Committee on WIPO Standards (CWS)

Eleventh Session
Geneva, December 4 to 8, 2023

REPORT BY THE XML4IP TASK FORCE

Document prepared by the International Bureau

SUMMARY

1.   The XML4IP Task Force is responsible for developing and maintaining the eXtensible Markup Language (XML) components that comprise WIPO Standard ST.96. The Task Force meets monthly to discuss proposals for revision to WIPO Standard ST.96 and this year has been collaborating closely with the Legal Status Task Force to finalize a set of XML schemas to capture trademark legal status data based on WIPO Standard ST.61. The version 7.0 of WIPO ST.96 was published in April 2023 and version 7.1 is scheduled for release in October of the same year.

BACKGROUND

2.   At its tenth session, held in 2023, the Committee on WIPO Standards (CWS) noted a progress report of the activities of the XML4IP Task Force regarding conducting of the Task No. 41 (see document CWS/10/5), the description of which reads:

> "Ensure the necessary revisions and updates of WIPO Standard ST.96".

3.   The XML4IP Task Force meets virtually monthly to discuss proposals for revision to WIPO ST.96. During early discussions, the Task Force confirmed the following development priorities for the calendar year of 2023:

-   Trademark and/or Industrial design legal status XML schemas;

-   Patent record/transaction XML schemas; and

-   Production of major version 7.0, which incorporates changes needed to support Madrid and Hague operations.

REVISION AND IMPLEMENTATION OF WIPO ST.96

Major release: version 7.0

4.   Under the framework of Task No. 41, the XML4IP Task Force prepared and published a new major release, version 7.0, on April 3, 2023. This version was primarily focused on improving components or introducing new components to support recent Madrid and Hague rule changes. Further details regarding this official release are provided below.

Main Body

5.   The Main Body of WIPO ST.96 provides details on the terminology used, the requirements of the Standard and its scope. The CWS should note the following changes which were introduced in version 7.0:

   −   Addition of references to new WIPO Standards ST.68, ST.69 and ST.97;

   −   Addition of reference to Plant Breeder's Rights and their implementation of WIPO ST.96; and

   −   Update to relevant paragraphs to include definitions of 3D images, 3D models, sound marks and multimedia marks.

Annexes

6.   Annex I of WIPO ST.96 details the XML Design Rules and Conventions (DRCs) for the creation and use of WIPO ST.96-compliant XML schemas. The CWS should note the following changes which were introduced in version 7.0:

   −   Inclusion of a third digit to allow for the specification of a 'patch' version;

   −   Addition of design rules which provide guidance on the use of this third digit; and

   −   Addition of a design rule to define naming convention for a test version.

7.   Annexes III and IV of WIPO ST.96 provide a full list of Intellectual Property (IP) XML schemas and the XML Schema Technical Specification respectively. These Annexes are revised with every update of ST.96 XML schema components in reply to the approved revisions by the Task Force. Version 7.0 included revised Madrid and Hague transactions as well as improved geographical indication XML components.

8.   Further details on the version 7.0 release, in particular changes made to Annexes III and IV, are detailed in the release notes which are published on the WIPO website at: https://www.wipo.int/standards/XMLSchema/ST96/V7_0/ReleaseNotes.pdf. All Annexes of version 7.0 were published online at: https://www.wipo.int/standards/en/st96/v7-0/.

Minor release: Version 7.1

9.   The CWS allows a maximum of two official releases of ST.96 per year: one in April and one in October (see paragraph 53 of document CWS/6/34) and these are produced back on Member State need. A minor release is now also scheduled for October 2023, version 7.1, to support the changes approved at the Hague Assembly and to reflect some other minor improvements. Further details on the scope of this official release are provided below.

Annexes

10.   For this minor release, the majority of the proposed changes will impact Annexes III and IV. These changes include the critical changes to Hague Office-To-IB transaction XML components but also changes to support patent publication using ST.96. All Annexes for WIPO ST.96 version 7.1 will be published in October 2023 online at: https://www.wipo.int/standards/en/st96/v7-1/.

11.   Further details on the version 7.1 release, in particular changes which are proposed for Annexes II and IV, will be detailed in release notes which will be published on the WIPO website.

LEGAL STATUS SCHEMA DEVELOPMENT: STATUS

12.   In collaboration with the Legal Status Task Force, the XML4IP Task Force is responsible for developing necessary XML components to capture legal status data, aligned with WIPO Standards ST.27, ST.61 and ST.87. In version 4.0, patent legal status schemas were introduced for the first time. In version 5.0, several components were moved to the Common namespace in preparation of the development of trademark and design legal status XML components.

13.   At the tenth session of the CWS, Member States asked the Secretariat to organize a series of joint meetings of the two relevant CWS Task Forces in order to promote progress on development of these components (see paragraph 40 document CWS/10/22). As a result, three of these meetings were scheduled in 2023 at which significant progress was made on the development of trademark legal status schemas, based on WIPO ST.61. In August 2023, a group of nominated trademark business area experts met online to discuss their review of the supplementary data that is defined in Annex II of WIPO ST.61. At this meeting, the experts agreed on the proposal for what should be incorporated into the trademark legal status schemas for specific event categories.

14.   As a result of these discussions, two further rounds of discussion, with updates to the trademark legal status XML schemas, were published on the XML4IP Task Force wiki. It is likely that these components will be ready for inclusion in the next version of WIPO ST.96 to be published in 2024, in either the April or October publication window.

COPYRIGHT METADATA ORPHAN WORK

15.   At the ninth session, the CWS considered a draft paper proposing a means of providing structured data regarding the type of rights holders and the type of orphan works in WIPO ST.96, by proposing specific values for `cpy:RightsHolderCategory` and `cpy:OrphanWorkKindCode`. Feedback on this proposal was sought not only by IP Offices but also from creative industry groups through CWS Circular: C.CWS.156. There were nine responses to this circular from six WIPO Member States and from three WIPO Observers.

16.   At the tenth session, the CWS approved conducting another round of consultation, in particular from Copyright Offices and creative industry groups on the improved draft paper provided as an Annex to CWS/10/7. In response, the Secretariat issued CWS Circular C.CWS.171 asking in particular for interested parties to comment on the following:

   (a) the comprehensiveness of the right holder roles and creative work categories;

   (b) the appropriateness of grouping and coding schemes of the right holder roles and work categories; and

   (c) whether the descriptions of the categories for entries were clear.

17.   The International Bureau received in reply nine responses and is working on the revised draft paper at the time of preparing this document, which will be presented at the eleventh session of the Committee. Once the CWS has approved the draft paper on copyright orphan work metadata, the XML4IP Task Force will implement the agreed metadata in WIPO ST.96.

WORK PLAN AND CHALLENGES

18.   The XML4IP Task Force will continue to work on developing new XML schemas and improve the existing XML schemas at the request of Task Force members but in particular would like to note the following priorities before the twelfth session of the CWS:

–   Trademark and Industrial Design legal status schemas;

–   Patent record/transaction schemas; and

–   Copyright orphan work metadata schemas.

19.   While the Task Force was effective in producing and publishing both a major and minor update to WIPO ST.96 since the last session, the following challenges are noted for current and future development:

(a) Proposals for revision of ST.96, as captured by Issue-IDs on the XML4IP Issue Register, can sometimes be overlooked by Task Force members. This results in changes either not being considered for inclusion or alternatively closed and implemented without sufficient consultation; and

(b) The Work Plan defines the development of several new different types of XML schemas which means that the focus of Task Force members must be spread across several topics at the same time.

20.   Progress on the XML4IP work plan must be made in light of the challenges noted above. Solutions, such as prioritization of Work Plan topics and a review of outstanding Issue-IDs, will need to be made during monthly meetings.

21.   The CWS is invited to:

(a)   note the content of the present document;

(b)   note the release of WIPO ST.96 version 7.0 and future release of version 7.1, as indicated in paragraphs 4 to 8, and paragraphs 9 to 11 above; and

(c)   note the work plan and challenges of the XML4IP Task Force, as indicated in paragraphs 18 to 20 above.

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