

Committee on WIPO Standards (CWS)

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REVISION OF WIPO STANDARD ST.9

Document prepared by the Secretariat

1. On October 28, 2012, the German Patent and Trademark Office (DE Office) sent a document to the International Bureau requesting the revision of the list of *Internationally agreed Numbers for the Identification of (bibliographic) Data* (INID) codes under WIPO Standard ST.9. The proposed revision should update the description of certain bibliographic data and add a new code concerning the supplementary protection certificate for medicinal products, including medicinal products for paediatric use. In line with this request, the DE Office also requested to reflect the relevant information related to the said revision in Part 8.1 of the WIPO *Handbook on Industrial Property Information and Documentation – Glossary of terms concerning industrial property information and documentation* (Glossary).
2. The above-mentioned request by the DE Office, which is reproduced as Annex I to this document, contains background information, including the expected benefits of the revision, along with specific proposals for the inclusion of a new INID code (98) and the revision of the current definition of codes (92), (93) and (95). In the Appendix to Annex I, the DE Office also states the subsequent proposed changes to the Glossary.
3. Within the framework of Task No.33 (“Ongoing revision of WIPO Standards”) and in accordance with the request by the DE Office, the International Bureau has prepared a draft revised version of Appendix 1 to WIPO Standard ST.9 (*INID Codes and Minimum Requirements for the Identification of Bibliographic Data*), which is reproduced as Annex II to this document for consideration and approval by the Committee on WIPO Standards (CWS); the changes proposed by the DE Office are highlighted.

4. Considering paragraph 6 of the Standard, the International Bureau will subsequently update Appendix 2 to the Standard (*Deletions and Amendments to the List Given in Appendix 1*), which “contains those INID codes, with their definitions and/or notes, which were used at a certain period of time but have either ceased to be available for use or have been amended”.

5. *The CWS is invited to:*

(a) *note the request by the DE Office for the revision of WIPO Standard ST.9 and the Glossary, as given in Annex I to this document;*

(b) *consider and adopt the proposal concerning the revision of Appendices 1 to WIPO Standard ST.9, as referred to in paragraph 3, above, and reproduced in Annex II to this document;*

(c) *note the editorial changes to Appendix 2 to WIPO Standard ST.9, as referred to in paragraph 4, above; and*

(d) *consider and approve the inclusion of the proposal reproduced in the Appendix to Annex I to this document in the Glossary, as referred to in paragraph 2, above.*

[Annexes follow]

REQUEST FOR THE REVISION OF WIPO STANDARD ST.9

Document prepared by the German Patent and Trademark Office

INDICATION OF THE PROBLEM OR SPECIFIC NEED

1. WIPO Standard ST.9 “Recommendation concerning bibliographic data on and relating to patents and SPCs” was lastly revised in February 2008. While most of the recommendations it contains are still valid, some of them need to be amended for reasons of clarification.
2. Regulation (EC) No. 1901/2006 of the European Parliament and of the Council on medicinal products for paediatric use and Regulation (EC) No. 469/2009 of the European Parliament and of the Council concerning the supplementary protection certificate for medicinal products require the Member States of the European Union to publish certain data on SPCs. Not all of these data can be unequivocally allocated to the existing INID codes.
3. In their current form, the INID codes do not reflect the possibility of an extension of the duration for medicinal products for paediatric use. It is for example unclear under which INID code the data concerning an application for an extension of the duration, the revocation of an extension of the duration and the correction of the duration are to be published.
4. Moreover, the current INID codes refer only to SPCs for medicinal products although SPCs are also available for plant protection products.

HOW THE NEED WAS DETERMINED

5. The German Patent and Trademark Office has encountered problems in its publication activity.

OPTIONS FOR SOLUTION

6. In view of the above it could be considered to adapt the current wording of the description for INID codes (92), (93) and (95) contained in WIPO Standard ST.9 and insert a new INID code (98).
 - INID code (92): The new description for INID code (92) would then read:

“For an SPC, number and date of the first national authorization to place the product on the market as a medicinal product or plant protection product.”
 - INID code (93): The new description for INID code (93) would read:

“For an SPC, number, date and, where applicable, country of origin, of the first authorization to place the product on the market as a medicinal product or plant protection product within a regional economic community.”
 - INID code (95): The new description for INID code (95) would read:

“Name of 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.”

- New INID code (98): The description of the new INID code (98) would read:
“For an SPC, data concerning the application for an extension of the duration, the revocation of an extension of the duration and the correction of the duration.”
- Revision of the Glossary: As a consequence of the proposed revision, the Glossary would also need to be changed. The wording of the Glossary could be amended by inserting references to plant protection products and the possibility of paediatric extension of duration. (See the Appendix.)

EXPECTED BENEFITS

7. The expected benefits of the proposed revision are the following:
 - better information of the public,
 - the Gazettes and the Registers of the Offices will be optimised in their structure and clarity,
 - updating and adjustment of the WIPO Standard ST.9 in view of the prevailing legal situation.

[Appendix follows]

APPENDIX:

ADDITIONS TO THE GLOSSARY OF TERMS CONCERNING INDUSTRIAL PROPERTY
INFORMATION AND DOCUMENTATION

Supplementary Protection Certificate

A Supplementary Protection Certificate is an industrial property right which is granted for a product which has obtained authorization to be placed on the market as a medicinal product or **plant protection product**. The certificate takes effect at the end of the term of a patent which protects the product as such, a process to obtain the product or an application of the product. The certificate extends the protection conferred by the said patent, but only in respect of the product covered by the said authorization and any use of that product as a medicinal product or **phytopharmaceutical plant protection product** that has been authorized before expiry of the certificate. The certificate does not extend the term of the said patent.

The duration of a supplementary protection certificate can be extended for medicinal products for paediatric use when all the measures in the agreed paediatric investigation plan have been complied with. That fact should be recorded in the marketing authorization.

In this context:

- “medicinal product” means any substance or combination of substances presented for treating or preventing diseases in human beings or animals or any substance or combination of substances which may be administered to human beings or animals with a view to making a medical diagnosis or to restoring, correcting or modifying physiological functions in humans or in animals;
- “**phytopharmaceutical plant protection product**” means any active substance or preparation containing one or more active substances, put up in the form in which it is supplied to the user, intended to:
 - (i) protect plants or plant products against all harmful organisms or prevent the action of such organisms, in so far as such a substance or preparation is not otherwise defined below;
 - (ii) influence the life processes of plants, other than as a nutrient (e.g., plant growth regulators);
 - (iii) preserve plant products, in so far as such a substance or product is not subject to special Council or Commission provisions on preservatives;
 - (iv) destroy undesirable plants; or
 - (v) destroy parts of plants, check or prevent undesirable growth of plants;
- “product” means the active ingredient or combination of active ingredients of a medicinal product or **phytopharmaceutical plant protection product**.

~~A notification of the application for a supplementary protection certificate and of the fact that the certificate has been granted or the application for the certificate has been rejected is published by the industrial property office with which the application was lodged.~~

The following notifications regarding a supplementary protection certificate are published by the concerned industrial property office:

- the application for the certificate
- the grant of the certificate
- the rejection of an application for the certificate
- the application for an extension of the duration of the certificate
- the grant of an extension of the duration of the certificate
- the rejection of an application for an extension of the duration of the certificate
- the application for a revocation of an extension of the duration of the certificate
- the revocation of an extension of the duration of the certificate
- the rejection of an application for a revocation of an extension of the duration of the certificate
- the application for a correction of the duration of the certificate
- the correction of the duration of the certificate
- the rejection of an application for a correction of the certificate
- the lapse or invalidity of the certificate

[Annex II follows]

ST.9 – APPENDIX 1

INID CODES AND MINIMUM REQUIREMENTS FOR THE IDENTIFICATION
OF BIBLIOGRAPHIC DATA ELEMENTS

(10) *Identification of the patent, SPC or patent document*

- * (11) Number of the patent, SPC or patent document
- * (12) Plain language designation of the kind of document
- * (13) Kind-of-document code according to WIPO Standard ST.16
- (15) Patent correction information
- * (19) WIPO Standard ST.3 code, or other identification, of the office or organization publishing the document

- Notes:
- (i) For an SPC, data regarding the basic patent should be coded by using code (68).
 - (ii) * Minimum data element for patent documents only.
 - (iii) With the proviso that when data coded (11) and (13), or (19), (11) and (13), are used together and on a single line, category (10) can be used, if so desired.
 - (iv) Data to be given under code (15) should be presented in accordance with the provisions set out in WIPO Standard ST.50.

(20) *Data concerning the application for a patent or SPC*

- * (21) Number(s) assigned to the application(s), e.g., "Numéro d'enregistrement national", "Aktenzeichen"
- * (22) Date(s) of filing the application(s)
- * (23) Other date(s), including date of filing complete specification following provisional specification and date of exhibition
- (24) Date from which industrial property rights may have effect
- (25) Language in which the published application was originally filed
- (26) Language in which the application is published
- (27) Reference to a previously filed application for the purpose of obtaining a filing date under the Patent Law Treaty (PLT), Article 5(7)

- Notes:
- (i) The document "Terms of Protection", which provided information related to code (24), has been moved to the Archives.
 - (ii) The languages under codes (25) and (26) should be indicated by using the two-letter language symbols according to International Standard ISO 639:1988.
 - (iii) With regard to code (27), the reference shall be made by indicating the WIPO Standard ST.3 code of the office with which the previous application was filed, the application number of the application, and, if required, the filing date.

(30) *Data relating to priority under the Paris Convention or the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement)*

- * (31) Number(s) assigned to priority application(s)
- * (32) Date(s) of filing of priority application(s)
- * (33) WIPO Standard ST.3 code identifying the national industrial property office allotting the priority application number or the organization allotting the regional priority application number; for international applications filed under the PCT, the code "WO" is to be used

- (34) For priority filings under regional or international arrangements, the WIPO Standard ST.3 code identifying at least one country party to the Paris Convention or member of the World Trade Organization for which the regional or international application was made

Notes: (i) With the proviso that when data coded (31), (32) and (33) are presented together, category (30) can be used, if so desired. If an ST.3 code identifying a country for which a regional or international application was made is published, it should be identified as such using code (34) and should be presented separately from elements coded (31), (32) and (33) or (30).

(ii) The presentation of priority application numbers should be as recommended in WIPO Standards ST.10/C and in ST.34.

(40) *Date(s) of making available to the public*

- * (41) Date of making available to the public by viewing, or copying on request, an unexamined patent document, on which no grant has taken place on or before the said date
- * (42) Date of making available to the public by viewing, or copying on request, an examined patent document, on which no grant has taken place on or before the said date
- * (43) Date of making available to the public by printing or similar process of an unexamined patent document, on which no grant has taken place on or before the said date
- * (44) Date of making available to the public by printing or similar process of an examined patent document, on which no grant or only a provisional grant has taken place on or before the said date
- * (45) Date of making available to the public by printing or similar process of a patent document on which grant has taken place on or before the said date
- (46) Date of making available to the public the claim(s) only of a patent document
- * (47) Date of making available to the public by viewing, or copying on request, a patent document on which grant has taken place on or before the said date
- * (48) Date of issuance of a corrected patent document

Note: * Minimum data element for patent documents only, the minimum data requirement being met by indicating the date of making available to the public the patent document concerned.

(50) *Technical information*

- * (51) International Patent Classification or, in the case of a design patent, as referred to in subparagraph 4(c) of this Recommendation, International Classification for Industrial Designs
- (52) Domestic or national classification
- * (54) Title of the invention
- (56) List of prior art documents, if separate from descriptive text
- (57) Abstract or claim
- (58) Field of search

Notes: (i) The presentation of the classification symbols of the International Classification for Industrial Designs should be made in accordance with paragraph 4 of WIPO Standard ST.10/C.

(ii) With regard to code (56) attention is drawn to WIPO Standard ST.14 in connection with the citation of references on the first page of patent documents and in search reports attached to patent documents.

(60) *References to other legally or procedurally related domestic or previously domestic patent documents including unpublished applications therefor*

- * (61) Number and, if possible, filing date of the earlier application, or number of the earlier publication, or number of earlier granted patent, inventor's certificate, utility model or the like to which the present patent document is an addition
- * (62) Number and, if possible, filing date of the earlier application from which the present patent document has been divided up
- * (63) Number and filing date of the earlier application of which the present patent document is a continuation

- * (64) Number of the earlier publication which is "reissued"
- (65) Number of a previously published patent document concerning the same application
- (66) Number and filing date of the earlier application of which the present patent document is a substitute, i.e., a later application filed after the abandonment of an earlier application for the same invention
- (67) Number and filing date of a patent application, or number of a granted patent, on which the present utility model application or registration (or a similar industrial property right, such as a utility certificate or utility innovation) is based
- (68) For an SPC, number of the basic patent and/or, where appropriate, the publication number of the patent document

- Notes:
- (i) Priority data should be coded in category (30).
 - (ii) Code (65) is intended primarily for use by countries in which the national laws require that re-publication occur at various procedural stages under different publication numbers and these numbers differ from the basic application numbers.
 - (iii) Category code (60) should be used by countries which were previously part of another entity for identifying bibliographic data elements relating to applications or grants of patents which data had initially been announced by the industrial property office of that entity.

(70) *Identification of parties concerned with the patent or SPC*

- * (71) Name(s) of applicant(s)
- (72) Name(s) of inventor(s) if known to be such
- * (73) Name(s) of grantee(s), holder(s), assignee(s) or owner(s)
- (74) Name(s) of attorney(s) or agent(s)
- * (75) Name(s) of inventor(s) who is (are) also applicant(s)
- * (76) Name(s) of inventor(s) who is (are) also applicant(s) and grantee(s)

- Notes:
- (i) * For patent documents for which grant has taken place on or before the date of making available to the public, and gazette entries relating thereto, the minimum data requirement is met by indicating the grantee, and for other documents by indication of the applicant.
 - (ii) Codes (75) and (76) are intended primarily for use by countries in which the national laws require that the inventor and applicant be normally the same. In other cases codes (71) or (72) or (71), (72) and (73) should generally be used.

(80) (90) *Identification of data related to International Conventions other than the Paris Convention, and to legislation with respect to SPCs*

- (81) Designated State(s) according to the PCT
- (83) Information concerning the deposit of microorganisms, e.g., under the Budapest Treaty
- (84) Designated Contracting States under regional patent conventions
- (85) Date of commencement of the national phase pursuant to PCT Article 23(1) or 40(1)
- (86) Filing data of the PCT international application, i.e., international filing date, international application number, and, optionally, the language in which the published international application was originally filed; or, in the case of design patents, registration data of the Hague Agreement international application, i.e., international registration date and international registration number
- (87) Publication data of the PCT international application, i.e., international publication date, international publication number, and, optionally, the language in which the international application is published
- (88) Date of deferred publication of the search report
- (91) Date on which an international application filed under the PCT no longer has an effect in one or several designated or elected States due to failure to enter the national or regional phase or the date on which it has been determined that it had failed to enter the national or regional phase

- (92) For an SPC, number and date of the first national authorization to place the product on the market as a medicinal product **or plant protection product**
- (93) For an SPC, number, date and, where applicable, country of origin, of the first authorization to place the product on the market as a medicinal product **or plant protection product** within a regional economic community
- (94) Calculated date of expiry of the SPC or the duration of the SPC
- (95) Name of 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
- (96) Filing data of the regional application, i.e., application filing date, application number, and, optionally, the language in which the published application was originally filed
- (97) Publication data of the regional application (or of the regional patent, if already granted), i.e., publication date, publication number, and, optionally, the language in which the application (or, where applicable, the patent) is published
- (98) For an SPC, data concerning the application for an extension of the duration, the revocation of an extension of the duration and the correction of the duration**

- Notes:
- (i) With regard to patents for invention, the codes (86), (87), (96) and (97) are intended to be used:
 - on national documents when identifying one or more of the relevant filing data or publication data of the PCT international application or of the regional application (or of the regional patent, if already granted), or
 - on regional documents when identifying one or more of the relevant filing data or publication data of the PCT international application or of another regional application (or the regional patent, if already granted).
 - (ii) All data in codes (86), (87), (96) or (97) should be presented together and preferably on a single line. The application number or publication number should comprise the three basic elements as shown in the examples in paragraph 17 of WIPO Standard ST.10/B.
 - (iii) When data to be referenced by codes (86), (87), (96) or (97) refer to two or more PCT international applications and/or regional applications (or regional patents, if already granted), each set of relevant filing or publication data of each such application (or granted patent) should be displayed so as to be clearly distinguishable from other sets of relevant data, e.g., by presenting each set on a single line or by presenting the data of each set grouped together on adjacent lines in a column with a blank line between each set.
 - (iv) The languages under codes (86), (87), (96) and (97) should be indicated by using the two-letter language symbols according to International Standard ISO 639:1988.
 - (v) The country of origin in code (93), if mentioned, should be indicated by using the two-letter code according to WIPO Standard ST.3.
 - (vi) The document "Terms of Protection", which provided information related to code (24), has been moved to the Archives.

[End of Annex II and of document]

* For the meaning of the asterisk, see paragraph 7 or 8 of this Recommendation. [\[WIPO Standard ST.9\]](#)