

Committee on WIPO Standards (CWS)

Fifth Session
Geneva, May 29 to June 2, 2017

SUMMARY BY THE CHAIR

INTRODUCTION

Agenda Item 1: Opening of the session

1. The fifth 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. Katja Brabec (Germany) as Chair, and Ambassador Alfredo Suescum (Panama) as Vice-Chair.

DISCUSSION OF AGENDA ITEMS

Agenda Item 3: Adoption of the agenda

3. The CWS adopted the agenda as proposed in document CWS/5/1 PROV. 3.

Agenda Item 4: Report on the Survey on the Use of WIPO Standards

4. The CWS noted the content of document CWS/5/2; it also noted the results of the Survey on the use of WIPO Standards and approved their publication as Part 7.12 of the *WIPO Handbook on Industrial Property Information and Documentation* (WIPO Handbook). The CWS encouraged industrial property offices (IPOs), which had not submitted their responses to the survey, to do so.

5. The CWS agreed that WIPO Standards ST.7 to ST.7/F and ST.30 should be moved to the Archive. With respect to WIPO Standards listed in paragraph 11 of document CWS/5/2, the CWS agreed to keep them in the WIPO Handbook and revisit the issue when the extended survey results would be presented for consideration by the CWS.

6. The CWS requested the International Bureau to continue and intensify its efforts in providing technical assistance to the Member States and to follow-up on the cases referred to in paragraph 8 (c) of document CWS/5/2, as well as other cases in the future which would require awareness building and technical assistance. These activities should be reflected in the report by the International Bureau on the provision of technical advice and assistance for capacity building to IPOs to the CWS.

Agenda Item 5: Decision of the 48th session of the WIPO General Assembly in relation to the CWS, including Development Agenda matters¹

7. Discussions were based on document CWS/5/3. The CWS took note of the decision of the 48th session of the WIPO General Assembly related to the CWS.

Agenda Item 6: Extension of WIPO Standard ST.96 to incorporate Extensible Markup Language (XML) schema for orphan works and geographical indications

8. Discussions were based on document CWS/5/4.

9. The CWS agreed to extend WIPO Standard ST.96 to include geographical indications as proposed by the Delegation of the Russian Federation.

10. The CWS assigned the new task “develop XML schema components for geographical indications” to the XML4IP Task Force and requested the International Bureau to invite its Members to nominate experts on geographical indications to this Task Force. The CWS also requested the XML4IP Task Force to report on the progress regarding the new task at its sixth session.

11. The CWS agreed to create a new Task “study the copyright orphan works data elements and naming conventions and compare them in view of the proposal to extend WIPO Standard ST.96; report the outcome of the study; and present a proposal for consideration by the CWS to develop a data dictionary and XML schemas for inclusion of copyright orphan works in WIPO Standard ST.96”. The CWS designated the Intellectual Property Office of United Kingdom (UK IPO) and the International Bureau as co-leaders of this Task.

Agenda Item 7: Report on Task No. 41 by the XML4IP Task Force

12. The CWS noted the results of the work of the XML4IP Task Force, the report of the Task Force Leader and the work plan of the XML4IP Task Force, as set out in document CWS/5/5.

13. The CWS noted the work plan of the Task Force, including the draft high-level roadmap for Hague System electronic data exchange with Offices presented by the International Bureau. The CWS noted the discontinuation of the legacy format based on Hague DTD and the sunset period of the current Hague DTD Bulletin within the proposed time frame. Several Delegations suggested that the International Bureau extend the period for one more year so that IPOs would have more time to prepare a transition from the legacy format to the new format based on WIPO Standard ST.96.

Agenda Item 8: Revision of WIPO Standard ST.26

14. The CWS noted the results of the work of the Sequence Listings Task Force and the report of the Task Force Leader, as set out in document CWS/5/6.

15. The CWS adopted the revised WIPO Standard ST.26 as reproduced in Annex II to document CWS/5/6 with the editorial changes as presented by the Delegation of the United States of America and the Secretariat.

¹ This agenda item is without prejudice to the Members' positions on a question as to whether the CWS is relevant to Development Agenda coordination mechanism.

Agenda Item 9: Recommendations for the transition provision from WIPO Standard ST.25 to ST.26

16. Discussions were based on documents CWS/5/7 Rev.1 and CWS/5/7 Rev.1 ADD.
17. The CWS agreed on the “big bang” scenario as the option for the transition from WIPO Standard ST.25 to ST.26, the international filing date as the reference date and January 2022 as the transition date.
18. The CWS requested the SEQL Task Force
 - (a) to support the International Bureau by providing users’ requirements and feedback on the Authoring and validation tool;
 - (b) to support the International Bureau in the consequential revision of the PCT Administrative Instructions; and
 - (c) to prepare necessary revisions of WIPO Standard ST.26 upon request by the CWS.

Agenda Item 10: Presentation on the development of WIPO ST.26 software tool

19. The CWS noted the presentation made by the International Bureau on the development of the WIPO ST.26 software tool, which includes a draft high-level roadmap for transition from WIPO Standard ST.25 to ST.26.

Agenda Item 11: New WIPO Standard for the exchange of patent legal status data by industrial property offices

20. The CWS noted the report prepared by the International Bureau on the results of the work of the Legal Status Task Force, as set out in document CWS/5/8 Rev.1.
21. The CWS adopted a new WIPO Standard ST.27 “Recommendation for the exchange of patent legal status data”, as reproduced in the Annex to document CWS/5/8 Rev.1 with the following amendments in the first sentence of paragraph 35 and Annex IV to ST.27:
 - (a) the amended first sentence of paragraph 35 reads “In addition to the mapping process described in paragraph 33 above, this Standard recommends that IPOs map their national/regional events to a detailed event.”; and
 - (b) in the introduction text of Annex IV to ST.27, the wording “the model template” was replaced with “the suggested model template”.
22. The CWS approved the following Editorial Note to be included in the new WIPO Standard ST.27:

“Editorial Note by the International Bureau

“The detailed events included in this Standard are provisional and will be reviewed and assessed by industrial property offices (IPOs) for one year. On the basis of the outcome of the review and assessment reported by IPOs, a final proposal on the detailed events in this Standard will be submitted for approval at the sixth session of the CWS. IPOs may choose to exchange legal status data on the basis of categories and key events only, if they so desire.

“The Committee on WIPO Standards (CWS) adopted the present standard at its fifth session on June 2, 2017.”

23. The CWS requested the Secretariat to issue a circular to invite IPOs to assess their business practices and IT systems and review the provisional detailed events.

24. The CWS requested the Legal Status Task Force
- (a) to finalize the list of detailed events and the guidance document for patent legal status data and present them for consideration and approval at its sixth session; and
 - (b) to prepare a recommendation for the exchange of legal status data on trademarks and industrial designs and present a progress report on it for consideration at its sixth session.
25. The CWS requested the XML4IP Task Force to develop XML schema components in consultation with the Legal Status Task Force in order to facilitate the exchange of patent legal status data based on the new WIPO Standard ST.27 and to report the outcome at its sixth session.
26. The CWS revised the description of Task No. 47 to read as follows:
“Prepare a final proposal for the detailed events and a guidance document with regard to patent legal status data; prepare a recommendation for the exchange of legal status data on trademarks and industrial designs by industrial property offices”.
27. The CWS requested the Secretariat to review the recommended date format(s) in WIPO Standards and report the outcome at its sixth session.

Agenda Item 12: New WIPO Standard for an authority file of patent documents published by a patent office

28. The CWS noted the report prepared by the European Patent Office (EPO) on the work of the Authority File Task Force, as reproduced in Annex I to document CWS/5/9.
29. The CWS adopted new WIPO Standard ST.37 “Recommendation for an authority file of published patent documents”, as reproduced in Annex II to document CWS/5/9, with the following modifications:
- (a) the definition of code “E” in paragraph 23 was amended to read: “Publication number allocated by the IPO representing a PCT national/regional phase entry (for example Euro-PCT). No corresponding document published. A Euro-PCT application is an international (PCT) patent application that entered the European regional phase.”
 - (b) the following sentence was added to paragraph 29: “If the IP office uses application number formats in the Authority File that are different from those used on the original publication, an explanation of the format should be provided in the definition file.
 - (c) the definition of code “E” in Annex I was changed to “PCT applications which have not been republished”

30. The CWS approved the following editorial note to be included in the new WIPO Standard ST.37:

“Editorial Note by the International Bureau

“Annexes III and IV to the present Standard, which define XML schema (XSD) and Data Type Definition (DTD), are under preparation by the Authority File Task Force. They are planned to be presented for consideration and adoption by the Committee on WIPO Standards (CWS) at its sixth session in 2018.

“Until the said Annexes are adopted by the CWS, the only recommended format for the purpose of this Standard is text.”

31. The CWS revised the description of Task No. 51 to read as follows:

“Prepare and present for consideration at the sixth session of the CWS to be held in 2018, Annex III “XML schema (XSD)” and Annex IV “Data Type Definition (DTD)” to WIPO Standard ST.37 “Recommendation for an authority file of published patent documents”.”

Agenda Item 13: Report on the preparation of a new WIPO Standard for the electronic management of motion and multimedia marks

32. The CWS noted the report prepared by the International Bureau on the work of the Trademark Standardization Task Force and the results of the survey on IP offices’ practices related to motion and multimedia marks, as reproduced in document CWS/5/10 and its Annex.

33. The CWS agreed to postpone the development of the recommendations on electronic management of motion and multimedia marks until 2019 – the year of the expected implementation of the directive 2008/95/EC of October 22, 2008, by industrial property offices concerned – and to hold Task No. 49 in abeyance until then.

Agenda Item 14: Report on Task No. 50 by the Part 7 Task Force

34. Discussions were based on document CWS/5/11.

35. The CWS noted the progress report and the tentative plan for maintenance and update of the surveys published in Part 7 of the WIPO Handbook, in particular, the actions to be carried out following the fifth session of the CWS, as indicated in Annex II to document CWS/5/11.

36. The CWS agreed on the following approach to the publication of new and updated surveys in Part 7 of the WIPO Handbook:

- (a) For a (regular) update of a survey based on the questionnaire approved by the CWS, which is already in the WIPO Handbook, the International Bureau should publish the updated survey and inform the CWS at the session following the publication.
- (b) For new surveys, their publication in Part 7 of the WIPO Handbook should be approved by the CWS.
- (c) For a survey update based on a revised questionnaire (effectively a new survey), the publication of the updated survey in Part 7 of the WIPO Handbook should be approved by the CWS.

37. The CWS requested the Part 7 Task Force to prepare a proposal for the questionnaire on numbering of published documents and registered rights (current and former practices) and present the proposal at the sixth session of the CWS.

38. The CWS requested the International Bureau
- (a) to invite IPOs to update their entries in Part 7.2.4 “Survey on the presentation of priority application numbers”, and subsequently to prepare and publish the updated Part 7.2.4 of the WIPO Handbook; and
 - (b) to request the International Bureau to move Part 7.2.1 to the Archive, replace the reference in ST.10/C with Part 7.2.6 (editorial change) and include the link to the archived Part 7.2.1 in Part 7.2.6

Agenda Item 15: Report on the Survey on application and priority application numbering systems used by industrial property offices in the past

39. The CWS noted that the International Bureau updated Part 7.2.6 of the WIPO Handbook in March 2017.

40. The CWS also noted the results of the survey on former practices of application and priority application numbering as reproduced in the Annex to document CWS/5/12 and agreed to publish it as new Part 7.2.7 of the WIPO Handbook. The delegation of the United States of America informed that the information regarding the former practices of application numbering implemented in the United States Patent and Trademark Office (USPTO) had been submitted to the Secretariat prior to the session and requested that it be included in Part 7.2.7.

41. The CWS agreed to consider Task No. 30 as completed and to remove it from the Task List of the CWS; it also agreed to discontinue the ST.10/C Task Force.

Agenda Item 16: Questionnaire on industrial property protection extensions (IPPEs)

42. Discussions were based on document CWS/5/13.

43. The CWS considered the proposed questionnaire on IPPEs and identified a number of substantive issues to be amended.

44. The CWS requested the Part 7 Task Force to revise the draft questionnaire taking into account the issues mentioned above and present the proposal at the next session of the CWS. Delegations were invited to share their comments and proposals regarding the questionnaire on IPPEs in the Part 7 Task Force Wiki by the end of June 2017 and to actively participate in the Task Force discussion.

Agenda Item 17: Applicant name standardization

45. The CWS noted the content of document CWS/5/14 and the Study on applicant name standardization prepared by the International Bureau, as reproduced in the Annex thereof.

46. The CWS noted the content of document “Status report on Applicant Name Standardization of IP5 Global Dossier Initiatives” presented by the Korean Intellectual Property Office (KIPO), as reproduced in the Annex to document CWS/5/14 ADD.

47. The CWS agreed to create a new Task:

“Envisaging developing a WIPO standard assisting Industrial Property Offices (IPOs) in providing better “quality at source” in relation to applicant names,

- i. conduct a survey on the use of the identifiers for applicants by IPOs and on the problems, which might be associated with it; and
- ii. prepare a proposal for future actions aimed at the standardization of applicant names in IP documents and present it for consideration by the CWS.”

48. The CWS also agreed to establish a new Task Force (Name Standardization Task Force) to handle this task and requested it

- (a) to prepare a questionnaire to carry out the survey on the use of the identifiers for applicants by IPOs and present it for consideration by the CWS at its sixth session; and
- (b) to prepare, on the basis of the survey results, the proposal for further actions and present it for consideration by the CWS at its seventh session to be held in 2019.

49. The KIPO and the International Bureau were designated as co-leaders of the Name Standardization Task Force.

Agenda Item 18: Creation of a Task to prepare recommendations for web services on IP information and documentation

50. The CWS noted the content of document CWS/5/15 and presentations by the Delegations from Australia, the Russian Federation and the United States of America and representatives of the International Bureau and the International Union for the Protection of New Varieties of Plants (UPOV) regarding their practices and plans on web services.

51. The CWS agreed to create a new Task "Prepare recommendations for data exchange supporting machine to machine communications focusing on:

- i) message format, data structure and data dictionary in JSON and/or XML
- ii) naming conventions for Uniform Resource Identifier (URI) of resources";

and to assign it to the XML4IP Task Force.

Agenda Item 19: Creation of a Task to prepare recommendations for national and regional patent registers

52. The CWS noted the content of document CWS/5/16 and agreed to create a new Task No. 52:

"Survey on content and functionalities of systems for providing access to publicly available patent information of industrial property offices, as well as future plans with respect to their publication practices; prepare recommendations for systems for providing access to publicly available patent information of industrial property offices."

53. The CWS also agreed to establish a new Task Force to handle this Task; the Secretariat should propose the name of the new Task Force to be in line with the definition of the Task No. 52. The International Bureau was designated as the Task Force Leader.

54. The CWS requested the established Task Force to take into account the knowledge gathered during the maintenance of the Patent Register Portal and the results of the work of the Legal Status Task Force.

Agenda Item 20: Creation of a Task to establish requirements for design electronic visual representations

55. The CWS noted the proposal by the Delegation of Australia to develop a new WIPO standard for design electronic graphical views, as reproduced in the Annex to document CWS/5/17.

56. The CWS agreed to create a new Task:

"Collect information about the requirements from IP offices and customers; and prepare recommendations for electronic visual representations of designs".

57. The CWS also agreed to establish a new Task Force (Design Representation Task Force) and designated IP Australia and the International Bureau as co-leaders of the new Task Force.

Agenda Item 21: Report on Annual Technical Reports (ATRs)

58. The CWS noted the report on ATRs prepared by the International Bureau, as reproduced in document CWS/5/18, and encouraged IPOs to respond to the circulars C.CWS 84, C.CWS 85 and C.CWS 86 of April 13, 2017 and submit their ATRs for the year 2016.

59. The International Bureau noted a constant decrease in number of the ATRs submitted every year and informed on their plans to collect more statistics and potentially – should the numbers continue decreasing – present this issue for consideration and decision at the next session of the CWS in 2018.

Agenda Item 22: Report on the provision of technical advice and assistance for capacity building to industrial property offices in connection with the mandate of the CWS

60. The CWS noted the report presented by the International Bureau on its activities carried out in 2016 related to providing technical advice and assistance for capacity building to IPOs, regarding dissemination of IP standards information, as reproduced in document CWS/5/19. This document would serve as a basis of the relevant report to be presented to the WIPO General Assembly to be held in October 2017.

Agenda Item 23: Consideration of the Work Program and Tasks List of the CWS

61. The CWS considered the Task List reproduced in the Annex to document CWS/5/20 and agreed on its final version for incorporation in the CWS Work Program.

62. The CWS approved the proposal for the CWS Work Program Overview presented by the Secretariat; and requested the Secretariat to publish the completed CWS Work Program Overview on WIPO's web site.

Agenda Item 24: Summary by the Chair

63. The Summary by the Chair was prepared and distributed for information purposes. The CWS noted this Summary by the Chair.

Agenda Item 25: Closing of the session

64. The meeting was closed by the Chair on June 2, 2017.

MEETINGS OF THE CWS TASK FORCES

65. During this session, the following CWS Task Forces held informal meetings: Legal Status Task Force, Sequence Listings Task Force, XML4IP and Authority File Task Forces.

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