

产权组织标准委员会（CWS）

第十届会议

2022 年 11 月 21 日至 25 日，日内瓦

法律状态工作队的报告

法律状态工作队牵头人编拟的文件

背景

1. 在 2021 年举行的第九届会议上，产权组织标准委员会（CWS）注意到法律状态工作队在研究法律状态标准 ST. 27、ST. 87 和 ST. 61 的潜在合并方面取得的进展。由于工作队没有就如何进一步开展合并工作达成一致，标准委员会请工作队考虑是否继续合并工作，并在第十届会议上提出建议，包括在必要时对第 47 号任务作出更新。标准委员会批准了对 ST. 27 关于事件指示码的修订。标准委员会还批准公布知识产权局的 ST. 61 映射表（见文件 CWS/9/25 第 45 段至第 56 段）。

活动报告

2. 2022 年 3 月，秘书处在《产权组织手册》第 7.13.3 部分公布了来自 11 家知识产权局的 ST. 61 映射表。2022 年 7 月，秘书处在其中加入了由欧洲联盟知识产权局（EUIPO）提交的第 12 个映射表。

3. 在制定工作队 2022 年工作计划时，工作队牵头人咨询了工作队成员的实施计划和意图。一些成员表示，希望可以有更多时间来推进其对 ST. 27、ST. 87 或 ST. 61 的实施，之后再继续就工作队面临的未决问题开展工作。这些成员认为，更好地了解如何在其各自体系中实施法律状态标准，将使其能够更好地考虑工作队面前的各个选项。这包括是否将专利法律状态（即 ST. 27）所采用的事件指示码分别添加至商标和工业品外观设计标准（即 ST. 61 和 ST. 87），以及工作队关于 ST. 27 中事件和类别修订的未决提案。

4. 根据这一反馈，工作队牵头人决定优先开展关于法律状态标准培训材料的工作，以协助知识产权局实施标准。秘书处与各知识产权局合作，为 2022 年 7 月的 ST. 26 “大爆炸”式实施日期制定了网络研讨会和相关材料，从中获得的经验和反馈，对规划如何继续就法律状态培训材料开展相关工作很有价值。秘书处打算在第十届会议后与法律状态工作队分享关于培训材料的计划，以供其审议。

对 ST. 87 的修订

5. 工作队还编写了对关于补充数据的 ST. 87 附件二的修订，载于本文件附件。这一修订旨在使 ST. 87 与最近更新的 ST. 27 和 ST. 61 保持一致。ST. 87 附件二的拟议修订所作出的主要改动包括：

- 分离和扩展适用于所有类别的共同数据要素；
- 合并个人数据字段，以体现对 ST. 96 中共同组件的做法；
- 增加了一些新的解释性项目，例如“Reason Not in Force”（不生效的原因）；以及
- 替换了上个版本中的一些专利特有用词。

对第 47 号任务的拟议修正

6. 鉴于标准委员会和工作队没有找到方法来继续推进三个法律状态标准的潜在合并，工作队建议停止合并工作。因此，工作队建议将第 47 号任务的说明更新如下：

确保对产权组织标准 ST. 27、ST. 87 和 ST. 61 进行必要的修订和更新；编写支持材料以协助这些标准在工业产权界的使用；~~分析合并 ST. 27、ST. 87 和 ST. 61 三项标准的可能性，~~并支持 XMLAIP 工作队开发用于法律状态事件数据的 XML 组件。

7. 请标准委员会：

- (a) 注意本文件的内容；
- (b) 审议并批准本文件附件中对 ST. 87 的拟议修订；以及
- (c) 批准上文第 6 段所述对第 47 号任务说明的修订。

[后接附件]

ANNEX II of ST.87

SUPPLEMENTARY EVENT DATA

*Adopted by the Committee on WIPO Standards (CWS)
at its sixth session on October 19, 2018*

1. Each status event code may be accompanied by supplementary event data. There is supplementary event data that is specific to events in a particular category and there is common supplementary event data which is common to all events. The common supplementary event data includes (1) the effective country or region, (2) the gazette issue number, ~~and~~ (3) comment (i.e. free text), (4) a prior relevant event date, and (5) a relevant rule. The “effective country or region”, is the country or region where the event has legal effect, which is particularly relevant for regional IPOs where the effect of an event, such as discontinuation due to non-payment of renewal fees, only has effect in some of the countries where the IP right is active. The “gazette issue number” is the issue of the national/regional gazette where the particulars of the national/regional/international event are made public. IPOs will be able to provide additional associated data which is not specified in the “comment” entry. The “prior relevant event date” is the date of a prior event which is relevant to the current event, such as the start of a fee payment time period which has expired. The “relevant rule” is an Office-specific rule, regulation, law, or other principle which was applied to reach the event outcome.
2. The Table below shows what supplementary data fields may be used for different categories. The first row shows common elements that may be used in any category, and subsequent rows show the data elements specific to each category. Note that the supplementary data elements indicated in this Standard are general descriptions of the types of data that may be provided. The particular formats and allowed values for supplementary data are defined in data representation standards, such as WIPO ST.96 for eXtensible Markup Language (XML).

Category Code	Category Title	Category Description	Supplementary event data
n/a	<u>All categories</u>	This shows <u>common data elements that may be used in any category.</u>	<ol style="list-style-type: none"> 1. <u>Effective country or region</u> 2. <u>Gazette issue number</u> 3. <u>Comment (i.e. free text)</u> 4. <u>Prior Relevant Event Date</u> 5. <u>Relevant Rule (e.g. rule number)</u>
A	Application filing	This category is a group of events related to the filing of an application. It includes, for example, when a national or regional IPO or the International Bureau of the World Intellectual Property Organization receives an application for the registration of an industrial design together with any additional indications, elements, documentation and/or fees necessary to obtain a filing date under national or regional law or convention or the Hague Agreement as applicable. This category also includes events related to the filing of a divisional application, continuation, continuation in part, or an application for conversion.	1. Effective Country or Region 2. Gazette Issue Number, 3. Comment (i.e. free text) <ol style="list-style-type: none"> 1. Related Document Identification (e.g. parent document ID) 2. Priority Date 3. International Application Filing Date 4. Regional Filing Date 5. Name of Applicants 6. Divided Applications
B	Application discontinuation	This category is a group of events related to the discontinuation of an application. It includes, for example, when an application has been voluntarily withdrawn by the applicant, was deemed to be withdrawn, abandoned or lapsed or was refused by the IPO. The events in this category may move an application from the filing stage, examination stage or pre-registration challenge stage into the termination likely/termination stage.	<ol style="list-style-type: none"> 1. <u>Reason Not In Force</u> 2. Effective Country or Region 3. Gazette Issue Number, Comment (i.e. free text)

C	Application revival	This category is a group of events related to the revival, reinstatement or restoration of an application after it has been discontinued. It includes, for example, when an application was revived following a request for application revival after payment of an outstanding fee, responding to an outstanding action or decision which had resulted in the application being discontinued, or following an appeal. The events in this category may move an application from the termination likely/termination stage into the filing stage, examination stage or pre-registration challenge stage.	1. Effective Country or Region 2. Gazette Issue Number 3. Comment (i.e. free text) 1. Discontinuation Date 2. <u>Reason Not In Force</u> 3. <u>Prior Use Rights Indicator</u>
D	Search and examination	This category is a group of events related to the examination proceeding and prior art searches that occur before registration of an industrial design and/or the grant of an IP right. It includes, for example, a formality examination or a substantive examination. It also includes a request for a prior art search and an announcement of the intention of the IPO to register the industrial design and/or grant an IP right. The events in this category may move an application from the filing stage or the pre-registration challenge stage into the examination stage.	1. Effective Country or Region 2. Gazette Issue Number 3. Comment (i.e. free text) 1. <u>Search Category (e.g. first, further invention, additional search due to shift in scope of claims)</u> 2. Requester of Search (e.g. applicant, third party, or independently by the IPO) 3. Requester of Examination (e.g. applicant, third party, or independently by the IPO) 4. <u>Publication Data</u> 5. <u>Priority Data</u> 6. <u>Related Documents Data (e.g. regional filing data, international filing data)</u> 7. <u>Applicant Data</u>
E	Pre-registration review request	This category is a group of events related to the request for a pre-registration review. It includes, for example, a request for a pre-registration opposition, pre-registration re-examination, or pre-registration limitation. It also includes when such a request was inadmissible, rejected or withdrawn. The events in this category may move an application from the examination stage or the termination likely/termination stage into the pre-registration challenge stage.	1. Effective Country or Region 2. Gazette Issue Number 3. Comment (i.e. free text) 1. Details of Court/Tribunal (e.g. name of court, tribunal, IPO body) 2. Party Name(s) 3. Representative's Name(s) & Contact Details 4. <u>Review Procedure Data (e.g. opposition date, reference, language)</u>

F	Industrial design registration	This category is a group of events which relate to the effective grant date of an IP right and/or entry of the industrial design into the IPO's register. It includes, for example, when an industrial design is registered and/or an IP right was granted following an examination, an appeal, pre-registration review or inadmissibility, rejection or withdrawal of a pre-registration review request. The events in this category may move an application from the examination stage or the pre-registration challenge stage into the registration stage.	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.e. free text)</p> <p>1. Name of Registered Owner</p> <p>2. Reference to Pre-registration Review Decision (e.g. court or tribunal order following pre-registration review)</p> <p>3. Priority Data</p>
H	IP right cessation	This category is a group of events related to the cessation of an IP right. It includes, for example, the cessation of an IP right following an IP right review, an appeal, a refusal to reinstate, or a lapse or expiry. The events in this category may move an IP right from the registration stage or the post-registration challenge stage into the termination likely/termination stage.	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.e. free text)</p> <p>1. Legal Effect Start TimeEx-tunc or Ex-nunc Indicator</p> <p>2. Decision Authority Category (e.g. national court, tribunal, IPO)</p> <p>3. Reason Not In Force</p>
K	IP right revival	This category is a group of events related to the revival, reinstatement or restoration of an IP right after its cessation. It includes, for example, the request for the revival and the decision to revive an IP right, including by way of an appeal. The events in this category may move an IP right from the termination likely/termination stage into the registration stage or the post-registration challenge stage.	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.e. free text)</p> <p>1. Reinstatement Reason Category (e.g. following payment of fee)</p> <p>2. Cessation Date</p> <p>3. Expiry Date</p>
L	IP right review request	This category is a group of events related to a request for a review after registration of an industrial design and/or the grant of an IP right. It includes, for example, a request for a post-registration opposition, post-registration examination, limitation, reissue, surrender, or invalidation. It also includes when such a request was inadmissible, rejected or withdrawn. The events in this category may move an IP right from the registration stage or the termination likely/termination stage into the post-registration challenge stage.	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.e. free text)</p> <p>1. Party Name(s)</p> <p>2. Representative's Name(s) & Contact Details</p> <p>3. Review Procedure Details (e.g. opposition date, reference, language)</p>

M	IP right maintenance	This category is a group of events related to the maintenance of a granted IP right in full or amended form. It includes, for example, an IP right being maintained in full or amended form following a full or partial renewal, an appeal, an IP right review or the inadmissibility, rejection or withdrawal of a request for an IP right review. The events in this category may occur in the registration stage or may move an IP right from the post-registration challenge stage into the registration stage.	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.e. free text)</p> <p>1. IP Right Review Details (i.e. information about the IP right review, including court order details for example)</p> <p>2. Decision Authority Category (e.g. court, tribunal, IPO)</p> <p>3. Renewal Details (e.g. length of renewal)</p> <p>4. Post-registration Examination Certificate Number</p>
N	Termination	This category is a group of events related to the termination of an application or an IP right without a possibility of its revival. It includes, for example, when an application or IP right was terminated by the IPO or a court. The events in this category are not available to all IPOs.	<p>1. Reason Not in Force</p> <p>2. Effective Country or Region</p> <p>3. Gazette Issue Number</p> <p>Comment (i.e. free text)</p>
P	Document modification	This category is a group of events related to modifications of an application, IP right document or other document, which occur outside the context of a pre-registration review or IP right review. It includes, for example, amendments and corrections of errors in applications and IP right documents. The events in this category may occur during any stage.	<p>4. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.e. free text)</p> <p>1. Publication identification</p> <p>2. Modified Part of Document Category (e.g. bibliographic information, priority claim, specification, claims, drawings)</p> <p>3. Modification Category (e.g. amendment or correction)</p> <p>4. Previously Published (erroneous) Content</p> <p>5. New (corrected) Content</p>
Q	Document publication	This category is a group of events related to document publication by the IPO. It includes, for example, publication of an application, IP right document or bibliographic information by the IPO. The events in this category may occur during any stage.	<p>4. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.e. free text)</p> <p>1. Publication Identification</p>

R	Party data change	<p>This category is a group of events related to the IPO recording changes in party data. It includes, for example, when the IPO records changes to a party concerned with the application or IP right, e.g. the applicant(s), owner(s), creator(s) or representative(s). It also includes events related to the recording of changes in party contact information. The events in this category may occur during any stage.</p>	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.e. free text)</p> <ol style="list-style-type: none"> 1. Party Data Change Category (e.g. owner change, creator change, representative change, owner contact information change, creator contact information change, representative contact information change) 2. Previous Party Name/Contact Information 3. Previous Party Country Code 4. New Party Name/Contact Information 5. New Party Country Code 6. Assignment Document Number (e.g. number associated with transfer of IP right) 7. Ownership Transfer Date 8. Legal Proceedings Details (if applicable)
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S	Licensing information	<p>This category is a group of events related to the IPO recording licensing information and amendments to such records. It includes, for example, when an IPO records that a license, pledge or security interest has been agreed to, amended, cancelled or transferred. The events in this category may occur during any stage.</p>	<ol style="list-style-type: none"> 1. Effective Country or Region 2. Gazette Issue Number 3. Comment (i.e. free text) 4. License Registration Number 5. License Record Category (e.g. initial record, amendment, cancellation) 6. License Status (e.g. active, inactive, terminated) 7. License Start Date 8. Term of License (i.e. duration of license) / License End Date 9. Name of Licensor(s) 10. Country Code of Licensor 11. Name of Licensee(s) 12. Country Code of Licensee <ol style="list-style-type: none"> 1. <u>License Data (e.g. registration number, record, type, status, start and end dates)</u> 2. <u>Licensor Data (e.g. name, contact information, country code)</u> 3. <u>Licensee Data (e.g. name, contact information, country code)</u> <ol style="list-style-type: none"> 4. Licensing Information Amendment Category (i.e. which terms were amended) 5. Territory of License Validity 6. Legal Proceeding Details (if applicable)
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T	Administrative procedure adjustment	This category is a group of events related to the adjustment of an administrative procedure conducted by the IPO. It includes, for example, granting an extension of an administrative time limit or continued processing of a necessary procedure. It also includes a suspension, stay or interruption of an administrative procedure, or the resumption of a suspended, stayed or interrupted administrative procedure. The events in this category may occur during any stage.	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.e. free text)</p> <p>1. Adjustment Category (e.g. time extension, suspension, stay, resumption, interruption, delay in communication services, as-of-right extension granted, IPO disruption, IPO irregularity)</p> <p>2. Reason for Adjustment (e.g. natural disaster, IPO delay, court delay, applicant/patentee delay)</p> <p>3. Start and End Date (e.g. date at which the adjustment starts and date at which the adjustment ends)</p>
U	Payment	This category is a group of events related to the payment of fees. It includes, for example, payment of a renewal, maintenance or other designation fee. The events in this category may occur during any stage.	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.e. free text)</p> <p>1. Fee Category (e.g. registration fee, maintenance fee, renewal fee, designation fee)</p> <p>4. Paid to Date (i.e. the date up to which the fees have been paid, e.g. no renewal fees will be required until that date)</p> <p>5. Next Fee Due Date (i.e. date at which the next fee becomes due)</p> <p>6. Year of Fee Payment</p> <p>2. <u>Payment Details (e.g. payment status, year of fee payment)</u></p> <p>3. <u>Renewal Details (e.g. length of renewal, scope changes, next fee due date)</u></p>
V	Appeal	This category is a group of events related to an appeal of a decision made during the prosecution of an IP right. It includes, for example, a request by the applicant, IP right owner, or third party for an administrative or court appeal of any decision made during the prosecution of an IP right and the procedural outcome of such an appeal. The substantive outcome of the appeal may be mapped to an event in another category, for example, application discontinued, application revived, IP right granted, IP right ceased, or IP right	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.e. free text)</p> <p>1. Appellate body</p> <p>2. Decision Being Appealed</p> <p>3. Appellate Decision Details</p>

		maintained. The events in this category may occur during any stage.	4. Decision Citation
W	Other	This category covers events which cannot be categorized under any other Category. It is recommended to use this category as a last resort for unusual cases, where a liberal interpretation of the description of all other Categories would fail to adequately describe the national/regional/international event (e.g. legacy events or interim/internal events).	1. Effective Country or Region 2. Gazette Issue Number 3. Comment (i.e. free text) 1. National/regional/international Event Description
Y	Correction and deletion of event information	This category is a group of events related to the correction or deletion of erroneous event information that the IPO previously provided. It includes, for example, correction in the status event code of an application or IP right provided under this Standard or the correction or deletion of an event that was announced erroneously in a gazette, IP register or other published documentation. The events in this category may occur during any stage.	1. Effective Country or Region 2. Gazette Issue Number 3. Comment (i.e. free text) 1. Status Event Identification (Status Event Code and Date; or Unique Identifier) 2. Previously Published Erroneous Content 3. New Corrected Content

[Annex III of ST.87 follows]

[附件和文件完]