APPENDIX 2

ANALYSIS OF EXISTING WIPO STANDARDS, OTHER DOCUMENTS AND APPLICATION NUMBER FORMATS CURRENTLY USED BY COUNTRIES AND ORGANIZATIONS

I. ANALYSIS OF EXISTING WIPO STANDARDS AND OTHER DOCUMENTS RELATING TO APPLICATION NUMBERS

WIPO Standard ST.13 "Recommendation for the Numbering of Applications for Patents, SPCs, Industrial Designs and Layout-Designs of Integrated Circuits"

1. WIPO Standard ST.13, established in 1996, is a Standard on the numbering of applications for industrial property rights. This Standard covers not only patents but also a wide variety of other industrial property rights including designs and layout-designs of integrated circuits.

2. Although it has been nine years since WIPO Standard ST.13 was last revised, only a few countries have application number systems fully consistent with this Standard. To be specific, only two countries, i.e., Azerbaijan and Republic of Moldova, out of 67 countries and organizations listed in the Appendix to WIPO Standard ST.10/C, have numbering systems in full conformity with WIPO Standard ST.13. Even if Belarus (no space between the year and the serial number) and Turkey (using slash instead of space between the year and the serial number) are counted, only four countries fulfill the recommendation of WIPO Standard ST.13.

3. The outline of WIPO Standard ST.13 is as follows:

Overview
- The application number consists of a year designation and a serial number.
- The total number of alphanumeric characters should not exceed 12.

Year designation
- According to the Gregorian calendar.

Serial Number
- The number of digits is determined by each office.
- Fixed length with leading zeros.

Type of industrial property right

– Use of the following letter codes preceding the year designation:
  "a" for applications for patents for inventions;
  "v" for applications for plant patents;
  "s" for applications for design patents;
  "u" for utility model applications;
  "c" for applications for SPCs;
  "f" for industrial design applications;
  "q" for industrial model applications having a numbering series different from the series for industrial design applications;
  "t" for applications for layout-designs (topographies) of integrated circuits;

– In machine-readable records the letter codes might be entered as uppercase letters.

– Offices introducing parallel numbering series for different types of industrial property rights are recommended to use the letter codes listed above.

Separator

– Spaces only. Other characters such as a full stop, a comma, a slash, a hyphen, or a space cannot be used.

Control characters

– Do not form part of the application number.
– The rules set out in paragraph 10 of WIPO Standard ST.10/C should be followed.

Country code

– According to WIPO Standard ST.3.
– Does not form part of the application number.
– The code precedes the application number.

WIPO Standard ST.10/C "Presentation of Bibliographic Data Components"

4. WIPO Standard ST.10/C is a Standard on the bibliographic data components of published patent data. This Standard, contrary to WIPO Standard ST.13, covers only patents and utility models.

5. Under WIPO Standard ST.10/C, the presentation of the application number should preferably be (a) exactly in the manner used by the country or organization, or (b) abbreviated to the minimum significant part. As to the latter manner, WIPO Standard ST.10/C provides as follows:

Year designation
– Four digits when according to the Gregorian calendar (paragraph 7(f)).

Type of industrial property right
– In the case of a utility model, the letter "U" inserted after the application number, separated by two blank spaces (paragraph 7(e)).

Order of components
– The sequence of characters should be left in its original order (7(c))
– The control character should be printed immediately after the application number (paragraph 10(b)).

Separator
– If the number contains a full stop, a comma, or perhaps a space, one or more of these characters or spaces may be omitted. One or more of these characters or spaces may be inserted for the sake of legibility (paragraph 7(a)).
– If the number contains a slash or a hyphen, these characters must be retained. A hyphen may be replaced by a slash (paragraph 7(b)).
– The control character should be separated therefrom by a full stop or by a hyphen (paragraph 10(b)).

Control characters
– The control character is not regarded as a significant part of the application number (paragraph 9).
– The control character should consist of a single numeral; letters should not be used (paragraph 10(a)).
– The control character should preferably be in a type font different from that used in the number to which it refers (paragraph 10(b)).

Country code
– Two-letter codes according to WIPO Standard ST.3 should be used (paragraph 8).

WIPO Standard ST.6 "Recommendation for the Numbering of Published Patent Documents"

6. WIPO Standard ST.6 is the Standard on the numbering of published patent documents. However, although this guideline does not cover application numbers, it could be apparently helpful in examining an ideal format for application numbers. The most noticeable feature of this Standard is that the number should consist of digits (i.e., numerals) only. Examples of presentations of types of industrial property rights and different regional offices in published patent documents contained in WIPO Standard ST.6 are as follows:

<Presentation of types of industrial property rights>
10/2003/123456 for a patent for invention
20/2003/123456 for a utility model
30/2003/123456 for a design patent

<Presentation of different regional offices >
1/2003/1234567 for a patent for invention from Region A using 1 as an identifier
2/2003/1234567 for a patent for invention from Region B using 2 as an identifier

WIPO Standard St.16 "Recommended Standard Code for the Identification of Different Kinds of Patent Documents"

7. WIPO Standard ST.16 is the Standard on codes for the identification of different kinds of patent documents. This Standard has some provisions regarding the presentation of types of industrial property rights. Most of them overlap with WIPO Standard ST.13; however, the "medicament patent documents (e.g., documents previously published by FR)" is unique to this Standard.

International Standard ISO 3166-2

8. The International Standard ISO 3166-2 is the international standard on subdivisions of countries listed in ISO 3166-1 (standard on country codes). ISO 3166-2 codes consist of two parts, separated by a hyphen. The first part is the ISO 3166-1 alpha-two code element (i.e., two-digit alphabetic country code), the second part consists of up to three-digit alphabetic, numeric or alphanumeric (i.e., combination of alphabetic and numeric) characters.

9. This code system is internationally acknowledged; however, the following points are to be noted when it is employed as a part of the application number for an industrial property right:

- The distribution of the IPOs' branches is not always consistent with administrative subdivisions defined in ISO 3166-2.
- ISO 3166-2 is a very flexible system which allows alphabetic, numeric and alphanumeric characters and 1 to 3 digits in length. If this code system is employed in application number formats, intelligibility may be reduced.
- ISO 3166-2 is a set of the country code and the subdivision code. The use of the second part (subdivision code) on its own is not intended.

10. Detailed information on ISO3166-2 can be found at the following websites:
http://www.iso.org/iso/en/prods-services/iso3166ma/04background-on-iso-3166/iso3166-2.html
http://en.wikipedia.org/wiki/ISO_3166-2.

II. ANALYSIS OF APPLICATION NUMBER FORMATS CURRENTLY USED BY COUNTRIES AND ORGANIZATIONS

Material

11. The Appendix to WIPO Standard ST.10/C includes formats of patent/utility model application numbers from 75 countries and organizations.

12. On the other hand, chapter 7.5.1. "Survey of Numbering Systems Used, or intended to be used, by Industrial Property Offices with regard to Applications, Published Documents and Registered" of the WIPO Handbook contains formats of application numbers for various industrial property rights from 54 countries and organizations.

13. Considering coverage, contents, and recentness, the analysis in this paper is based on the data included in the Appendix to WIPO Standard ST.10/C.

Year designation

14. Most countries/organizations (60 out of 75) include the year designation in their application number. In all cases where year designation is employed, the designation is according to Gregorian calendar. Although both two digits and four digits are almost equally employed by these countries/organizations, the use of four digits seems to have become popular recently in order to comply with the year 2000. (As information in the Appendix is not necessarily the newest one, more countries are likely to adopt four digits.)

15. There are a few cases where year designations different from the actual year are employed (Brazil: in the case of utility model applications, the year designation is represented as decade minus 2; Turkmenistan: 1997 is represented as "07". (No explanation provided.)

Serial Number

16. The serial number is used in all countries/organizations listed in the Appendix and thus apparently constitutes an indispensable component of the application number.

17. The number of digits of the application number varies from country to country. The maximum number of digits is seven (Republic of Korea (first digit is also used for indication of PCT application in the national phase), People's Republic of China, Canada, and Netherlands). Although, currently, no country/organization has an annual number of applications that actually reaches seven digits, the Standard on application numbers should be considered from a long-term point of view when deciding on the maximum number of digits, since the numbering system should not be changed frequently.

18. Some countries use the first digit of the application number for indicating a kind of application (Australia: 1: innovation patent, 2-7: standard patent, 9: provisional patent), especially PCT applications in the national phase (Spain, Japan, Republic of Korea, Philippines). Consideration should be given as to whether such practice would continue to be accepted, or if other means, such as the addition of a new type of code, would be introduced.

Type of industrial property rights

19. More than half of countries/organizations (39 out of 75) include the type of industrial property right in their application number. The type is indicated using an alphabetic or numeric character in most cases.

20. It is to be noted that most of countries using a non-Roman writing system use numeric character (e.g., Greece, Israel, Republic of Korea, People's Republic of China) and some use their own non-Roman characters (e.g., Japan: Chinese characters (alphabetic indication is also attached), FYR Macedonia: Cyrillic alphabet) in their application number formats. WIPO Standard ST.6 also allows only numeric (not alphabetic) characters to indicate all components including type of industrial property right. In this regard, due consideration should be given before employing the alphabetic character to indicate the type of industrial property right.

21. In several countries, indication of the type of industrial property right is included in other components of the application number. In the United States of America, for example, a series code is also used to indicate a design patent application or provisional patent application. As described above, some countries use the first digit of the application number for indication of the type of industrial property right (especially, PCT applications in the national phase).

22. Types of applications for industrial property rights found in the Appendix to WIPO Standard ST.10/C but not defined in WIPO Standard ST.13 are as follows:

- Provisional patent applications: Australia*, United States of America**
- Innovation patent applications: Australia*
- PCT patent/utility model applications in the national phase: Germany, Spain*, Indonesia, Japan*, Republic of Korea*, Philippines*
- Utility models resulting from PCT applications: Germany
- Patents granted by EPO, filed in German: Germany
- Patents granted by EPO, filed in English or French: Germany
- Reexamination patent applications: United States of America**
- Preliminary patents: Uzbekistan
- Utility model certificates: Uzbekistan

* Included in serial number.
** Included in series code.

23. Concerning the inclusion of trademarks, it was agreed at the SCIT/SDWG/6 meeting that this matter be referred to the Trademark Standards Task Force that would report back to the SDWG at the seventh session and that the work of the ST.10/C Task Force should continue in the meantime.

24. Consideration should be given as to whether each of the above-mentioned types should be added or if there are other types (e.g., trademark applications) to be added. As some of the above-mentioned types are subordinate categories of other applications (e.g., "PCT patent application in the national phase" is a subordinate category of patent application), the adoption of a hierarchical structure would be a possible solution.

Other components

25. Other than basic components of application numbers shown above, i.e., year designation, serial number, and type of right, many countries employ additional components as follows:

- Country code (2): Kenya, Lesotho
- Code for place of filing (5): Argentina, EPO*, Indonesia, Italy, Mexico
- Check digit (7): Brazil, Switzerland, Germany, EPO, Spain, Sweden, United Kingdom
- Month of filing (2): Egypt, Ukraine
- Non-resident (1): Turkmenistan
- Series code (1): United States of America
- Examination division (1): Uzbekistan

* In the case of EPO, place of filing includes multiple countries.

26. Besides basic components, WIPO Standard ST.13 permits only the check digit and country code as additional components of the application number but they do not form part of the application number.

27. According to the Appendix to WIPO Standard ST.10/C, all offices which indicate the country in their application number are intergovernmental organizations (EPO) or members of intergovernmental organizations (Kenya and Lesotho: members of ARIPO). Consequently, both the country code and code for place of filing are considered to be used to establish uniqueness where there is a possible overlap in the number sequence between different regional offices within a country or an organization. In this regard, the code for place of filing, as well as the country code, should be treated as an additional component of application number.

28. Other components shown in the Appendix are only employed at a few offices and are not as popular as the country code, code for place of filing, or check digit.

Separator

29. Current practices of IPOs are inconsistent. Further consideration is needed.

Other

30. Application numbers of Germany and Republic of Korea do not comply with WIPO Standard ST.13 but seem to follow WIPO Standard ST.6.

31. A breakdown table of application number formats collected from the Appendix to WIPO Standards ST.10/C is attached as Appendix 3.

[Appendix 3 follows]