Standard ST.80 for consideration by the SCIT Standards and Documentation Working Group (SDWG). This project brief is reproduced as the Annex to this document.

3. *The SDWG is invited:*

(a) *to consider the proposal to revise WIPO Standard ST.80 as requested in the project brief reproduced as the Annex to this document;*

(b) *to consider establishing a task for the revision of Standard ST.80 in the framework of Task No.33 (“Ongoing revision of non-electronic WIPO Standards”) and to set up a task for cet to handle such revision.*

[Annex follows]

ANNEX

PROJECT BRIEF ON THE REVISION OF THE LIST OF INID CODES
UNDER WIPO STANDARD ST. 801. Clear indication of the problem or specific need to be addressed

The current list of INID codes under Standard 80 was thoroughly revised in 1995. This work was initially triggered by the need to start using INID codes in the *International Designs Bulletin* following the decision that, as of its January 1995 issue, this monthly publication established under the Hague Agreement Concerning the International Deposit of Industrial Designs would be entirely bilingual. This led notably to the adoption of Hague specific codes, namely category (80) codes, as well as to a general revision of the other codes and of the Standard itself. These codes were thus developed taking into account the procedures under the 1934 and the 1960 Acts of the Agreement. A minor revision of Standard ST.80 in 1997 left them essentially unchanged.

It now appears that the category (80) codes would be insufficient in respect of the announcements to be made under the soon-to-come-into-force 1999 Act of the Hague Agreement. The reasons are the following:

(i) That Act is a modern instrument and as such generally induces the publication of new kinds of data not foreseen by the 1934 and 1960 Acts;

(ii) It is the result of a large consensus that (contrary to the more one dimensional 1934 and 1960 Acts), the 1999 Act tries to accommodate the specific needs of different national legislations, thus also sometimes leading to the publication of additional data;

(iii) The definitions of some of the existing codes are referring specifically to either the 1934 or the 1960 Act.

Following the launching in 2002, of the Hague Express database, it has become apparent that the practice of using the same INID codes in post-registration announcements could lead to inaccuracies when all the data concerned were to be merged in a single database intended to give the updated status of international deposits. The problem has been minimized by reverting to the usage of bilingual full text headings on some occasions, but this is a hardly satisfactory solution¹. Moreover, the difficulties are bound to multiply themselves with the coming into operation of the 1999 Act of the Agreement, as this Act not only provides for new types of post-registration announcements but will, by essence, also be the occasion of a generally greater number of such announcements.

¹ For example, category code (20) is used, in the *International Designs Bulletin*, to indicate those designs concerned by a recording when not all the designs are concerned. It has no intrinsic meaning as to the nature of that recording and has to be interpreted in the context of the section of the *International Designs Bulletin* in which the recording is published. Thus, if the initial publication of the deposit contains a priority claim for models 1 and 4 only, introduced by code (20), and a refusal is subsequently published concerning models 2 and 5 (also introduced by code (20)), that latter information cannot be reflected in the database unless the heading "refusal/refus" is used.

2. How the need was determined

The need was determined in the course of the groundwork for the implementation of the 1999 Act where it appeared that the reinterpretation of the existing codes would prove insufficient and create problems of its own. The need for finding alternatives to the insertion of full text headings in a searchable database (as has been the case in Hague Express) derives from the generally unsatisfactory nature of this approach.

3. The objectives of the task

The main objective of the task would be to render possible a clear publication of the announcements to be made under the 1999 Act of the Hague Agreement in the *International Designs Bulletin*. A corollary objective would be to improve the way post-registration announcements are published under the Hague Agreement in general and in such a way that they can be integrated in a searchable database.

4. Options for solution

A new series of INID codes should be elaborated. More precisely, examples of data referred to in paragraph 1(i), above, that should be given consideration would be the applicant's country of residence as opposed to that of domicile, the "Applicant's contracting party," or the language of the application. Examples referred to in paragraph 1(ii) above, could be a claim, or a statement material to the eligibility of protection. Finally, regarding paragraph 1(iii), above, there would be a need to provide a code for the designation of Contracting Parties under the 1999 Act, as the existing codes (81) and (82) are respectively 1960 and 1934 specific. As far as the announcement of post-registration recordings are concerned, the solution could be either to develop, for each possible post-registration recording, a series of codes for each of the data element published, or to adopt, for the database environment, a series of codes that indicate the nature of each recording, just like the different sections of the *International Designs Bulletin* are indicated by a respective heading. This latter solution appears simpler and has, in fact, been adopted for the Madrid-specific (800) series of Standard ST.60 relating to marks.

5. Expected benefits

The primary benefits would be that the revision of ST.80 would permit an accurate and concise publication of all the announcements to be made under the 1999 Act of the Hague Agreement. If the secondary objective is also met, the accuracy and presentation of industrial design information held in a database like Hague Express would be improved. All this would reduce risks of misinterpretation of Hague related information and thus contribute to greater certainty for deposit holders, Offices and third parties.