

# WIPO



SCIT/SDWG/4/2

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## STANDING COMMITTEE ON INFORMATION TECHNOLOGIES STANDARDS AND DOCUMENTATION WORKING GROUP

**Fourth Session**  
**Geneva, January 26 to 30, 2004**

REVISION OF WIPO STANDARD ST.80 (TASK No. 33/1)

*Document prepared by the Secretariat*

1. At its second session in December 2002, the Standards and Documentation Working Group (SDWG) of the Standing Committee on Information Technologies (SCIT) agreed to create a task for the revision of WIPO Standard ST.80 and to establish a Task Force to handle such revision. (See document SCIT/SDWG/2/14, paragraphs 16 to 19.)
2. In accordance with the above-mentioned decision by the SDWG, the International Industrial Design Registrations and Special Projects Section of the International Bureau of WIPO issued Circular DM11, dated January 7, 2003, which invited those Offices wishing to participate actively in the discussions to nominate a representative to work as part of the WIPO Standard ST.80 Task Force. Following the set up of the electronic forum for the discussions of the Task Force, the Leader of the Task Force issued a basic proposal for the consideration of the Task Force members on March 13, 2003.
3. At the third session of the SDWG, held in May 2003, the Task Force Leader gave an oral progress report of the work carried out by the Task Force. Following discussions, the SDWG requested that the report of the Task Force be presented at the next session, including a number of specific points, in particular a final proposal for the revision of category codes (60) and (80) under WIPO Standard ST.80, that are needed to facilitate the timely implementation of the 1999 Act of the Hague Agreement. (See document SCIT/SDWG/3/9, paragraphs 10 to 15.)

4. Subsequently, the Task Force continued its discussions with a view to make the final proposal referred to in paragraph 3, above, and other recommendations, as contained in the report of the Task Force. This report is reproduced as an Annex to this document and the Appendix thereto.

5. *The SDWG is invited:*

*(a) to consider and approve the report of the WIPO Standard ST.80 Task Force reproduced in the Annex to this document;*

*(b) to consider and adopt the proposals concerning amendments to WIPO Standard ST.80, reproduced in the Appendix to the Annex to this document; and*

*(c) to consider the statement by the Task Force given in paragraph 7(b) of the Annex to this document and, if found appropriate, to take a decision on the need for revising INID code (86) and the related Notes (i) to (iv) following category codes (80) (90) of WIPO Standard ST.9.*

[Annex follows]

ANNEX

REPORT OF THE WIPO STANDARD ST.80 TASK FORCE  
(October 27, 2003)

1. The creation of the WIPO Standard ST.80 Task Force (ST.80 Task Force) was requested by the International Industrial Design Registrations Section of the International Bureau. As explained in the project brief (see document SCIT/SDWG/2/3), the primary objective was the adoption of new codes for Internationally agreed Numbers for the Identification of (bibliographic) Data (INID) in anticipation of the entry into force of the 1999 Act of The Hague Agreement. The project brief also proposed, but only as a subsidiary objective, that new codes be adopted with a view facilitating the presentation of international registrations in databases. At its second session, the Standards and Documentation Working Group (SDWG) of the Standing Committee on Information Technologies (SCIT) agreed to set up a Task Force to study the revision of WIPO Standard ST. 80.<sup>1</sup>
2. Following the establishment of the electronic forum for the discussions of the Task Force on January 7, 2003, the Leader of the Task Force issued, for the latter's consideration, a basic proposal on March 13, 2003. Primarily designed to ensure that the International Bureau could carry out a clear publication of the announcements to be made under the 1999 Act, the basic proposal focused on category (80) and, to a lesser extent, category (60) codes within WIPO Standard ST.80. Yet, it also contained a subsidiary proposal for the creation of a new category (90) so as to address the secondary objective.
3. Comments were received from eight of the 14 Task Force members. On the basis of these, in April 2003, the Task Force approved an amended proposal confirming essentially the basic proposal on amendments to categories (60) and (80) but withdrawing the part dealing with the creation of a category (90). Indeed, in the course of the discussions, the Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM) made an independent proposal for a new category (90) to answer its own needs. Similarly, other Offices represented in the Task Force stated that they too could make proposals on their publication needs under WIPO Standard ST.80. Sensing a potential for conflict among these various interests, some members of the Task Force then indicated that it might be timely to consider moving the standard from two to three digits. Finally, representatives of administrations familiar with the concept of design patents rather than that of industrial designs stressed the need to co-ordinate any such radical revision of WIPO Standard ST.80 with an analogous revision of WIPO Standard ST.9.
4. At the third session of the SDWG, held in May 2003, the Task Force Leader made an oral progress report that touched upon these considerations. Following discussions, the SDWG then requested that for its next meeting, the report of the Task Force include the following points:

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<sup>1</sup> The full current versions of all WIPO Standards are available at <http://www.wipo.int/scit:WIPO Standards and Other Documentation/List of WIPO Standards>.

- (a) a final proposal for the revision of categories (60) and (80) INID codes under WIPO Standard ST.80 needed to facilitate the timely implementation of the 1999 Act of the Hague Agreement;
- (b) with a recommendation on the impact, if any, of these proposed changes on WIPO Standard ST.9;
- (c) the potential need for the creation of a new set of category (90) INID codes in WIPO Standard ST.80; and
- (d) the need to extend the mandate of the Task Force to consider *inter alia* specific questions related to the expansion to the three-digit INID codes in WIPO Standard ST.80, the need to include a parallel revision of WIPO Standard ST.9, and the identification of a possible new Task Force Leader for this work.

5. A meeting of Task Force members in attendance at the third session of the SDWG meeting in May 2003, concluded that, as far as point (a) of the request was concerned, the work of the Task Force was essentially finished, subject to the possible impact that these proposed changes may have on WIPO Standard ST.9. Subsequent exchanges on this issue were thus held both within the Task Force and with industrial design experts or design patent experts participating in the Working Group on the Establishment of New Regulations under the Hague Agreement. They helped clarify that none of the contemplated changes concerned data that needed to be republished at the national level. Thus the conclusion of the Task Force under point (b) is that the contemplated changes will have no impact on WIPO Standard ST. 9. The discussions were however useful in identifying the desirability of introducing a reference to international design patents in the definition of code (86) of WIPO Standard ST. 9.

6. Regarding the other matters contained in points (c) and (d) of the request of the SDWG, the Task Force recommends no action. A proposal for the creation of a new category (90) was made earlier on during the work of the Task Force but its study was set aside when it was agreed that the Task Force should concentrate on the necessary amendments to facilitate the implementation of the Geneva Act. Its consideration within the Task Force would, at this point, require the volunteering of a new Task Force Leader, but an invitation to that effect has remained unanswered. There thus appears to be no momentum for a follow-up to this proposal and, in this context, no need either for a new mandate to consider the issue of a possible expansion of the codes to 3-digits or the potential impact on WIPO Standard ST.9.

### Conclusions

7. In reply to the request of the SDWG, the Task Force hereby:

- (a) proposes amendments to categories (60) and (80) INID Codes of WIPO Standard ST.80, the corresponding text of which is provided in the Appendix;
- (b) draws the attention of the Working Group to the appropriateness of making, in a future revision of WIPO Standard ST.9, an amendment to the definition of code (86) so as to introduce a reference to international design patents. While acknowledging that the related

Notes (i) to (iv) following category codes (80) (90) of WIPO Standard ST.9 may also need some amending, the Task Force is of the view that this amendment to code (86) would be straightforward and could consist of the following:

(86) Filing data of the PCT international application, i.e., international filing date, international application number, and, optionally, the language in which the published international application was originally filed; *or, in the case of design patents, registration data of the Hague Agreement international application, i.e., international registration date and international registration number* [emphasis added].

[Appendix follows]

APPENDIX

CHANGES TO THE LIST OF INID CODES  
UNDER STANDARD ST.80

(1) Category (60)

Create new codes (68) and (69) as follows:

- (68) Number of the assigned part of the registration
- (69) Number of the registration resulting from the merger

(2) Category (80)

(a) Update the wording of category code (80) to read as follows:

- (80) Identification of certain data related to international registrations of industrial designs under the Hague Agreement Concerning the International Registration of Industrial Designs and data related to other international conventions

(b) Amend and expand the definition of code (81) to confirm current practice and include reference to designations under the 1999 Act, as follows:

- (81) Contracting Parties concerned
  - I – Contracting Parties designated under the 1999 Act
  - II – Contracting Parties designated under the 1960 Act
  - III – Contracting Parties designated under the 1934 Act

(c) Change the definition of non-used code (82) as follows:

- (82) Statements contained in the international application

(d) Create new code (83) as follows:

- (83) Indication as to whether there is a possibility of review or appeal

(e) Amend English version of the definition of code (87) so as it matches the current practice of referring to the “domicile”; introduce two new codes (85) and (89), to read as below:

- (85) Habitual residence of the owner(s)
- (87) Domicile of the owner(s)
- (89) “Applicant’s Contracting Party”