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INCLUSION OF SUPPLEMENTARY CORRECTION CODES IN WIPO STANDARD ST.14

Document prepared by the International Bureau

INTRODUCTION

1. During its twentieth session, in April 1998, the Working Group on General Information of the former PCIPI completed the revision of WIPO Standard ST.50 "Guidelines for Issuing Corrections, Alterations and Supplements Relating to Patent Information."
2. With respect to possible implications of the reissue of corrected patent documents and the use of supplementary correction codes, as provided for by the revised Standard ST.50, on the identification of cited patent documents, the Working Group agreed to draw the attention of the former Executive Coordination Committee to the need to review Standard ST.14. The Working Group expressed concern that some cited patent documents reissued due to a correction might not be uniquely identifiable.
3. The said Committee agreed that an investigation should be carried out as to whether supplementary correction codes provided for by the revised Standard ST.50 need to be included as a further data element under paragraph 11(a) of Standard ST.14. The Committee concluded that this investigation should be handled within the scope of Task No. G-19 (identification of references obtained from the Internet).

4. The SCIT Plenary, at its first session, in June 1998, decided to include Task No. G-19 as a priority Task in its work program (see document SCIT/1/7 Prov., Annex IV, Task No. 7) and to assign it to the Standards and Documentation Working Group (SDWG).

5. Paragraph 11(a) of WIPO Standard ST.14 reads as follows:

“11. Identification of any document cited, and available in paper form or in a page-oriented presentation mode (e.g., facsimile, microform, etc.) shall be made by indicating the following elements in the order in which they are listed:

(a) *In the case of a patent document:*

(i) the industrial property office that issued the document, by the two-letter code (WIPO Standard ST.3);

(ii) the number of the document as given to it by the industrial property office that issued it (for Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document);

(iii) the kind of document, by the appropriate symbols as indicated on the document under WIPO Standard ST.16 (Recommended Standard Code for the Identification of Different Kinds of Patent Documents) or, if not indicated on that document, as provided in that Standard, if possible;

(iv) ¹ the name of the patentee or applicant (in capital letters and, where appropriate, abbreviated);

(v) ¹ the date of publication of the cited patent document (using four digits for a year designation according to the Gregorian calendar);

(vi) ¹ where applicable, the pages, columns, lines or paragraph numbers where the relevant passages appear, or the relevant figures of the drawings.

The following examples illustrate the citation of a patent document according to paragraph (a), above:

Example 1: JP 10-105775 A (NCR INTERNATIONAL INC.) 24 April 1998 (24.04.1998), paragraphs [0026] to [0030].

Example 2: DE 3744403 A1 (A. JOSEK) 29.08.1991, page 1, abstract.

Example 3: SE 504901 C2 (SWEP INTERNATIONAL AB) 1997-05-26, claim 1.

Example 4: US 5635683 A (R. M. MCDERMOTT et al.) 3 June 1997 (03.06.1997), column 7, lines 21 to 40.

¹ These elements are to be indicated only in a search report.”

(Please see revised draft of paragraph 11 of ST.14 as contained in Annex I to the Circular SCIT 2378 of July 22, 1998.)

6. According to items (iii) and (v) of paragraph 11(a), a corrected patent document to be cited as a reference would be identified by referring to, e.g., the A8 or A9 code and the date of publication.

Example: AA 750925 A9 (W.LEITNER) 1997.08.24, column 3, lines 10 to 32.

7. In case that more than one version of a corrected patent document had been issued (despite of a particular publication level), the cited patent document may not be uniquely identifiable through its ST.16 code. Furthermore, the data element under paragraph 11(a)(v) “Date of publication of the cited patent document” could create confusion among users of patent information. Specialists will most likely interpret that date as the date of issuance of the corrected patent document (INID code (48)). However, there is the danger that some users may understand the said date of publication under paragraph 11(a)(v) as the publication date of the original version of a document.

PROPOSALS

8. It seems that the inclusion in paragraph 11(a) of, at least, one more data element could help to alleviate the concern expressed by the Working Group on General Information and to solve the problem outlined in the previous paragraph.

As a consequence, the International Bureau would like to propose the following alternative solutions:

(A) to amend the wording of paragraph 11(a)(v) in order to explicitly cover corrected patent documents. Item (v) could thus read: “the date of publication of the cited patent document (using four digits for a year designation according to the Gregorian Calendar). In case of referring to a corrected patent document, the date of issuance of the corrected patent document (INID code (48)).”

Example: AA 19501001 B8 (THE GARRET CORP.) 02.02.1998, page 1, abstract; or

(B) to include the supplementary correction code as a new data element in the items (i) to (vi) under paragraph 11(a). It seems a suitable solution, to enlarge Item (v) and to combine the reference to the respective supplementary correction code with the date of issuing of the corrected patent document that is cited. The amended item (v) could thus read:

“(v) the date of publication of the cited patent document (using four digits for a year designation according to the Gregorian Calendar) or, in case of corrected patent documents, the supplementary correction code as given under INID code (15) by the industrial property office that issued the correction, and the date of issuance of the corrected patent document as referred to under INID code (48).”

Example: AA 757992 A9 (APPLICANT) W3A1 1997.12.10, claim 2.

9. The advantage of Alternative (B) would be to eliminate a possible misinterpretation of the term “date of publication” under paragraph 11(a)(v) by patent examiners when citing corrected patent documents.

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