

## **Committee on WIPO Standards (CWS)**

**Third Session**  
**Geneva, April 15 to 19, 2013**

### SUMMARY BY THE CHAIR

#### INTRODUCTION

##### Agenda Item 1: Opening of the session

1. The session was opened by the Director General of WIPO, Mr. Francis Gurry, who welcomed the participants.

##### Agenda Item 2: Election of the Chair and two Vice-Chairs

2. The CWS unanimously elected Ms. Oksana Parkheta (Ukraine) as Chair, and Ambassador Alfredo Suescum (Panama) as Vice-Chair.

#### DISCUSSION OF AGENDA ITEMS

##### Agenda Item 3: Adoption of the agenda

3. Following informal consultations conducted by the Vice-Chair, the CWS agreed to revise agenda Item 4 to read: "Informal consultations to agree on mutual solutions on pending matters, in accordance with the last sentence of paragraph 5 of document CWS/2/13". Document CWS/3/2 Add concerning informal consultations was further amended as CWS/3/2 Add.1 and the reference to the latter document was made in a further revised draft agenda as document CWS/3/1 Rev.1.

4. The Delegation of Algeria, speaking on behalf of the African Group, stated that the adoption of the agenda was without prejudice to positions of any delegation on pending matters in the future, and further stated that the Group reserved the right to request the addition of a new agenda item regarding the coordination mechanism in future sessions of the CWS.

5. The Delegation of Iran (Islamic Republic of) supported the statement made by the Delegation of Algeria, speaking on behalf of the African Group.
6. The Delegation of Belgium, speaking on behalf of the Group B, stated that the Group did not see any need for such a standing agenda item as proposed by the African Group.
7. The Delegation of Spain stated that the CWS had achieved a last minute agreement which was basically to renegotiate. However, this agreement had been formulated in an unintelligible way or in a way difficult to understand by a person that was not involved in the day to day events of the Organization. Taking into account all the efforts that the CWS, the Secretariat, experts and delegates had made this week and the threat to the technical work of the Committee that would continue to exist, the Delegation of Spain considered that the CWS should examine whether it was worth spending all that time and efforts to arrive at just this result.
8. The Delegation of Brazil requested that the summary by the Chair and the report of the present session of CWS should reflect that no agreement had been reached regarding pending matters under agenda Item 4. The Delegation of Brazil considered that it would be necessary for the CWS to hold further discussions on these matters at the next session of the CWS, if the General Assembly does not settle pending matters.
9. The Delegation of India supported the statement made by the Delegation of Algeria, speaking on behalf of the African Group.
10. Taking note of the above statements, the CWS unanimously adopted the further revised agenda as proposed in document CWS/3/1 Rev.1.

Agenda Item 4: Informal consultations to agree on mutual solutions on pending matters, in accordance with the last sentence of paragraph 5 of document CWS/2/13

11. Discussions were based on documents CWS/3/2 and CWS/3/2 Add.1.
12. The Vice-Chair conducted informal consultation sessions, held in parallel with the plenary sessions, with a view to agree on mutual solutions on pending matters, in particular, coordination mechanism, the relationship between CWS and Development Agenda Recommendations, and organizational matters and special rules of procedure. Discussions were based on oral or written proposals including those made by CEBS, African Group, GRULAC/Brazil/India. The Vice-Chair reported on the outcome of informal consultations and observed that progress was made towards solutions, though no agreement was reached. He urged delegations to preserve what was achieved in discussions.
13. The CWS agreed that the CWS Chair should request the Secretariat to prepare and present the Report of the CWS and convey the request of the CWS to the General Assembly in order to give any instructions of the General Assembly to the CWS on its future work on pending matters in accordance with the last sentence of paragraph 5 of document CWS/2/13.

Agenda Item 5: Revision of WIPO Standard ST.9

14. The discussion was based on the proposals to revise WIPO Standard ST.9 and the *Glossary of Terms concerning Industrial Property Information and Documentation* (Glossary) that are reproduced in document CWS/3/3.
15. The CWS adopted the new definitions of INID codes (92) and (93) of ST.9 as proposed. The revised definition of INID code (95) was adopted as follows: "The product protected by the basic patent and in respect of which the SPC or the extension of the SPC has been applied for or granted." The CWS adopted the new INID code (98) and its definition as follows: "For an

SPC, the date concerning the application for an extension of the duration, the revocation of an extension of the duration and the recalculation of the duration.”

16. The proposal for the revision of the entry “Supplementary Protection Certificate” (SPC) in the Glossary was adopted with the following amendments:

- In the last paragraph, the sentence introducing the list of notifications should read as follows: “The following notifications, where applicable, regarding a supplementary certificate are published by the concerned industrial property office.”
- The item “the application to surrender the certificate” should be added to the said list of notifications.

17. The CWS noted that the second paragraph of the revised entry for SPC in the Glossary, concerning the extension of a SPC for medicinal products for paediatric use, could be broadened in scope in a future revision of the Standard if it was considered necessary.

18. The CWS also noted the editorial changes to Appendix 2 to WIPO Standard ST.9 that the International Bureau should carry out.

#### Agenda Item 6: Status report on the revision of WIPO Standard ST.14

19. Discussions were based on document CWS/3/4. The CWS noted the status report on the work of the ST.14 Task Force.

20. The CWS also noted the provisional agreement to include categories “N” and “I” and considered it a reasonable compromise to refer the issue of the revised definition of category “X” back to the Task Force. The CWS agreed that the Task Force should focus on the proposal provided in paragraph 7(a) of the document CWS/3/4 and, at the same time, on providing for a transition period when these three codes, namely, “X”, “N” and “I”, could be used in parallel. Details of this transition should be worked out by the Task Force and reflected in the editorial note referred to in paragraphs 15 and 16 of the document CWS/3/4.

21. The CWS noted the preliminary agreement on the revision of category “P” and the results of the discussion regarding definition of categories “E” and “O”. It was decided that the combination of categories “E” and “O” with other categories should be optional.

22. The CWS noted the results of the discussion regarding citing documents sharing the same date as the application being searched. The CWS agreed that the Task Force should not focus on this issue, but leave the related recommendations as they are at present in the Standard. The CWS also agreed that the introduction of any new code should be proposed with a specific definition of this code.

23. The CWS noted the results of the discussion regarding the recommendations for non-patent literature and the suggestion to include recommendations on citing documents in languages other than the language of the document in which they are cited. The CWS agreed that this suggestion was relevant and requested the Task Force to study it further.

#### Agenda Item 7: Status report on the preparation of Annexes V and VI, and the revision of WIPO Standard ST.96

24. The Committee noted the result of the work of the XML4IP Task Force and the report of the Task Force Leader as set out in document CWS/3/5.

25. The CWS agreed that the work for the mapping and development of tools for the bi-directional transformation between WIPO Standards ST.96 and ST.36, ST.66 or ST.86 should

continue. The work should be primarily carried out by the XML4IP Task Force along with ST.36, ST.66 and ST.86 Task Forces. The tools should be owned and maintained by the International Bureau with the assistance of the XML4IP Task Force, and ST.36, ST.66 and ST.86 Task Forces. The CWS welcomed the offer of the Delegation of the United States of America to assist in the development of the tools for bi-directional transformation. The CWS also agreed that this arrangement for assistance should be revisited at its next session.

26. The CWS noted the statements provided in paragraphs 18 and 19 of the document CWS/3/5.

27. The CWS agreed that, for the time being, the XML-based Task Forces should not be reorganized.

Agenda Item 8: Status report on the preparation of a new WIPO standard on the presentation of nucleotide and amino acid sequence listings using eXtensible Markup Language (XML)

28. Discussions were based on document CWS/3/6. The CWS noted the report by the Leader of the SEQL Task Force. In accordance with the roadmap presented by the Task Force Leader, the proposal on the new standard should be finalized by September 2013.

Agenda Item 9: Creation of a task to establish requirements for the delivery of legal status information by industrial property offices

29. Discussions were based on document CWS/3/7. The CWS considered and approved the creation of a new task that should read as follows: "Prepare a proposal to establish a new WIPO standard for the exchange of patent legal status data by industrial property offices. Once this task is completed, the corresponding proposal should be extended to trademarks and industrial designs." A new task force was established to carry out this task and the International Bureau was designated as the task force leader.

Agenda Item 10: Proposal for the development of new WIPO standards in the trademark domain

30. Discussions were based on document CWS/3/8. The CWS noted the survey results provided in the Annex to the said document, including the list of twelve candidates proposed by the Trademark Standards Task Force for further standardization.

31. The CWS agreed to select the first two candidates for further standardization, namely:

- Recommendation for the electronic management of sound marks;
- Recommendation for the electronic management of motion or multimedia marks.

32. The work for the other 10 candidates, that are listed in the Annex to document CWS/3/8, should be held in abeyance until the standardization of the two selected candidates is completed.

33. The CWS agreed that Task No. 46 should be considered as completed and removed from the Task List of the CWS. The Trademark Standards Task Force was discontinued.

34. The CWS agreed that the two following tasks should be created:
- “Prepare a recommendation for the electronic management of sound marks for adoption as a WIPO standard.”
  - “Prepare a recommendation for the electronic management of motion or multimedia marks for adoption as a WIPO standard.”
35. The CWS agreed to establish a new task force to handle the two new tasks. The International Bureau was designated as the task force leader.
36. The new task force was requested to present a progress report on the work carried out, including a calendar for the development of new WIPO standard(s), for consideration by the CWS at its fourth session.

Agenda Item 11: Status report on the revision of WIPO Standard ST.66

37. The CWS noted the report by the Leader of the ST.66 Task Force, as set out in the document CWS/3/9, and the discussion on PFR ST.66/2013/001/Rev.1.

Agenda Item 12: Oral report, by the Leader of the ST.86 Task Force, on the revision of WIPO Standard ST.86

38. The CWS noted the oral report by the Leader of the ST.86 Task Force and the discussion on PFR ST.86/2013/001 which is currently carried out by the Task Force.

Agenda Item 13: Survey on application numbering systems

39. The CWS noted the Survey Report contained in the Annex to document CWS/3/10 and approved its publication in the *WIPO Handbook on Industrial Property Information and Documentation* (WIPO Handbook). The CWS agreed that examples of application and priority application numbers should be also published in the WIPO Handbook when they are finalized; delegations of the United States of America and the Republic of Korea stated that they would provide their input to this document to be included in the publication.

40. The CWS reaffirmed its agreement, reached at its first session in 2010, to request the ST.10/C Task Force to prepare a new questionnaire regarding the application and priority application numbering systems used by the industrial property offices (IPOs) in the past and to present the progress report or the corresponding proposal at its next session.

Agenda Item 14: Report, by the International Bureau, on the provision of technical advice and assistance for capacity building to industrial property offices in connection with the mandate of the CWS

41. The CWS took note of the activities carried out by the International Bureau in 2012, related to providing technical advice and assistance for capacity building to IPOs. It was also noted that document CWS/3/11 would serve as a basis of the relevant report to be presented to the WIPO General Assembly to be held in October 2013, as requested at its 40th session held in October 2011 (see paragraph 190 of document WO/GA/40/19).

Agenda Item 15: Consideration of the Tasks List of the Committee on WIPO Standards

42. The CWS considered the Task List reproduced in the Annex to the document CWS/3/12 and agreed on its final version for incorporation in the CWS Work Program.

Agenda Item 16: Summary by the Chair

43. The CWS noted that, due to the lack of time during the meeting, Summary by the Chair should be prepared and distributed for information purposes after the meeting of the CWS.

Agenda Item 17: Closing of the session

44. The meeting was closed by the Chair on April 19, 2013.

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