

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

STANDING COMMITTEE ON INFORMATION TECHNOLOGIES

WORKING GROUPS

Second Session

Geneva, December 6 to 10, 1999

REPORT

adopted by correspondence

INTRODUCTION

1. The Working Groups of the Standing Committee on Information Technologies ("SCIT Working Groups") held their second session in Geneva during the week of December 6 to 10, 1999.
2. The following Member States of WIPO and/or the Paris Union were represented at the session: Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, China, Colombia, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Democratic People's Republic of Korea, El Salvador, Estonia, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Latvia, Lithuania, Mexico, Morocco, Netherlands, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Tajikistan, The former Yugoslav Republic of Macedonia, Uganda, Ukraine, United Kingdom, United States of America, Viet Nam and Zimbabwe (67).

3. Representatives of the African Intellectual Property Organisation (OAPI), the Benelux Trademark Office (BBM), the European Communities (EC), the Eurasian Patent Office (EAPO) and the European Patent Office (EPO) (5) took part in the session in a member capacity.
4. Representatives of the following organizations took part in the session in an observer capacity: International Labour Office (ILO), League of Arab States (LAS), Organization of African Unity (OAU), Ibero-Latin American Federation of Performers (FILAIIE), Patent Documentation Group (PDG) and International League of Competition Law (LIDC) (6). The list of participants appears as Annex I to this report.
5. The session was opened by the Director General of WIPO.
6. In his opening statement the Director General referred to two main issues; an assessment of work carried out since the creation of the SCIT and the International Bureau's future IT plans. Under the former he highlighted a number of IT success stories in the areas of PCT and Madrid System automation, WIPOnet, internal WIPO administration systems (including the introduction of internal payroll and budget tracking systems and Y2K testing), web-based systems such as those in the World Wide Academy for distance learning, the electronic collection of laws (CLEA) and the new electronic bookshop, and IT management by the International Bureau. With reference to future plans the Director General spoke about the draft Strategic Implementation Plan. It was not an end in itself but rather a catalogue of projects within which the International Bureau would set realistic goals which were achievable using agreed resource levels. In conclusion the Director General said that the IT intellectual property digital agenda would only be successful if global and national systems were aligned and shared budgets and resources capitalized on. He thanked the SCIT members for their cooperation and support to date and looked forward to its continuation into the future.

ELECTION OF OFFICERS

7. The SCIT Working Groups unanimously elected Mr. E. Rishell, Jr. (United States of America) as Chair and Mr. X. Zhang (China) and Mr. A. Meraz Chávez (Mexico) as Vice-Chairs.
8. Mr. K.-P. Wittig acted as Secretary of the session.

ADOPTION OF THE AGENDA

9. The SCIT Working Groups unanimously adopted the agenda, which appears as Annex II to this report.

CONCLUSIONS, DISCUSSIONS AND DECISIONS

10. As decided by the Governing Bodies of WIPO at their tenth series of meetings (see document AB/X/32, paragraphs 51 and 52), held from September 24 to October 2, 1979, the report of this session reflects only the conclusions (decisions, recommendations, opinions, etc.) of the SCIT Working Groups and does not, in particular, reflect the statements made by any participants, except where any reservation in respect of any specific conclusion of the SCIT Working Groups was made or repeated after the conclusion was arrived at.

SUMMARY OF DISCUSSIONS BY THE CHAIR

11. The Chair presented a written draft Summary of Discussions (document SCIT/WG/2/11) reflecting the major topics covered and the conclusions reached by the SCIT Working Groups. A revised version of the text of that document, reflecting all comments on the draft Summary agreed upon during the closing session on December 8, 1999, is recorded in paragraphs 12 to 51, below.

INFORMATION INFRASTRUCTURE WORKING GROUP (IIWG)

Report by the International Bureau on the Establishment and Operation of WIPONET (Document SCIT/WG/2/2)

12. A brief review of the SCIT/WG/2/2 paper was given to the IIWG and delegates were informed that the short-listed bidders had confirmed their participation in the next phase of the bid process. A number of clarifications were requested by delegates and following these the IIWG agreed to recommend to the SCIT Plenary to:

- (a) approve the WIPONET project implementation approach and revised implementation schedule as contained in paragraphs 13 and 14 of document SCIT/WG/2/2;
- (b) recommend to the Program and Budget Committee that:
 - (i) the Program 12 (SRF) unspent balance for the 1998-99 biennium be reappropriated to WIPONET for the 2000-01 biennium; and
 - (ii) funds be made available in future biennial program and budgets to meet the running costs resulting from WIPONET project deployment; and
- (c) approve the needs analysis project approach suggested in paragraph 18 of document SCIT/WG/2/2.

13. As requested by one delegation, a correction was made to document SCIT/WG/2/2, paragraph 6, where the word "support" in the last line was changed to "test."

INFORMATION SECURITY WORKING GROUP (ISWG)

Disaster Recovery Program

(Document SCIT/WG/2/3)

14. The Disaster Recovery Program was introduced by the International Bureau highlighting the need for the program as WIPO moves toward increased automation of its business critical applications. It was mentioned that a preliminary study by the International Bureau had identified some viable options and a more detailed analysis will be carried out to prepare a draft disaster recovery program. There were no discussions and the ISWG noted the intentions of the International Bureau.

STANDARDS AND DOCUMENTATION WORKING GROUP (SDWG)

Standard for Electronic Filing, Processing, Storage and Records Management of International Applications under the Patent Cooperation Treaty (PCT)

(Document SCIT/WG/2/10, project file SCIT/P 8/99)

15. The SDWG discussions on the draft E-filing standard and associated Action Plan produced by the Trilateral Offices were preceded by presentations given by the EPO Delegation on behalf of the Trilateral Offices and by the International Bureau (PCT Legal Division). The EPO presentation provided an overview of the draft standard including reference to its hierarchical structure and relationship with the Administrative Instructions. The structure allowed for the possible inclusion of appendices dealing with the use of other media and filing mechanisms and the standard could also evolve to cover all Industrial Property Document Exchanges. The significance of the timing of the main steps of the Action Plan were also highlighted. The International Bureau's presentation was comprised of two parts: an outline/overview of the legal framework (including the Administrative Instructions under the PCT) and examples of Issues of Principle which needed to be resolved in relation to PCT electronic filing.

16. The subsequent discussions included the following topics:

- Customer involvement/consultation in determining the draft procedures;

Both the Trilateral and the PCT Ad hoc Working Group activities in respect of E-filing included the involvement of organizations representing the Patent Community.

- How critical were the deadlines for adoption of the legal framework;

The Action Plan provided for a two-track approach, technical development and the adoption of national provisions. The plan required the adoption of the legal framework before the commencement of the On-Line Filing pilot projects.

- The Ticket Mechanism (and an application for a patent related to it);

The Delegation of the EPO stated that he understood that there had been discussions with the patent applicant, who had indicated that they were prepared to grant free licenses to intellectual property offices, and applicants or agents communicating with intellectual property offices. The SDWG requested the International Bureau to pursue this matter further to obtain a binding agreement to that effect.

The SDWG requested the International Bureau to work with the Trilateral Offices to identify a time interval that may be allowed between an applicant receiving a ticket and attempting to send the corresponding application.

- Provision for inter-operability pilot studies;

The planned pilot studies would include provision for testing the successful interaction of independent filing systems.

- The scope of the standard vis-à-vis provision for other filing mechanisms (e.g., e-mail submission);

The current draft included at Appendix 1 provision for On-Line Filing in a PKI environment. In the Trilateral discussions, when preparing the draft, e-mail submission had been dropped. The structure of the standard would allow, however, the inclusion of additional appendices dealing with the use of other filing mechanisms (and media).

- The proposed use of XML given the current investment in SGML;

There was no perceived conflict. XML was the chosen strategic direction for all new Trilateral projects. XML was future proof. Until XML Word-Processor products became readily available the standard allowed for filing in PDF format.

- The PKI Model proposed which would require mutual recognition of Certification Authorities;

The model proposed would provide for a more easily accessible service. As an example, reference was made to the Finnish Government's plans to issue its citizens with smart cards. Such certification would be recognized for e-filing purposes.

- Security mechanisms to cater for virus or trojan attacks and to prevent hacking;

The use of encryption technology obviated the need to transmit passwords between systems and reduced the threat of hacking. Protection mechanisms against virus or trojan attacks had received significant attention in discussions and suitable procedures would be put in place.

17. The approval of the Action Plan was then considered. The International Bureau reported that there were some changes necessary in the wording to the text of the Action Plan as contained in Annex 4 of Project file SCIT/P 8/99 to reflect the correct procedures vis-à-vis PCT and PLT actions and to record the continuing role of the Task Force in the finalization of the standard. The International Bureau was, however, committed to the proposed plan of action and indicated that the necessary resources would be made available to enable full WIPO participation. The Action Plan would be subject to review in Q1 2000 in the light of progress made.

18. In conclusion, the SDWG requested that the Task Force be actively encouraged to provide further comments on the draft standard and agreed to recommend to the SCIT Plenary the approval of the proposed plan of future action (see Annex III to the report).

Recommended Minimum Contents for Web Sites of Intellectual Property Offices
(Document SCIT/WG/2/4)

19. The SDWG noted a white paper containing a revised version of the document by the United States Patent and Trademark Office (USPTO) "Recommended Minimum Contents for Intellectual Property Web Sites." The revised version took into account a large number of comments made by intellectual property offices and the Patent Documentation Group in respect of the initial paper by the USPTO dated June 30, 1999, and published as an Annex to document SCIT/WG/2/4. The SDWG reviewed the revised version of the above-mentioned document and agreed to introduce some amendments to the proposed wording. The SDWG also agreed to include in the document a preamble which invited offices to inform the International Bureau of the creation of a new Web site or of changes in the contents/layout thereof.

20. In concluding their discussions, the SDWG agreed to approve the "Recommended Minimum Contents for Intellectual Property Offices' Web Sites," as contained in Annex IV to this report, and recommend its adoption by the SCIT Plenary.

21. The International Bureau was requested to make the document available through the SCIT area of WIPO's Web site after its adoption by the SCIT Plenary.

22. Finally, the SDWG noted considerable interest expressed by several delegations to establish through WIPO's Web site, hyperlinks to searchable databases of IP information. The International Bureau undertook to give further consideration to this request in the context of the IPDL Project.

Revision of WIPO Standard ST.14 – Industrial Designs
(Project file SCIT/P 4/99)

23. The SDWG considered a new draft revision of WIPO Standard ST.14 prepared by the International Bureau and made available as a white paper at the beginning of the session. The new draft reflected various comments made by intellectual property offices with respect to the first draft revision of the Standard published in Annex 1 to project file SCIT/P 4/99.

24. As a result of the agreement reached on several amendments made in the proposed text, the SDWG agreed to approve the revised Standard ST.14, as contained in Annex V to this report, and to recommend its adoption by the SCIT Plenary. The SDWG considered Task No. 40 of the SCIT Work Program for the 1998-99 biennium completed.

25. In response to a discussion concerning the necessity of referring to an extended form of the URL provided for in Example 6 of paragraph 13 of the revised ST.14, the SDWG agreed to request the USPTO and the EPO to look into the matter and report back to the Working Group, at its next meeting, as to whether a change would need to be made with respect to the chosen example.

Proposal by the Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM) for Revision of WIPO Standard ST.60

(Document SCIT/WG/2/5, project file SCIT/P 7/99)

26. The SDWG noted the request, by the OHIM, to include a new INID code (558) in WIPO Standard ST.60, as proposed in document SCIT/WG/2/5. The SDWG also noted project file SCIT/P 7/99, which contained the comments by industrial property offices on the proposed revision of WIPO Standard ST.60, as well as the summary of these comments, and conclusions prepared by the International Bureau.

27. In conclusion of the discussions, the SDWG agreed to approve the inclusion, in Standard ST.60, of a new INID code (558) with the definition in English, French and Spanish as follows:

- English: “(558) Mark consisting exclusively of one or several colors;”
- French: “(558) Marque consistant exclusivement en une ou plusieurs couleurs;”
- Spanish: “(558) Marca consistente exclusivamente en uno o varios colores”;

and to recommend adoption by the SCIT Plenary. The revised version of Appendix 1 “List of INID Codes” to WIPO ST.60 is given in Annex VI to this report.

28. Finally, the SDWG also noted the editorial change to be inserted in the Explanatory Notes of WIPO Standard ST.60 related to INID code (550).

Review of Certain WIPO Standards in view of the Need for a Unique Identification of a Patent Document when Applying Supplementary Correction Codes

(Project file SCIT/P 5/99)

29. The SDWG noted the replies by industrial property offices to a Questionnaire Related to Task No. 39 of the SCIT Work Program for the 1998-99 biennium, which were included in project file SCIT/P 5/99, as well as a white paper with a summary table of the proposals by offices.

30. The SDWG felt that, when considering the revision of WIPO Standards envisaged under Task No. 39, it should be taken into consideration that such a revision might have some implications for patent databases, which would mean additional expenses on the part of industrial property offices, providers of patent databases and patent information users.

31. In concluding their discussions, the SDWG agreed to set up a Task Force in order to determine the extent of the problem of uniquely identifying patent documents and the steps necessary to remedy it. The analysis by the Task Force should consider in particular:

- the best way to cite and retrieve patent documents;
- potential impact with relation to publication, storage and retrieval of patent documents; and
- the WIPO Standards, if any, which need to be amended or created.

32. The Task Force was requested to report back to the SDWG on the results of their investigations, which would create the basis for further actions to be taken by the Working Group on Task No. 39*.

33. The SDWG noted the concerns raised by the EPO on the proper use of WIPO Standard ST.16 codes by industrial property offices in their current publication procedures.

Status Report on the Revision of WIPO Standards ST.30, 31, 32, 35 and 40
(Project file SCIT/P 2/98)

34. The Secretariat provided a report on the progress made in respect of the above Standards, revision of which had been delegated to a Task Force established for this purpose (Standards Task Force). The Project file included the finalized version of ST.33 which had been adopted by the second session of the SCIT Plenary, in February 1999. The effective implementation date of the new version of ST.33 was notified in SCIT Circular 2462 which also sought approval by correspondence of the new draft of ST.35 which had been agreed by the Task Force. No objections to the approval of this new draft were raised. As there was no objection by the members of the Working Group, adoption by the SCIT Plenary body would be recommended.

35. The other main activity related to revision of ST.40 which included as Appendices to the Standard details of the current practices of the Trilateral Offices with respect to CD-ROM production. The EPO had provided details to the second session of the SCIT Plenary, in February 1999, of the planned move of the ESPACE series CD-ROM products to the MIMOSA platform (see project file SCIT/P 6/99, Annex 2). Revised specifications of the Open Index and Directory Structure for the MIMOSA products had been provided by the EPO and circulated to the Task Force. This information would be incorporated as updated Appendices to the Standard.

* In the SCIT Work Program for the 2000-01 biennium, this Task has been renumbered into Task No. 22.

36. The International Bureau concluded its report by recording that the revisions in respect of Standards ST.33, ST.35 and ST.40 catered for the changes needed in the above list of Standards for Y2K purposes. Further work remained to be done, however, by the Task Force to reflect other changes in industrial property practice resulting from, e.g., technological developments and new requirements.

Progress Report on the Intellectual Property Digital Libraries (IPDL) Project
(Document SCIT/WG/2/6)

37. The International Bureau provided a status report on the current stage of the project, full details of which are recorded in document SCIT/WG/2/6. Update information was provided on the operational services available via the WIPO IPDL node which included free of charge public access to database collections hosted by the International Bureau. Current developments including the planned full-text searching of published PCT applications were outlined. The International Bureau gave a demonstration of the current WIPO IPDL services.

38. These tangible results had been achieved despite the constraint of limited resource availability. The longer term development goal of the proposed GLOBAL IPDL would, however, require the commitment of additional dedicated resources. Such development plans were, therefore, subject to decisions to be taken by the SCIT Plenary, at its fourth session, on the draft Information Technology Strategic Implementation Plan and the priority allocation of resources.

39. In the subsequent discussions, delegations acknowledged the noteworthy achievements to date and sought clarification on a number of issues related to the proposed GLOBAL IPDL. These included the next steps to be taken towards achievement of this goal, whether Web-based cross-searching of IPDL node database collections was envisaged (or merely document retrieval facilities) and the dependency of the IPDL Project on the scope and timing of the WIPONET Project.

Monitor the Changeover to Electronic Data Carriers and Update Technical Guidelines as Necessary

(Document SCIT/WG/2/7, project file SCIT/P 6/99)

40. Discussions were based on document SCIT/WG/2/7 and project file SCIT/P 6/99, Annexes 4 and 5. Annex 4 contained the findings of a survey undertaken by the Library and Documentation Department of the Netherlands Industrial Property Office on IP office plans in respect of the media to be used for exchange of patent information from January 1, 2000. SCIT member offices not included in the survey findings were encouraged to supply the International Bureau with details in respect of their office plans. The Delegation of the EPO provided corrected information for their entry in respect of paper copies of specifications (available on request, free of charge).

41. The Delegation of Sweden informed the meeting of the intention of the Swedish Patent and Registration Office (SPRO) to stop providing Swedish patent documents in paper or microfiche format under the document exchange program. The SPRO was, instead, planning to publish its patent documents on the Internet and the Delegation provided details of the procedures involved. Offices had been notified of this change by letter of November 1, 1999. The Delegation of the United States of America provided updated information in respect of their planned timetable for the publication of their current CD-ROM products on DVD-ROM.

42. The SDWG proceeded to discuss the proposed amended text relating to the technical guidelines as included as Annex 5 of project file SCIT/P 6/99 and agreed to the draft text subject to some minor changes. The SDWG recommended adoption of the revised technical guidelines (as included as Annex VII to this report) by the SCIT Plenary.

43. In conclusion, the SDWG expressed the wish to have the Statement of Principles updated and recommended that the SCIT Plenary consider inclusion of this request in the SCIT Work Program for the next biennium.

Report by the European Patent Office (EPO) on Progress in Making Information about the Entry into the National (Regional) Phase of Published PCT International Applications Accessible through the EPIDOS Patent Register Service
(Document SCIT/WG/2/8)

44. The SDWG noted a status report by the EPO on its progress in making information about the entry into the national (regional) phase of published PCT international applications accessible through the EPIDOS Patent Register Service. The report is published in document SCIT/WG/2/8. With regard to the situation described in paragraph 2 of the status report, the SDWG noted information by the Delegation of Japan that the JPO was regularly sending its data to the EPO. The Delegation of Portugal stated that information relevant to PCT applications of its country should be available to the EPO, but the Portuguese Office was ready to arrange again the regular submission of the data. The Delegation of the United States of America referred to efforts currently being undertaken by the USPTO in cooperation with the EPO towards a regular data supply in the near future.

45. In conclusion, the SDWG expressed its thanks to the EPO for the work carried out in collecting data and making them accessible through the EPIDOS/PRS database. It was hoped that the EPO would continue its activities to incorporate in the said database information on PCT international applications from as many countries and organizations as possible.

Continuation of the Production of the CD-ROM Series GlobalPat
(Document SCIT/WG/2/9)

46. Discussions were based on document SCIT/WG/2/9 reporting on Task No. 31 of the SCIT Work Program for the 1998-99 biennium (“Assist small intellectual property offices in acquiring CD-ROMs to enhance accessing search of patent information”). The International

Bureau informed the SDWG of its activities undertaken to carry out this task and its readiness to participate in the GlobalPat project (to avoid discontinuation of the production of the CD-ROM collection), if approval was given by the Standing Committee on Information Technologies.

47. During the discussions, the Delegation of the EPO referred to an inquiry carried out among users of the GlobalPat CD-ROM series which demonstrated much interest in the product. According to the inquiry, some 85% of the users intended to continue their subscription to the CD-ROM series GlobalPat and gave a high rating of its value. The high value of the GlobalPat product as an electronic retrieval system was also underlined by the Representative of the Patent Documentation Group.

48. The SDWG noted great interest by some intellectual property offices in the continued availability of the GlobalPat CD-ROM collections as data archives and their usefulness for search purposes, e.g., the facilities to develop search strategies and the advantages for searching patent families. The CD-ROM series would also compensate for insufficient network infrastructure and difficult circumstances of local telecommunications presently in place in several countries.

49. On the other hand, the SDWG noted concern by one delegation as to whether the use of WIPO funds to continue the production of GlobalPat was justified in view of the soon expected access to patent document collections via the WIPONET.

50. In conclusion, the SDWG agreed to recommend to the SCIT Plenary WIPO's participation in the GlobalPat project in conformity with the concept outlined in Project 2 of the SCIT IT Strategic Implementation Plan ("Changeover assistance").

PRESENTATION

51. The Benelux Trademarks Office gave a presentation of its electronic filing system for trademarks, which was noted with gratitude by the Working Groups.

52. The draft of this report was sent to the participants to the second session of the SCIT Working Groups and adopted by correspondence.

[Annexes follow]