

Committee on WIPO Standards (CWS)

**Reconvened Fourth Session
Geneva, March 21 to 24, 2016**

SUMMARY BY THE CHAIR

INTRODUCTION

Agenda Item 1: Opening of the session

1. The reconvened fourth session was opened by the Chair of the fourth session of the Committee on WIPO Standards (CWS), who welcomed the participants.

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

2. The CWS, at its fourth session held in May 2014, had unanimously elected Ms. Oksana Parkheta (Ukraine) as Chair, and Ambassador Alfredo Suescum (Panama) as Vice-Chair. The elected Chair and Vice-Chair continued their role at the reconvened fourth session of the CWS.

DISCUSSION OF AGENDA ITEMS

Agenda Item 3: Adoption of the agenda

3. The CWS adopted the agenda as proposed in document CWS/4BIS/1 PROV. 2.

Agenda Item 4: Decision of the 47th session of the WIPO General Assembly in relation to the CWS, including Development Agenda matters¹

4. Discussions were based on documents CWS/4BIS/2.

5. Following the intervention made by the Delegation of Nigeria, speaking on behalf of the African Group, the delegations expressed different views on whether the CWS should report on

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.

its implementation of Development Agenda recommendations. One view expressed was that the recommendations of the Development Agenda should form an integral part of the work of the CWS, as the activities of the CWS fell under Clusters A and B of the WIPO Development Agenda. The delegations supporting this view also emphasized the importance of the coordination mechanism to mainstream the Development Agenda in all WIPO bodies. The other view was that the CWS has technical nature and should focus on developing WIPO standards and providing technical assistance for capacity building; it was stated that different positions of Member States on WIPO Standards non-related issues should be solved outside of the Committee. WIPO Standards were used by IP Offices and the International Bureau in its essential role of WIPO global IP protection systems and products. All Member States therefore benefited from the development of WIPO Standards.

6. A proposal of the African Group in relation to this agenda item was presented for consideration by the CWS. The CWS had an informal discussion based on the said proposal. The informal discussion was facilitated by Vice-Chair, H.E. Ambassador Suescum (Facilitator). The Facilitator reported the outcome of the informal discussion held to the CWS plenary as follows:

“Thank you Madame Chair,

“Pursuant to Chair’s proposal of Monday, March 21, under agenda item 4, I held informal discussions with the delegations to discuss the following two proposals by the African Group:

- i. That the CWS encourages expedited discussion on the subject of Coordination Mechanism within the Committee on Development and Intellectual Property (CDIP); and
- ii. That the CWS commits to holding more concrete discussion on Member States’ views on agenda item 4 at its next session. To facilitate this, the Secretariat shall, along regional lines, prepare a report on the implementation of WIPO Standards so far adopted by the CWS since inception, highlighting any implementation gaps encountered by Member States. The report shall be considered at the next session of the CWS.

“Regarding (i), members discussed the proposal and several variants. Discussion revolved around communications between bodies of WIPO horizontally, or by making recommendations to the General Assembly. No agreement was reached as to the best way to proceed; however, members were open to continue the discussion at the next session of the CWS (CWS/5).

“Regarding (ii), the African Group clarified the objectives behind the proposal. Various delegations pointed out that the questionnaire attached to CWS/4/BIS, and adopted under agenda item 18, can serve as a good base to gather the factual information requested by the African Group. To facilitate this, Members requested the Secretariat to emphasize, in the cover letter accompanying the questionnaire, the importance of highlighting any problems with the implementation of WIPO Standards and reasons for these problems.

“With this, members concluded the discussion under agenda item 4. I would like to emphasize that Members acknowledged that the issues raised under agenda item 4, as well as other pending matters, can be discussed at the next session of the CWS (CWS/5).

“I sincerely thank all delegations that participated in the consultations for their constructive engagement and flexibility.”

Agenda Item 5: Proposal for the extension of the activities of the CWS to include copyright within the scope of WIPO Standard ST.96

7. Discussions were based on document CWS/4/3. The Secretariat recalled that the CWS had discussed, at its fourth session held in May 2014, a proposal as indicated in the said document to create a new Task to develop a data dictionary and XML schemas for inclusion of copyright orphan works in WIPO Standard ST.96. It had been proposed to modify the title of the new Task, limiting it to the study of the feasibility to extend WIPO Standard ST.96 for the standardization of metadata of copyright orphan works and to report the outcome of the study; where possible, to present a proposal for consideration by the CWS at its next session to develop a data dictionary and XML schemas for inclusion of copyright orphan works in WIPO Standard ST.96. Although several delegations had supported the proposal to create the new Task, some delegations had expressed reservations and had been not in a position to agree on the creation of this new Task at the fourth session. The discussion had been therefore not completed.

8. At the reconvened fourth session of the CWS, the delegation of the United Kingdom, as the proponent of the proposal, suggested not to open the item at the reconvened fourth session and to leave it on the agenda of the next session of the CWS to be held in 2017. The delegation of the United Kingdom requested other delegations to provide comments on the said proposal in order to elaborate it to be considered by the CWS at its next session. The CWS agreed on the suggestion by the United Kingdom. The CWS noted the interest of the delegation of the Russian Federation in extending WIPO Standard ST.96 to other types of intellectual property, including geographical indications and the support of the delegation of Canada to the proposal as reproduced in document CWS/4/3.

Agenda Item 6: Questionnaire on application and priority application numbering systems used by industrial property offices in the past

9. The CWS approved the questionnaire “Numbering of applications and priority applications – former practices” as reproduced in the Annex to document CWS/4/4.

10. The CWS requested the International Bureau to carry out the following actions:

- (a) prepare and issue a circular inviting IPOs to complete the questionnaire;
- (b) prepare a survey report; and
- (c) present the results of the survey for consideration by the CWS at its next session in order to approve their publication in Part 7 of the WIPO Handbook.

Agenda Item 7: Revision of WIPO Standard ST.14

11. The CWS noted the status report on the work of ST.14 Task Force until March 2014, as provided in document CWS/4/5, and noted the considerations referred to in paragraphs 5, 8 and 9 thereof. The CWS noted the report on the work of ST.14 Task Force after March 2014, as provided in paragraphs 5 to 12 of document CWS/4BIS/3.

12. The CWS agreed that the category “E” may be accompanied by other categories (option b). The revised definition of category “E” was approved as follows:

Category “E”: Earlier patent document as defined in Rule 33.1(c) of the Regulations under the PCT, published on or after the international filing date. Code “E” may be accompanied by one of the categories “X”, “Y” or “A”

13. Following the proposal made by the delegation of Australia, the CWS agreed to amend paragraph 16 of the draft revised WIPO Standard ST.14 to read:

“16. For non-patent literature citations in a language other than English, the original (non-English) reference should be included, wherever technically possible, followed by an official translation into English, if one exists and it is available, in round brackets. For the purposes of this Standard, an “official translation” means an existing rendering of the original language name or title in English coming from the same source as the citation and useful for identifying and retrieving the relevant document.”

14. The CWS approved the revised WIPO Standard ST.14, as reproduced in the Annex to document CWS/4BIS/3, with modified paragraph 16 and amended definition of category “E”. The CWS agreed to consider Task No. 45 completed and to remove it from the CWS Task List.

Agenda Item 8: Status report on the preparation of Annexes V and VI, and the revision of WIPO Standard ST.96

15. The CWS noted the results of the work and the report of the Task Force Leader as set out in documents CWS/4/6 and CWS/4BIS/4. The CWS also noted the work plan of the XML4IP Task Force indicated in document CWS/4BIS/4. The CWS was informed that the new draft version of WIPO Standard ST.96, i.e. ST.96 version 3.0 draft 1, was under review and being tested by the Task Force members.

Agenda Item 9: New WIPO standard on the presentation of nucleotide and amino acid sequence listings using eXtensible Markup Language (XML)

16. The Secretariat recalled that the CWS, at its fourth session held in May 2014, had informally discussed and agreed on the proposal for the new WIPO Standard ST.26.

17. At its reconvened fourth session, the CWS formally adopted the new WIPO Standard ST.26 “Recommended standard for the presentation of nucleotide and amino acid sequence listings using XML (eXtensible Markup Language)”, as reproduced in Annex II to document CWS/4/7 and amended in the Annex to document CWS/4/7 ADD.

18. The CWS also approved the following Editorial Note to be included in WIPO Standard ST.26:

“Editorial Note by the International Bureau

“The Committee on WIPO Standards (CWS) agreed to ask industrial property offices to postpone the preparations for implementation of this new WIPO Standard ST.26 until the recommendations for the transition from WIPO Standard ST.25 to the new Standard ST.26 is agreed on by the CWS at its next session to be held in 2017. Meanwhile, Standard ST.25 should continue to be used.

“The Standard is published for information purposes of industrial property offices and other interested parties.

“The Committee on WIPO Standards (CWS) adopted the present standard at its reconvened fourth session on March 24, 2016.”

19. The CWS noted that, within the framework of Task No. 44, the SEQL Task Force continued its work to prepare a proposal for transition provisions from ST.25 to ST.26.

Agenda Item 10: Status report on the preparation of a proposal to establish a new WIPO standard for the exchange of patent legal status data by industrial property offices

20. Discussions were based on documents CWS/4/8 and CWS/4 BIS/5. The CWS noted the result of the work of the Legal Status Task Force (LSTF), including the provisional agreement on the scope of the new standard, the composition of legal status event information and key events. The CWS reviewed 18 key events listed in Annex II to document CWS/4 BIS/5 and

noted open issues under discussion by the LSTF. The CWS also noted that a face-to-face meeting of the LSTF would take place in the second half of 2016.

Agenda Item 11: Proposal for the revision of WIPO Standard ST.60

21. Discussions were based on document CWS/4/9. The CWS approved the proposal for revision of WIPO Standard ST.60 and noted the editorial changes to Appendix 2 of WIPO Standard ST.60 as indicated in Annexes I and II to document CWS/4/9, except INID code (852). The CWS agreed that INID code (852) would read “Partial cancellation of the list of goods and services” instead of “Partial cancellation”.

Agenda Item 12: Status report on the preparation of recommendations for the electronic management of sound marks for adoption as a WIPO standard; and motion or multimedia marks for adoption as a WIPO standard

22. The CWS noted the report provided in paragraphs 3 to 16 of document CWS/4/10. The calendar for the development of new WIPO standard(s), as reproduced in paragraph 17 thereof, was no longer applicable. See also agenda item 17, below.

Agenda Item 13: Maintenance and update of surveys published in the WIPO Handbook on Industrial Property Information and Documentation

23. The CWS noted the information on current status of each survey and agreed on proposed actions for its future update, as stated in Annex I to document CWS/4BIS/6, and agreed to keep Parts 7.6 and 7.7 in the *WIPO Handbook on Industrial Property Information and Documentation* (WIPO Handbook) and to update them regularly. It also noted the progress in maintenance of Part 7 of the WIPO Handbook since May 2014, as indicated in paragraphs 15 to 18 of document CWS/4BIS/6.

24. The CWS noted the tentative work plan for updating Part 7 of the WIPO Handbook, as provided in Annex II to document CWS/4BIS/6.

25. The CWS approved the creation of a new task “Ensure the necessary maintenance and update of surveys published in Part 7 of the *WIPO Handbook on Industrial Property Information and Documentation*”. It was decided to establish a task force to carry out this task (Part 7 Task Force). The International Bureau was designated as the Task Force Leader. The International Bureau was requested to report on the progress with the update of Part 7 of the WIPO Handbook at the next session of the CWS.

26. The CWS agreed that patent term adjustments (PTAs) and patent term extensions (PTEs) should be covered in Part 7 of the WIPO Handbook. Part 7 Task Force was requested to review the questionnaire of Part 7.7 and present the proposal at the next session of the CWS.

27. The CWS noted the request and information provided by the Patent Documentation Group (PDG) concerning the requirements for national and regional patent registers. It was decided to include this issue in the Work Program of the CWS. The CWS requested the International Bureau to prepare a proposal for a new task to handle this issue for consideration at the next session of the CWS.

Agenda Item 14: Information on the entry into national (regional) phase of published PCT international applications

28. Discussions were based on documents CWS/4/12 and CWS/4BIS/7. The CWS noted two progress reports made in 2014 and 2016 by the European Patent Office (EPO) and the International Bureau, concerning the inclusion, in databases, of information about the entry, and, where applicable, the non-entry, into the national (regional) phase of published PCT international applications. The CWS also noted the comments by the PDG reproduced in the Annex to document CWS/4/12 ADD. and the letter of the PDG sent to the International Bureau

on March 18, 2016. The CWS emphasized the high importance of that information for patent information users and encouraged IPOs that did not yet provide their information to participate in this activity. The CWS also encouraged IPOs that discontinued the provision of their information to renew their former practice.

Agenda Item 15: 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

29. The CWS took note of the activities of the International Bureau from 2013 to 2015, related to providing technical advice and assistance for capacity building, in relation to WIPO Standards, as provided in document CWS/4/13 and paragraphs 17 to 20 of document WO/GA/47/13.

Agenda Item 16: Progress report on Task No. 44 by the SEQL Task Force

30. The CWS noted the progress report on the work of the SEQL Task Force provided in the Annex to document CWS/4BIS/8 and approved the modification of Task No. 44 as proposed in paragraph 3 of document CWS/4BIS/8. The CWS requested the SEQL Task Force to present a proposal for transition provisions from WIPO Standard ST.25 to ST.26 for consideration and approval by the CWS at its fifth session.

Agenda Item 17: New WIPO standard on the electronic management of sound marks

31. The CWS noted the content of document CWS/4BIS/9 and adopted the new WIPO Standard ST.68 "Recommendations for the Electronic Management of Sound Marks", as reproduced in the Annex thereto. The CWS agreed to consider Task No. 48 completed and to remove it from the CWS Task List.

Agenda Item 18: Questionnaire on the use of WIPO Standards

32. The CWS noted the content of document CWS/4BIS/10 and approved the questionnaire "Survey on the use of WIPO Standards by industrial property offices", as reproduced in the Annex thereto.

33. The CWS requested the International Bureau to carry out the following actions:

- (a) prepare and issue a circular inviting IPOs to complete the questionnaire;
- (b) prepare a survey report; and
- (c) present the results of the survey for consideration by the CWS at its next session, in order to approve its publication in Part 7 of the WIPO Handbook and take the other relevant actions, if necessary.

Agenda Item 19: Revision of WIPO Standard ST.3 (Task No. 33/3)

34. Discussions were based on document CWS/4 BIS/11. The CWS noted the information provided in the said document and approved the proposal to establish a new two-letter code "XX" to represent unknown states, other entities or organizations in WIPO Standard ST.3. The CWS noted that the new two-letter code "XV" for the Visegrad Patent Institute (VPI) would be added to WIPO Standard ST.3 provided that no objection to the proposal indicated in Circular C.CWS 61 is provided by March 26, 2016.

35. The CWS also noted that the name of the Office for Harmonization in the Internal Market (OHIM) would be changed to the European Union Intellectual Property Office (EUIPO) from March 23, 2016 and the two-letter code "EM" to represent the Offices in Standard ST.3 remains intact. The CWS agreed that revised WIPO Standard ST.3 would be published prior to the adoption of the report of the reconvened fourth session of the CWS.

Agenda Item 20: Proposal for Annexes V and VI of WIPO Standard ST.96

36. The CWS noted the information contained in document CWS/4 BIS/12. The CWS adopted Annex V and Annex VI of WIPO Standard ST.96, as reproduced in Annexes to the said document. The CWS approved the modification of Task No. 41 to read "Task No. 41: Ensure the necessary revisions and updates of WIPO Standard ST.96". The CWS assigned the modified Task No. 41 to the XML4IP Task Force.

Agenda Item 21: Creation of a Task to establish requirements for an authority file of patent documents issued by a patent Office

37. Discussions were based on document CWS/4 BIS/13. The CWS noted the proposal submitted by the EPO regarding the preparation of recommendation for an authority file. The CWS agreed to create a new task whose description would read "Prepare a recommendation for an authority file of patent documents issued by a patent national or regional Office to enable other patent Offices and other interested parties to assess the completeness of their collections of published patent documents"; and to establish a new task force to handle the task. The EPO was designated as the Task Force Leader.

38. The CWS requested the new Task Force to present a proposal for a new WIPO standard or the revision of existing WIPO Standard(s) for consideration and approval by the CWS at its next session to be held in 2017.

Agenda Item 22: Oral report on Annual Technical Reports (ATRs)

39. The CWS noted the oral report presented by the International Bureau on Annual Technical Reports (ATRs), in particular, the launch of the new ATR Wiki and the statistics for the year 2014. The CWS encouraged IPOs to participate in ATR 2015 exercise.

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

40. The CWS considered the Task List reproduced in the Annex to document CWS/4BIS/14 and agreed on its final version for incorporation in the CWS Work Program. The CWS noted that the summary of the CWS Work Program would be published on WIPO website. The CWS requested the International Bureau to present a proposal for improving the structure of the CWS Task List for consideration at its next session.

Agenda Item 24: Exchange of information: Presentations on industrial property offices' activities and plans related to the WIPO Standards dealing with XML

41. The CWS recalled the presentations on activities and plans related to WIPO Standards dealing with XML, which were made in May 2014 by the delegations of Canada, Germany, the Russian Federation, Republic of Korea and United States of America and the representatives of the EPO.

42. The CWS noted presentations on activities and plans related to WIPO Standards dealing with XML, which were made, at the reconvened fourth session, by the delegations of the Russian Federation, the Republic of Korea, the United Kingdom and the United States of America and the representatives of the EPO and the International Union for the Protection of New Varieties of Plants (UPOV).

Agenda Item 25: Summary by the Chair

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

Agenda Item 26: Closing of the session

44. The meeting was closed by the Chair on March 24, 2016.

MEETINGS OF THE CWS TASK FORCES

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

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