

CWs/10/3

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# Committee on WIPO Standards (CWS)

**Tenth Session**

**Geneva, November 21 to 25, 2022**

Consideration of the Work Program and Tasks List of the CWS

*Document prepared by the Secretariat*

## Introduction

At its ninth session in 2021, the Committee on WIPO Standards (CWS) approved the revised list of Tasks, as presented in Annex III of document CWS/9/25. Two Tasks were discontinued, two Tasks revised, and no new tasks created at the ninth session (see paragraphs 128 to 130 of document CWS/9/25).

### WIPO Medium-Term Strategic Plan 2022-2026

The WIPO Medium-Term Strategic Plan 2022-2026 was presented to the thirty-second session of the Program and Budget Committee (PBC) (see document [WO/PBC/32/3](https://www.wipo.int/edocs/mdocs/govbody/en/wo_pbc_32/wo_pbc_32_3.pdf)). The PBC recommended to the Assemblies of WIPO, each as far as it is concerned, to take note of the Medium-Term Strategic Plan (MTSP) 2022-2026 (see paragraph 108 of document WO/PBC/32/8).

The activities of the CWS and WIPO Standards are relevant to the MTSP “Pillar 2. Bring people together and partner with stakeholders to shape the future of the global IP ecosystem”, and more specifically “2.1 Development of balanced and effective international normative frameworks for IP”. Previously the CWS contributed to Strategic Goal IV, “Coordination and development of global IP infrastructure” under the framework for the Medium-Term Strategic Plan 2016 – 2021.

### Evaluation Report of WIPO Standing Committees

The Report “Evaluation of WIPO Standing Committees” was published in February 2022 on the WIPO website at:<https://www.wipo.int/about-wipo/en/oversight/iaod/evaluation/>. The aim of this evaluation was to measure the effectiveness of WIPO in organizing and managing the Standing Committees, including the CWS; assess the extent to which the support and the resources available to the Secretariat are sufficient to achieve the expected results and have been used efficiently; and identify good practices and lessons learned for WIPO to manage the Standing Committees.

The Evaluation Report highlights six major findings and provides six recommendations with closing criteria, action plans and deadlines. Those recommendations can be summarized below and further details can be found in pages 35 to 38 of the Report.

1. Reiterate the purpose of the Standing Committees;
2. Compile, harmonize and clarify roles and procedures for the Standing Committees;
3. Optimize the facilitator role of the WIPO Secretariat on key issues to foster cooperation and exchange before, during and after the Standing Committee sessions;
4. Strengthen synergies, coherence and consistency among Standing Committees by determining relevant common approaches and good practices for conducting business;
5. Improve communication and outreach with a more proactive communication approach with Member States and Observers to inform them about the progress of the Standing Committees and the preparatory steps for future meetings; and
6. Facilitate a conducive space for self-reflection and learning from change by introducing a common learning approach across the Standing Committees to promote the exchange of experiences and good practices.

The Secretaries of WIPO Standing Committees have been implementing the recommendations, such as the purpose of each Committee has been reiterated in the invitation to the Committee’s meeting and the collated Special Rules of Procedures of Standing Committees are published on WIPO website.

The Report specifically refers to the workload created by the CWS Task Forces which put pressure on the staff resources of some Member States and of the supporting Secretariat team. For the CWS, Member States, which responded to the Evaluation survey, it was suggested that, in addition to reviewing the work program at each session, a further comprehensive annual review of the Task Forces’ progress was needed, including the dormant or inactive Task Forces and what the envisaged workload of the Task Forces for the coming year meant for the Member States and WIPO Secretariat (see paragraph 67 of the Report). In this regard, the Report set a closing criteria and actions for Recommendation 3 in relation to the CWS, which are reproduced below.

*Closing criteria*

“3d. For CWS to carry out an annual review of the workload of its Task Forces (active and dormant) and determine the priorities for the next year in agreement with Member States and to actively encourage a broader participation of Member States in its Task Forces”

*Actions*

“Secretary will guide the CWS to invest more time to review workload and agree on priorities for the following year. Secretary will issue a circular and closely work with regional bureaus to encourage Offices to participate in CWS Task Forces.”

## Current Work Program and CWS Tasks

The Secretariat has prepared a new revised Task List for consideration by the CWS, as presented in the Annex to the present document. For each task, the Annex includes the following information: task description, task leader or task force leader, scheduled actions to be carried out, remarks, and, where appropriate, proposals for consideration and decision by the CWS. The list of current active Tasks is published on <https://www.wipo.int/cws/en/work-program.html>. CWS Task Forces and related documentation are available on WIPO website at: <https://www.wipo.int/cws/en/taskforce/index.html>.

This information will be reviewed and updated after the tenth session to reflect any agreements that the CWS reaches. The International Bureau will publish an updated CWS Work Program Overview on the WIPO website under <https://www.wipo.int/cws/> after the session.

In addition, the Patent Cooperation Treaty (PCT) Working Group is invited, at its fifteenth session, to recommend the CWS to develop a new standard to enable the transmission of sequence listings in WIPO Standard ST.26 format as part of priority documents and certified copies (see paragraphs 11 and 14 of document PCT/WG/15/3). In this regard, a new CWS task may need to be created.

## Proposal for Task Prioritization

To facilitate discussion on the prioritization of Tasks by the CWS, the Secretariat considered preparing a proposal. However, it was unclear how this should be prepared because different IPOs may have different priorities and a different sense of urgency, depending on their business requirements or their own projects with differing timelines. Therefore, the Secretariat suggests the following information as relevant to review and decide the priority of Tasks by the CWS.

* Number and activity level of participating members and observers to a specific Task Force which deals with the Task (some Tasks do not have corresponding Task Force);
* Status of Task, i.e., recently active, inactive or in abeyance;
* Scheduled actions to be carried out: whether it is of continuous nature or has specific actions with a concrete timeline;
* Types of required work: simple or complex, whether one Office can do most of the required work and others just carry out a review, or active participation or testing from a number of Offices is required; and
* Required human and financial resources to carry out the Task and whether necessary funding and staff are already allocated.

For information, the following is the list of the top five Task Forces in terms of number of participating members and observers in order[[1]](#footnote-2):

1. XML4IP Task Force
2. Legal Status Task Force
3. Sequence Listings Task Force
4. Name Standardization
5. PAPI Task Force

The Secretariat also has some questions for the CWS to consider:

1. What does high priority mean in the context of Tasks? Does this mean all CWS members should participate in high priority Tasks instead of maintaining their interest in other Tasks which are lower in priority? Does it mean all Task Force members should take some action on the Task? The Secretariat has observed that most Task Forces consist of a small group of highly motivated members, sometimes as small as a single member, who substantially drive the work forward; a larger number of participating members who review and comment; and an even larger number of quiet members who rarely attend meetings or submit comments.
2. Should the CWS limit the number of high priority Tasks to avoid overloading CWS members with work which cannot be completed in a timely manner? If so, how should the limit of high priority Tasks be set, given that different Tasks require different amounts of resources and effort to complete? Five simple tasks may be feasible to complete, while five complex Tasks may be challenging to make progress on all of them.
3. If the proponent Offices complete a Task which has low priority, what will the CWS do? Should low priority Tasks wait for review and adoption by the CWS until higher priority Tasks are complete or should substantial progress be made?

The CWS should clearly define what each priority level means for work on Tasks. For instance, just assigning high, medium, and low as priority levels is not enough for Offices and the Secretariat to determine how much resources to invest in each one. As an example, definitions such as the following could prove useful:

1. High – substantial progress should be made on this Task unless a specific resource is lacking that prevents progress (e.g. budget, particular personnel, etc.);
2. Medium – progress should be made on this Task, as long as the work does not take resources away from a high priority Task and needed resources are present; and
3. Low – progress can be made on this Task if the opportunity arises and if the work does not take resources away from higher priority Tasks.

It should also be noted that the Secretariat is significantly involved in every Task, such as leading some Tasks, organizing discussions, circulating documents, and scheduling timelines, in addition to frequently contributing substantive work. The Secretariat has a fixed number of staff to perform these duties, limiting how many Tasks that the Secretariat can support in a given year. These limitations should be taken into consideration when prioritizing work. In particular, the Secretariat should provide guidance on which active Tasks they can support at one time given current staffing levels. If the CWS finds that more support from the Secretariat would be desirable to carry out the work of the CWS, more resources would be required for the Secretariat.

The Secretariat also suggests conducting a survey to collect Offices’ preference and their priorities for Tasks. If the CWS so decides, the Secretariat offers to prepare a draft survey questionnaire for consideration at the next session of the CWS, taking into account the information provided in paragraph 11 and guidance by the CWS in relation to the information provided in paragraphs 13 to 15 above.

*The CWS is invited to:*

* 1. *note the content of the present document;*
  2. *decide the creation of its new Task considering the recommendation of the Patent Cooperation Treaty (PCT) Working Group as presented in paragraph 10 above;*
  3. *consider and comment on the suggested information to be used for the priority of Tasks as presented in paragraph 11 above and provide guidance in relation to the questions and information provided in paragraphs 13 and 14 above;*
  4. *decide the need of survey on the preference of its Members in prioritizing Tasks, and if agreed, to request the Secretariat to present a survey questionnaire at its next session;*
  5. *consider the Task List as presented in the Annex to this document taking into consideration of the recommendation by the Evaluation Report, including the implication of workload of the Task Forces for the coming year for the Member States and WIPO Secretariat, as indicated in paragraph 7 above ; and*
  6. *approve the Secretariat to incorporate the agreements, reached at this session in the CWS Work Program and the CWS Work Program Overview and publish them on WIPO website as described in paragraph 9 above.*

[Annex follows]

1. Further information on the Members and Observers of Task Forces is available on the WIPO website at: <https://www.wipo.int/cws/en/taskforce/members.html> [↑](#footnote-ref-2)