

APPENDIX 2

RESULTS OF THE SURVEY CONCERNING  
CORRECTION PROCEDURES IN PATENT OFFICES

(Questionnaire approved by the SCIT Standards and Documentation Working Group  
at its fifth session on November 11, 2004)

SCIT Task No. 35 : Prepare a questionnaire and carry out a survey on the implementation of WIPO Standard ST.50 and on the status of the correction procedures in the industrial property offices. Prepare a proposal regarding this matter for consideration by the SDWG.

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Question 1(a): Does your Office use the guidelines given by WIPO Standard ST.50?

(a) Guidelines for corrections (paragraphs 7 – 32)

- Most Offices partially use the guidelines for corrections (paragraphs 7 – 32):  
AT, CZ, DE, EP, ES, GB, IE, JP, KR, LT, MD, NL, RO, RU, SE, SK, UA, US. (18)
- The Office AM does not use them. (1)
- The partially used parts:
  - Kind-of-document codes according to WIPO Standard ST.16, e.g., A8, A9, etc.:  
AT, DE, EP, RO, SE, SK. (6)
  - Data element “publication date” of the correction (INID code (48)):  
AD, DE, EP, GB, JP, KR, LT, MD, RO, SK. (10)
  - Additional correction information, e.g., supplementary correction codes (example:  
codes on EP CD-ROMs like W, Z, etc.), together with INID code (15):  
EP, SK. (2)
- Other; please specify:

AT: 7,8,9: used for patent and utility models.

10: partly; no indication of previous published versions of correction documents.

11,12,13: used.

14: no entry in the register for corrections documents like B8,B9...

15: used.

17-19: not used, that is no announcement of correction documents in the gazettes, but for each correction document an entry in the INPADOC-tape we send to the EPO

20-22: used.

23-27: used, as AT patent and utility model documents are published on Espacenet MIMOSA-CD-ROM.

SCIT/SDWG/7/4  
Annex  
Appendix 2, page 2

28-29: the gazette is published on paper and as .pdf on the Internet and as ascii-file on the Internet for download.

30-32: not used.

33-35: used, but in the gazette, we only indicate the registration number (i.e., document number), not the complete document codes, like in the example Appendix 4, page 6, only INID-code (11) for EP-Patent Publications.

36: used; what is published in the paper-gazette is also included in the ascii\_file for download.

37: used; supplements published by AT Patent Office until now are search reports for utility models. This will change with the new law up from 2005, as then Patents will be published 18 months after the priority date like in other countries. So it will also happen, that search reports for patents may be published as supplement in the future.

38: used.

39: no publication in the gazette of supplementary documents, but an entry in the INPADOC-tape is created.

41-42: used via MIMOSA-CD and indices.

43: no publication of supplements on other carrier than MIMOSA-CD-ROM.

CZ: Paragraphs 7, 10, 11, 13.

ES: WIPO Standards ST.3 and ST.9, ST.16.

GB: We re-publish (in paper format only) either just the front page or the whole specification depending on the type of correction. A footnote is added to the front page with information concerning the type of correction. The corrected front page/specification is sent to the EPO, the applicant/agent, UK Patent Information libraries and the recipients of our CD ROM A Publication Data. We are currently investigating supplying our corrections electronically to the EPO in ST.33 format as part of our publication contract with Xerox. This will include using the A8 and A9 codes on the documents, it is hoped that this information would then be made available through Esp@cenet.

IE: Guidelines 7, 17(a,c,d), 18, 20-23.

JP: JPO employs kind-of document code according to paragraph 10 of WIPO Standard ST.16. However, JPO at this stage employs digit 6 instead of digits 8 or 9. - JPO publishes patent documents/patent gazettes in DVD-ROM form only. Provisions of WIPO Standard ST.50 regarding publication solely by paper and parallel publication by paper and electronic media do not apply to JPO.

LT: Corrections to patent documents are announced in Lithuanian Official Gazette.

NL: In the case of a new frontpage or a new publication not kind-of-document codes are used but a special announcement on the frontpage.

RU: Announcements of all corrections made both in patent documents and in patent gazettes are published in patent gazettes (ST.50, pp.17-22). Only those documents, published on paper up to January 1, 2005, where considerable number of significant errors have been revealed were reprinted and replaced by corrected versions. From January 1, 2005, all official publications are made only in electronic form.

SK: IPO SR uses other part of the WIPO ST.50 relating to the publication of the original version of the patent document as well: - the INID code (40) represents date of publication of the patent application and is associated with the corresponding issue number of the patent gazette and/or - the INID code (47) represents date of publication of the granted patent; - the INID code (47) represents the date of the entry of the utility model into the

SCIT/SDWG/7/4  
Annex  
Appendix 2, page 3

Register and its publication and - the INID code (45) represents the date of announcement of the entry of the utility model into the register and is associated with the corresponding issue number of the patent gazette.

UA: Paragraphs are used completely: 7, 13, 14, 15, 18, 20, 21; paragraphs are used partly: 17(a;c;d), 22; 23(b), 24(b) The information concerning corrections is presented in the Notifications chapter of the Official Bulletin "Promyslova Vlasnist" ("Industrial Property") and the corresponding data are entered to the Register.

US: Correction kind-of-document codes (A9, P9) and date of correction are provided on patent application publication documents. The complete corrected patent application publication document is republished with a new publication number to aid in uniquely identifying the document by its US publication number alone. Certificates of correction are used for correcting patent grants. The correction information is captured electronically in image format, but not in text format. Republications of patent application publications (A2, P4), reexamination certificates (C1, C2, etc.) and reissued granted patents (E) documents are not considered "corrections" as defined by WIPO Standard ST.50.

– AM, RU plan to introduce the guidelines according to WIPO Standard ST.50

AM: Till 2007.

RU: Starting from 2006, further on.

– Comments:

AM: At present, our Agency publishes corrections to announcements in a Patent Gazette according to the order on correction of mistakes taken place in official information of the Intellectual Property Agency of the Republic of Armenia which is developed by our Agency. Within the next few years Agency is planning to bring into accord the order with WIPO Standard ST.50

AT: Publication of patent documents  
only for: patents and utility models  
not for: design, trademarks, supplementary certificates, topologies. In these cases, only publication in the gazettes. Information to the public is given on demand in form of register-information.

KR: We, at KIPO, refer to a title without a relevant code in the INID code (15), e.g., (15) (In Korean). Please refer to the Annex attached to this answer.

RU: Although our correction procedures are PARTLY compliant with WIPO Standard ST.50 recommendations we are planning in the near future to meet more requirements of the WIPO Standard in question, especially for the publications in electronic form.

SE: Introduction of INID (48) is dependent of the general revision of our data bases.

SK: Concerning the using the INID code (15), IPO SR indicates only the sequence number of version of the corrected information and the number of page/pages where the correction has been made. The WIPO Standard ST.16 kind-of-document code is presented on first pages of corrected versions of patent documents by using the INID code (13), e.g., B8,U9. IPO SR announces corrections to patent information previously published in patent documents and patent gazettes under the separate parts - headings of announcements-contained in the patent gazette, considering the kind of original document and category of correction. Headings of announcements of corrections, coded according to WIPO Standard ST.17, are associated with a respective Slovak language designation. The announcement of an correction indicate: - the publication number of the patent application by using INID

SCIT/SDWG/7/4  
Annex  
Appendix 2, page 4

code (21) and/or - the publication number of previously published patent document by using INID code (11); - the corrected version of information provided by using respective INID code; - the issue number of the Patent Gazette, in which the publication of the original version of the document had been announced and the location of the previously published (erroneous) information by using the respective code of heading according to WIPO Standard ST.17.

US: The USPTO is considering the publication of corrected patent grants. No specific timeline has been determined.

Question 1(b): Does your Office use the guidelines given by WIPO Standard ST.50?

(b) Guidelines for alterations (paragraphs 33 – 36)

– The following Offices use all parts of guidelines for alterations (paragraphs 33 – 36): DE, EP, ES, GB, LT, NL, RO, SE. (8)

– The following Offices use partial parts of guidelines for alterations (paragraphs 33 – 36): AM, AT, CZ, IE, JP, RU, SK, UA. (8)

– Comments:

AM: Use paragraph 33(d) (e).

AT: Alterations are only published in the gazette and entry in the registry, but not as alteration-document. Examples: new owner; changes in the name of the owner; change of the owner's address.

CZ: Paragraph 34.

IE: The Office implements guidelines 33 (a,c,d,e), 34 -36.

JP: JPO publishes patent documents/patent gazettes in DVD-ROM form only. Provisions of WIPO Standard ST.50 regarding the publication solely by paper and parallel publication by paper and electronic media do not apply to JPO.

RU: Announcements of corrections are published in patent gazettes in compliance with the recommendations of WIPO Standard ST.50, pp.33-34 without indicating the kind-of-document code provided in WIPO Standard ST.16.

SK: IPO SR announces alterations relating to patent information previously published in patent documents and patent gazettes under the separate parts - headings of announcements-contained in the patent gazette, considering the kind of original document and category of alteration. Headings of announcements of alterations, coded according to WIPO Standard ST.17, are associated with a respective Slovak language designation. The announcement of an alteration indicate: - the publication number of the patent application by using INID code (21) and/or - the publication number of previously published patent document by using INID code (11); - the replaced information provided by using the respective INID code; - the date of the entry of the alteration of original information into the register.

UA: Paragraph is used completely: 34; paragraph is used partly:33(a;c;e);paragraph isn't used:36 The information concerning alterations is presented in the Notifications chapter of the Official Bulletin "Promyslova Vlasnist" ("Industrial Property") and the corresponding data are entered to the Register.

- KR, MD, US do not use them. (3)
- MR, RU plan to introduce the guidelines according to WIPO Standard ST.50. (2)
  - MD: From January 1, 2006.
  - RU: Starting from 2006, further on.
- KR, US have no plans to introduce the guidelines according to WIPO Standard ST.50.

Comments:

- RU: Although our alteration procedures are PARTLY compliant with WIPO Standard ST.50 recommendations, we are planning in the near future to meet more requirements of the WIPO Standard in question, especially for the publications in electronic form.
- US: The USPTO does not publish alterations as defined by ST.50.

Question 1(c): Does your Office use the guidelines given by WIPO Standard ST.50?  
(c) Guidelines for supplements (paragraphs 37 – 44)

- EP, NL use all parts of guidelines for supplements (paragraphs 37 – 44). (2)
- AT, JP use partially the guidelines for supplements (paragraphs 37 – 44). (2)
- Comments:
  - AT: Supplements published as new document, without entry in the gazette or registry: - only utility model search report issued after initial publication of the document for other changes, like nomination of inventors, only entry in the register and gazette, but no publication of a document.
  - JP: JPO publishes patent documents/patent gazettes in DVD-ROM form only. Provisions of WIPO Standard ST.50 regarding the publication solely by paper and parallel publication by paper and electronic media do not apply to JPO.
- Most Offices do not use them: AM, CZ, DE, GB, IE, KR, LT, MD, RU, SE, SK, UA, US. (13)
- Only MD plans to introduce the guidelines according to WIPO Standard ST.50, from January 1, 2006. Others do not have any plans.
- Comments:
  - CZ: Supplements are treated in the same way as corrections and alterations.
  - DE: To date, the GPTO does not issue supplements, e.g. A3- documents, and does not intend to do so in the future.
  - KR: We don't distinguish alterations and supplements from corrections. Guidelines for corrections have been the basis for the other two procedures.

SCIT/SDWG/7/4  
Annex  
Appendix 2, page 6

- LT: In accordance with Lithuanian Patent Law, supplements are not issued.
- RU: Since there is no practice to publish search reports in our Office no supplement information for patent documents is published either.
- SE: We do not publish supplements, but republish with a new kind code.
- SK: IPO SR does not publish additional information after initial publication of the patent document in the form of the supplement.
- US: The USPTO does not publish supplements such as supplementary search reports.

Question 2: On which media are the guidelines according to WIPO Standard ST.50 used?

– Paper: AM, AT, CZ, DE, GB, IE, LT, MD, NL, RU, SE, SK, UA, US. (14)

- EP: The EPO stopped the publication on paper.
- RU: RU: p.7- partly, pp.17-18- in main part.
- SK: IPO SR uses guidelines for issuing corrections and alterations in relating to products produced in paper form only.

(i) Patent documents:

- AT: 7-13,15; 33-34; 37-39.
- DE: 7-19, 33-35.
- GB: All corrections/amendments "Errata" are re-published in the form of patent specifications or a new front page depending on the type of correction.
- IE: 7, 17(a,c,d),18, 33 (a,c,d,e), 34 –36.
- RU: Partly, in parvo.
- UA: Yes
- US: 15 - Only granted plant patents are published in paper.

(ii) Patent gazettes:

- AT: 33-34.
- DE: 20-22, 33-35.
- GB: Alterations are announced in our weekly Patents Journal.
- IE: 20 - 22, 33 (a,c,d,e), 34 –36.
- RU: Partly, to more extent.
- UA: Yes.

SCIT/SDWG/7/4  
Annex  
Appendix 2, page 7

US: The patent gazette is not published in paper.

– CD-ROMs/DVDs: AT, CZ, DE, EP, IE, JP, KR, NL, RU, UA, US. (11)

RU: pp.17-22, 33-34 – partly.

(i) Patent documents:

AT: 7-13,15; .23-27 (Mimosa); .41.

DE: 23-27.

EP: All guidelines.

IE: 23(a,b).

JP: DVD-ROMs. (All JPO patent documents are published as patent gazettes.)

NL: Only.

RU: Not used yet.

UA: No.

US: Patent application publications: .7(b)-15 and 23; Granted patents: .15, 23.

(ii) Patent gazettes:

DE: 23-27.

EP: All guidelines.

JP: DVD-ROMs.

KR: CD-ROMs/Internet.

NL: Not.

RU: Partly.

UA: Yes (CD-ROMs).

US: Patent application publications: Not published; Granted patents: 23.

– Machine-readable carriers other than CD-ROMs/DVDs: AT, DE, EP, RU, SE, US. (6)

EP: Publication server.

RU: Our Office does not use now machine-readable carriers other than CD-ROMs/DVDs. For electronic publication we use now Internet publication as well.

SE: Internet.

(i) Patent documents:

SCIT/SDWG/7/4  
Annex  
Appendix 2, page 8

AT: 7-13,15; 28 (EspaceNet).

DE: 28-29, 36.

EP: All guidelines.

RU: Partly, in parvo.

US: Patent application publications: 7(b)-15, 28-29; Granted patents: 15, 28-29.

(ii) Patent gazettes:

AT: 15, 36, 43.

DE: 28-29, 36.

EP: All guidelines.

RU: Partly, to more extent.

US: No.

Question 3: Does your Office use other correction procedures than provided in WIPO Standard ST.50 ?

– Paper Patent Documents: GB, IE, LT, MD, NL, RU, SK, US. (8)

GB: Please see the answer to Question 1 above.

IE: Patent Applications: Corrections to specifications before grant are not published; corrections to biblio data noted in patent register, but not published. Granted patents: Corrections after grant are published in the patent gazette and a paper document is republished with amendments noted. Corrections to bibliographic data is noted in patent register, but not published.

LT: Corrections to patent documents are announced in Lithuanian Official Gazette.

RU: Patent documents with considerable number of significant errors (see p.1) were reprinted. Announcements of all corrections and alterations are published in patent gazettes without complete compliance with WIPO Standard ST.50 as to using codes.

SK: Please, see Question No. 1.(a).

US: Certificates of correction for paper granted plant patents are provided.

– Patent Documents on CD-ROMs/DVDs: JP, RU, US. (3)

RU: Announcements of all corrections and alterations are provided in patent gazettes published on CD-ROMs/DVDs without complete compliance with WIPO Standard ST.50 as to using codes.

US: Images of certificates of correction are included for granted patents.

– Patent Gazettes/Bulletins (please specify media used): JP, MD, RU, SK, US. (5)



SCIT/SDWG/7/4  
Annex  
Appendix 2, page 9

- RU: In patent gazettes both on paper and on CD-ROMs/DVDs all announcements are published using codes for headings according to WIPO Standard ST.17.
- SK: In paper form; please, see Question No. 1.(a).
- US: Notices provide errata information identified by patent number and date of the gazette.
- Machine-readable carriers other than CD-ROMs/DVDs: RU, US. (2)
- RU: Announcements of corrections are included both in patent documents and in patent gazettes published on official website without complete compliance with WIPO Standard ST.50 as to using codes.
- US: For granted patent documents on DLT magnetic tape products, the images of certificates of correction are included.
- List the WIPO Standard ST.16 kind-of-document codes used for each kind of corrected patent document:
- AT: B8 ... Patent , only first page republished.  
B9 ... Patent, complete document incl. description ... republished.  
U3 ... (Supplement) search report for utility model.  
U8 ... Utility model, only first page republished.  
U9 ... Utility model, complete document republished.  
T8 ... Translation of European Patent; only first page republished.  
T9 ... Translation of European Document; complete document republished.
- DE: A8, A9, B8, B9, C8, C9, T8, T9, U8, U9 are used by the GPTO for corrections.
- EP: A8, A9, B8, B9, are used by the EPO for corrections.
- GB: We do not use WIPO Standard ST.16 kind codes for our corrected patent documents. We are currently investigating supplying our corrections electronically to the EPO in WIPO Standard ST. 33 Format as part of our publication contract with Xerox. This will include using the A8 and A9 codes on the documents, it is hoped that this information would then be made available through Esp@cenet.
- IE: No kind-of-document codes are represented on national Irish patents.
- JP: A6: Correction of published unexamined patent application.  
A6: Correction of published unexamined patent application based on international application.  
B6: Correction of published granted patent application.  
B6: Correction of published examined patent application.  
U6: Correction of published unexamined utility model application.  
U6: Correction of published registered utility model application.  
U6: Correction of corrected utility model specification.  
U6: Correction of published unexamined utility model application based on international application.  
Y6: Correction of published granted utility model application.  
Y6: Correction of published examined utility model application.
- KR: We don't use other correction procedures than provided in WIPO Standards ST.50 and ST.16 kind-of-document codes, neither.
- MD: The Office does not use the WIPO Standard ST.16 kind-of-document code for corrected documents, but actually we are elaborating a new system of codification of patent documents according to WIPO Standards ST.16 and ST.50.

SCIT/SDWG/7/4  
Annex  
Appendix 2, page 10

- NL: We do not change the WIPO Standard ST. 16 code, but make use of the announcement mentioned under 1 (a) I.
- RU: Our Office does not change the WIPO Standard ST.16 kind-of-document code for the corrected documents.
- SK: IPO SR uses following the WIPO Standard ST.16 kind-of-document codes for corrected documents: A8, A9, B8, B9, U8, U9, T8, T9. IPO SR does not change any WIPO Standard ST.16 kind-of-document code for corrected documents.
- UA: As the Office doesn't change WIPO Standard St.16 kind-of-document codes used for corrected documents, the above named list of codes is not presented.
- US: A9 Corrected patent application publication documents. P9 Corrected plant patent application publication documents. Certificates of Correction are provided for granted patents, but no kind-of-document code is provided. The certificate pages are included with the pages of the granted patent document image.

Question 4: In the case that the Office publishes corrections on machine-readable media

- Please indicate if corrections to image data (e.g., WIPO Standard ST.33 data) are handled differently from corrections to full text versions of the same data (e.g., WIPO Standard ST.32 data):

- AT: Corrections of Patent Documents are done on paper by the Austrian Patent Office. This paper is communicated to the EPO, and subsequently to JOUVE, for the purpose of producing the AT-Mimosa Cd-Rom. An entry for each correction document for patents and utility models is made for the INPADOC-tape. Corrections published in the gazette are published on the paper-format of the gazette, which is also published as .pdf and as acsii-file for download on the Internet.
- CZ: Image data are replaced as whole. Text data are corrected.
- DE: No difference between image and full text.
- EP: The SGML/XML data is the source of the full text image (PDF and ST 33) and therefore there is no discrepancy.
- GB: The production and publication of our corrections in WIPO Standard ST.33 format is currently under review with the EPO and our publishers Xerox.
- JP: Corrections to image data and to full text data are handled in same manners.
- KR: Basically, we publish patent gazettes on CD-ROMs and via the Internet according to the WIPO Standard ST.32, and therefore corrections to image data are handled in the same way with the full text version.
- RU: Our Office does not publish image data according to WIPO Standard ST. 33 on machine-readable carriers as official publications, thus corrections for them are not published either.
- SK: IPO SR does not publish corrections on machine-readable media.
- US: Where the defect is technical (not related to the content), in both image (Yellow Book based on WIPO Standard ST.33) and text (Red Book based on WIPO Standard ST.36) situations, a new document is disseminated to replace the defective document. If the defect

SCIT/SDWG/7/4  
Annex  
Appendix 2, page 11

is in the content which must be corrected, then for Yellow Book, a replacement image file is disseminated with appended image pages of certificates of correction. At present, the content of certificates of correction is not distributed in Red Book text format. On occasion, a complete replacement for a Grant Red Book file is disseminated, but with no change to the document number or the kind code.

- Please indicate if corrections are handled differently on different media (e.g., differently on CD/DVD-ROM, magnetic tape, on-line, etc.):

DE: No difference.

EP: The corrections are handled the same way on the ESPACE series and on the Publication Server.

GB: Only in paper format at present, as mentioned above it is hoped to develop corrections on CD Rom in ST.33 format in 2005 using the ST.16 kind codes A8 and A9.

IE: Corrections on all media follow the initial correction of the paper document and the publication in patent gazette. Publications on CD/DVD and on-line show PDF version of paper document.

JP: JPO publishes patent documents/patent gazettes only in the form of DVD-ROM.

RU: All announcements of corrections are handled similarly with no dependence on particular media.

US: The process is essentially the same for all electronic media, but there may be some slight variations for online products.

Question 5: In the case that correction procedures are not fully in accordance with WIPO Standard ST.50:

- The reasons why correction procedures are not fully in accordance with WIPO Standard ST.50 and the Office does not plan to be fully in line with this Standard in the future:

CZ: The WIPO Standard ST.50 is too complex for the IPO CZ's needs, it is also not much too compatible with the procedures provided by our internal electronic system.

IE: Several of WIPO Standard ST.50 Guidelines are in everyday use at the Irish Patent Office, however, we hope to fully implement correction procedures in compliance with WIPO Standard ST.50 in the future.

JP: WIPO Standard ST.50 does not assume to cover publication of patent documents/patent gazettes only in electronic media. As JPO employs publication of patent documents/patent gazettes only in electronic media, JPO partly adopt other correction procedures than provided in WIPO Standard ST.50.

KR: We intend to keep our current procedures related to corrections of patent gazettes.

NL: There are no special concerns.

RU: Our Office plans to be fully in accordance with WIPO Standard ST.50 in near future. At the same time, some wordings in the pp.24-27 of ST.50 are not clear enough for us. For example, from these paragraphs it is not clear what exactly "search index" means.

SCIT/SDWG/7/4  
Annex  
Appendix 2, page 12

- SK: IPO SR will fully harmonize its correction procedures with WIPO Standard ST.50 in the future.
- UA: Correction procedures according to the WIPO Standard ST.50 are carried out partially. The use of this Standard in its full scope requires certain organizational, technical and technological measures, which entail considerable financial expenditures. Due to above mentioned reasons, the use of the Standard in the near future is not planned.
- US: The USPTO is working towards this Standard when possible for patent documents. Obstructions in the past were our legacy computer storage and software systems. We will continue to publish patent application publication corrections with a different number from the original publication to help users uniquely identify documents by the US publication number alone. CD/DVD-ROM products follow industry standards. These products reflect the content of the document at a particular point in time. When corrections are necessary, the document is corrected and provided on the next appropriate publication of the product. The cumulative index is updated accordingly. The WIPO Standard ST.16 kind codes and publication date are not currently needed in the cumulative index, since publication and patent numbers uniquely identify US patent documents.

Question 6: Do you see a necessity to update or amend WIPO Standard ST.50?

– Most Offices do not see it necessary to update or amend WIPO Standard ST.50:

- AT: No.
- DE: In principle no amendmend necessary.
- EP: Not for the time being.
- GB: No.
- IE: No.
- JP: It will be desirable to revise WIPO Strandard ST.50 in order to fully accommodate publication of patent documents/patent gazettes only in electronic media. However, JPO has been processing publication only in electronic media without any problem by applying current WIPO Standard ST.50 with proper interpretation and thus revision of WIPO Standard ST.50 is not urgent for JPO.
- MD: It would be very useful to develop rules of identification of the corrected, added or altered parts of patent specifications, which might be done with in the existing WIPO Standard ST.50 or by elaborating a new appropriate standard.
- NL: No.
- RU: It seems reasonable to make this Standard more compatible with modern media. It would be useful as well to clarify the wordings of the above-mentioned paragraphs 24-27 of WIPO Standard ST.50 specifying where exactly and in what form the information about previous corrections should be provided in a corrected patent document published on CD-ROMs/DVDs. It is not clear whether the WIPO Standard ST.9 INID code (15) should be used for publications on electronic carriers according to the same recommendation as for paper publications or some other recommendations should be provided especially for them.
- SE: Internet publications should also be covered by this Standard.
- SK: At the present time, we do not see a necessity to update WIPO Standard ST.50.

SCIT/SDWG/7/4  
Annex  
Appendix 2, page 13

US: It would be helpful to publish the results of this survey in the WIPO Handbook, so that all IPOs can better understand how other offices handle corrections. References in the Standard to "CD-ROM" products should instead refer to "optical discs" so that DVD-ROM products are also covered.

Question 7: On the origin of errors leading to corrections

– Different views are expressed concerning the origin of errors leading corrections mainly due to the applicant or to the internal processes of your Office:

- More from the applicant side: AM, IE, MD, NL, SE, SK, UA. (7)
- More from the Patent Office side: AT, GB, JP, LT. (4)
- About equally from applicant and Patent Office: CZ, DE, EP, KR, RU, US. (6)

– Comments:

AT: Example of errors in the last time: malfunction of the copier, so some pages of the copies have not been printed. In this case the complete document is republished.

EP: For A8, B8 documents, the source of error is usually the EPO. For A9, B9, the source is usually more from the applicant side. 20% are errors detected at the EPO contractor's side.

IE: The main error arising from the applicant is non compliance with the Irish Patent Legislation, therefore requiring corrections to be made.

KR: We have some errors due to 1) an applicant's mistake in preparing the original application 2) our staff's mistake in digitalizing a paper-based application or 3) our examiner's mistake in making a decision of publishing a correction.

NL: Partly from the Patent Office side.

SK: An application for correction of previously published data may be filed by an owner, an assignee or an attorney and may ensue from the court decision as well.

US: USPTO only corrects material errors in an A9 or P9 published application. A material error must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The origin of errors leading to certificates of correction for granted patents are about equally divided between applicant and the USPTO.

Question 8: The number of corrections published by your Office every year, in absolute values and/pr percentage of the overall publication volume:

AM: 8.

AT: 2004: 36 correction documents (11 for national patents, 18 for European Patents, 7 for Utility models, supplements with search reports are not included in this number).

CZ: 30 corrections in 2004.

SCIT/SDWG/7/4  
Annex  
Appendix 2, page 14

DE: Total of 454 (242 first pages and 212 complete patent documents) in 2004. That corresponds to about 0.4% of the overall publication volume.

EP:

Year	A8	A9	All A	Total A1-A2	%A corr.	B8	B9	All B	Total B	%B corr.
2001	149	109	258	55206	0.47%	10	36	46	35463	0.13%
2002	119	159	278	54389	0.51%	48	120	168	48126	0.35%
2003	132	95	227	53731	0.42%	162	155	317	60744	0.52%
2004	236	144	380	60137	0.63%	202	273	475	59486	0.80%

GB: 500 on average per annum for both A and B publications (2.1%).

IE: Statistics not kept.

JP: Number of correction per year: 399.  
Number of overall publication per year: 541,290.  
Percentage of correction as a portion of overall publication: 0.07% (Data: CY2004).

KR: Approximately, more or less than one percent. Please refer to the statistics below.  
Year Total Number of Patents No. of Correction ratio(%)  
2002 266,021 4,256 1.60.  
2003 281,731 3,690 1.31.  
2004 295,315 719 0.24.

LT: 3.1 %.

MD: About 8-12 %.

NL: We do not measure the number of corrections.

RU: Less 1% (~ 0,8%).

SE: For national applications, the correction percentage is less than one percent For European patents for Sweden the correction ratio is 15 %.

SK: IPO SR publishes in relating to patent information on average 40 corrections every year.

UA: In the year 2003 - approximately 3% (percentage of corrections in the total volume of publications). In the year 2004 - approximately 1,7% (percentage of corrections in the total volume of publications).

US: In Fiscal Year (FY) 2004 (October 2003-September 2004), the USPTO published 191 corrected patent applications publications. This was less than one-tenth of one percent of the total number of applications published in FY 2004. For granted patents, there is no statute of limitations on certificates of correction. The percentage of patents that receive a certificate of correction cannot be tied directly to the issued patent volumes for the same year in which they are issued. For FY 2004 there were 28,676 certificates of corrections.

**Question 9:** Has a significant change occurred in the number of corrections issued in the past years?

- The trend of the number of corrections issued in the past years:
  - More corrections: EP, MD, RU, US. (4)
  - Stable: AT, CZ, GB, LT, SK, US. (6)

- Fewer corrections: AM, JP, KR, NL, SE, UA. (6)
- Comments:
  - DE: No comment possible since we started to publish corrections in 2004.
  - EP: The EPO encounters more and more corrections (see answer to Question 8).
  - IE: Statistics not kept.
  - NL: Indicative.
  - SE: Due to our in-house procedure. Most problems are found before scanning/publishing.
  - UA: The number of corrections slightly decreased in the year 2004 due to improvement of the technology of preparation of materials for publication.
  - US: As the number of published patent applications increases, so does the number of corrected documents. Patent grant corrections are stable.

Question 10: Who makes the final decision of publishing a correction?

- The examiner: AM, EP, KR, LT, MD. (5)
- The formality officer: AT, EP, MD, SE. (4)
- The publication department: JP, NO. (2)
- All, in cooperation: CZ, DE, IE, SK, UA, US (for granted patents). (6)
- Other, please specify:
  - AT: Register.
  - GB: Any of the above, it is dependant on the type of correction.
  - US: For published patent applications, it is dependent on the type of error.
- Comments:
  - AT: Formal officer (lawyer) for EP-Patents; Patent register in the other cases.
  - DE: Regarding the complete document: examiner, regarding the first page: formality officer.
  - GB: It is dependant on the type of correction.
  - IE: Depending on type of correction needed, the final decision may fall with either the examiner or the formalities officer.
  - RU: Examination and Publication Divisions in cooperation.
  - US: The Office of Patent Legal Administration decides for published patent applications. Changes in the 35 USC 102(e) date, however, are automatically accepted. For granted patents, all in cooperation.

Question 11: Is a request for correction from an applicant usually granted?

- Most Offices consider that a request for correction from an applicant is usually granted: AM, AT, CZ, EP, IE, JP, KR, LT, MD, NL, RU, SE, SK, US (for granted patents). (14)
- The Offices: DE, GB, UA, US (for published patent applications) do not. (4)
- Comments:

GB: It depends on the nature of the correction and the supporting evidence if required.

IE: Justification for the correction is also required before it is allowed.

KR: Applicants can request for correction of their applications by calling KIPO's examiners or Call Center after confirming a patent gazette that shows their applications. For the requests received from the applicants, only our examiners can decide to publish the corrections.

UA: No, a request for correction from an applicant is not always granted. For example, it is not granted if the correction changes the scope of protection conferred. Since the scope of protection is determined by the claims of invention (utility model), interpretation of the claims is made within the description of invention (utility model) and corresponding drawings. Therefore a request from an applicant for correction of the invention (utility model) claims, description and corresponding drawings is always agreed with the examiner.

US: For published patent application publications, only material errors will be corrected. For granted patents, a request from an applicant for a certificate of correction is usually granted.

Question 12: How long, on average, does your Office take to publish a correction once an error becomes known?

- The average for publishing a correction once an error becomes known:

AM: The correction is published in the immediate Patent Bulletin.

AT: AT-Documents are only published once a month, so depending on the date when we are aware of an error we take 2-6 weeks for the correction on paper. The publishing of the paper on the MIMOSA-Cd may be delayed due to problems with the creation of the CDs. Example of this year: the CD for Sept-Nov contains corrections from May-September, due to some production problems related to the publication of correction documents on the CD.

CZ: Publication in our database is made immediately (within one working day). Publication in the Official Bulletin is made in the very next issue (it is issued monthly).

DE: About 12 weeks, according to the usual publication period.

EP: The average processing time for an EP-A correction is 7 weeks and for an EP-B 10 weeks. That means that 8,5 weeks is the average processing time for corrections of EP documents.

GB: Between 1 and 2 weeks. Some corrections may take longer if additional evidence to support the request is required.

IE: On average, a correction is published within two weeks of it becoming known and presented in the following Patents Office Gazette.



SCIT/SDWG/7/4  
Annex  
Appendix 2, page 17

- JP: About 2 to 3 months.
- KR: About 10 days. If our examiner finally decide to correct an application, our staff compares the examiner's request with the original application through our internal system. And then he can publish the corrected application.
- LT: 2 months.
- MD: 2 months.
- NL: 1-2 month(s).
- RU: No more than a month.
- SE: If an “emergency”: one week; otherwise 2-3 weeks (if not dependent of an action from the applicant/owner).
- SK: Correction of erroneous information is usually published in the subsequent issue of the Patent Gazette along with publication of the corrected version of the patent document.
- UA: Not more than two months.
- US: For patent application publications, once the Office of Patent Legal Administration grants a correction, the correction is scheduled to publish in 14 weeks. For granted patents, the goal is to publish a certificate of correction 3 months from the date the request is received.

[End of Appendix 2 and of document]