

WIPO



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STANDING COMMITTEE ON INFORMATION TECHNOLOGIES STANDARDS AND DOCUMENTATION WORKING GROUP

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CORRECTION PROCEDURES IN PATENT OFFICES

Document prepared by the Secretariat

1. The Standards and Documentation Working Group (SDWG) of the Standing Committee on Information Technologies (SCIT), at its fourth session, held in January 2004, created Task No. 35, concerning WIPO Standard ST.50. At its fifth session, held in November 2004, the SDWG approved a questionnaire on correction procedures in patent offices, established the Correction Procedures Task Force to handle Task No. 35 and also amended the title of the said Task, which reads as follows:

“Task No. 35 Prepare a questionnaire and carry out a survey on the implementation of WIPO Standard ST.50 and on the status of the correction procedures in the industrial property offices. Prepare a proposal regarding this matter for consideration by the SDWG.”

(See document SCIT/SDWG/5/13, paragraphs 66 to 71, and 81.)

2. As a follow-up to the above, the International Bureau (IB) issued a Circular (C. SCIT 2604) on December 14, 2004, inviting industrial property offices (IPOs) to complete the questionnaire referred to in paragraph 1, above. The circular, the questionnaire and the responses received by the IB are available on WIPO's website (<http://www.wipo.int/scit/en/mailbox/circ04.htm>).

3. On April 3, 2006, the Leader of the Correction Procedures Task Force submitted a report of the Task Force, including two appendices thereof. This report, which contains proposals for consideration by the SDWG at its seventh session, is reproduced as the Annex to this document. Appendix 1 of the Annex contains the summary of the responses to the questionnaire and the tentative conclusions. Appendix 2 of the Annex provides the results of the survey.

4. *The SDWG is invited:*

(a) *to note the report of the Correction Procedures Task Force reproduced as the Annex to this document and Appendices 1 and 2 thereof;*

(b) *to consider and approve the tentative conclusions by the Correction Procedures Task Force given in paragraphs 16 to 18 of Appendix 1 of the Annex to this document;*

(c) *to consider and approve the proposals by the Correction Procedures Task Force given in paragraph 4 of the Annex to this document; and*

(d) *to decide on the timing of a further review of WIPO Standard ST.50, as requested in paragraph 4(c) of the Annex to this document.*

[Annex follows]

ANNEX

REPORT OF THE WIPO STANDARD ST.50 TASK FORCE

(April 3, 2006)

1. At its fifth session, held from November 8 to 11, 2004, the Standards and Documentation Working Group (SDWG) of the Standing Committee on Information Technologies (SCIT) agreed to create the above-mentioned Task Force for the activities described in document SCIT/SDWG/5/7. (See paragraph 71 of document SCIT/SDWG/5/13.)
2. The SDWG agreed to send a circular to offices on the status of implementation of WIPO Standard ST.50. Circular C.SCIT 2604 was sent by e-mail to patent offices in December 2004. Responses were received from 19 offices.
3. A summary of the responses and potential actions were discussed at the Correction Procedures Task Force meeting which was held during the sixth session of the SDWG from September 19 to 22, 2005. Task Force discussions were based on the summary document reproduced as Appendices 1 and 2.
4. The Task Force proposes the following actions for consideration by the SDWG:
 - (a) WIPO Standard ST.50 meets the needs of offices. No changes are recommended at this time;
 - (b) The consolidated results of the questionnaire on the status of implementation of WIPO Standard ST.50 should be published in the WIPO *Handbook on Industrial Property Information and Documentation*;
 - (c) A further review of WIPO Standard ST.50 should take place within three to five years. That review should take into account possible changes to WIPO Standard ST.50 to reflect offices' experience with online internet publication. The Working Group's advice is sought on the exact timing of the future review.

[Appendices follow]

APPENDIX 1

SCIT TASK No. 35 – CORRECTION PROCEDURES IN PATENT OFFICES

Summary of questionnaire responses and tentative conclusions
(August 2005)

Background

1. Circular C. SCIT 2604 was sent by e-mail to patent offices in December 2004. Responses were received from 19 Offices (AM, AT, CZ, DE, EP, ES, GB, IE, JP, KR, LT, MD, NL, RO, RU, SE, SK, UA, US).
2. The individual responses are published on the SCIT website and a collated summary of all responses has been distributed to Task Force members. Both are available via the address <http://www.wipo.int/scit/en/taskforce/>.
3. What follows is a general summary of the different topics addressed by the questionnaire, and tentative conclusions.

Implementation of Guidelines

(a) Guidelines for Corrections

4. The guidelines for corrections of erroneous information in patent documents (WIPO Standard ST.50, paragraphs 7 to 32) are at least partially implemented by all offices that replied to the questionnaire.
5. Kind-of-document codes (A8, A9, etc.) and date of correction (INID code (48)) are the most widely implemented.
6. Supplementary correction codes (WN, ZC, YF, DL) are not widely used by offices.

(b) Guidelines for Alterations

7. In the cases where offices publish alterations (not all offices) the WIPO Standard ST. 50 Guidelines (paragraphs 33 to 36) are at least partially implemented or planned to be implemented in the future.

(c) Guidelines for Supplements

8. The WIPO Standard ST. 50 Guidelines for publication of supplementary data after initial publication (paragraphs 37 to 44) are not widely implemented. This is either because offices do not issue supplements, or because such information is published as corrections or alterations.

Implementation on Different Media

9. In general, WIPO Standard ST.50 is implemented, where applicable, on paper and electronic media by offices. There are no significant differences depending on media type.
10. Details on the level of implementation for different types of media and different document types can be found in the individual questionnaire responses published on the SCIT website.

Plans for Future Compliance with WIPO Standard ST. 50

11. In almost all cases, offices are planning further compliance with the Guidelines of WIPO Standard ST. 50 in the future. Barriers to implementation include the need to make procedural and technical changes to offices' internal systems, which can be time-consuming and costly.
12. In some cases, full implementation of WIPO Standard ST. 50 is considered unnecessary or impractical, either because the scope of WIPO Standard ST. 50 goes beyond the office's practices (e.g., non use of supplements) or because full implementation would be technically too complex.

Possible Changes to WIPO Standard ST.50

13. No fundamental update to WIPO Standard ST.50 is considered necessary by offices at this time.
14. In the future, updates should be considered to take into account publication on electronic media other than CD-ROM, in particular online publication on the Internet.

Origin and Number of Corrections

15. The number of corrections published by offices varies widely from less than 1% of published documents, to more than 8%. The origin of corrections and the time required to publish them also vary widely; the individual responses to these questions are published on the SCIT website.

Conclusions

16. Although the latest revision of WIPO Standard ST.50 was published in 1998, offices are still in the process of implementing it. There should, therefore, be a natural progression towards greater harmonization of correction procedures in the future. It should also be noted that the same applies to the publication of PCT international applications by the International Bureau, where further compliance with WIPO Standard ST.50 will be implemented along with the revision of publication systems required to fully implement publication in electronic form.

17. Therefore, offices should be further encouraged to apply the Guidelines of WIPO Standard ST.50 and should be given the necessary time to do so.

18. As regards future revisions of the Standard, future updates should be considered to accommodate other electronic media, especially online publication on the Internet. However, the current revision of WIPO Standard ST.50 imposes no barriers to publication on electronic media and can be readily interpreted for media other than CD-ROM. It may, therefore, be appropriate to wait for offices to gather more experience with other media before elaborating further standards or guidelines in this area.

[Appendix 2 follows]