



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

October 14, 1998

Mr. Y. Takagi
Director
Inter-Office Information Services Department
World Intellectual Property Organization
34, chemin des Colombettes
1211 Geneva 20
SWITZERLAND

Re: WIPO SCIT Circular 2388 – Supplementary Correction Codes (Task No 7(b))

Dear Mr. Takagi:

The USPTO has reviewed the two proposed alternatives to revising paragraph 11(a)(v) of WIPO Standard ST.14 and believes that Alternative B, as slightly modified below, is preferable since it provides users with the most information (added text is underlined).

“(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 WIPO Standard ST.9 INID code (15) if provided 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).”

The reference to the WIPO Standard ST.9 as the source of INID code (15) should be included for users not familiar with such codes. Since not all offices use the supplementary correction codes, the words “if provided” are needed in order for the paragraph to cover all possibilities.

It must be recognized, of course, that a number of other standards are also involved in, or refer to, the unique identification of a patent document and thus may need amending. Such standards include Standards ST.6 (e.g., paragraph 14), ST.10 (e.g., paragraph 2(f), ST.10/B (e.g., paragraphs 5, 9, 11, 17-19), ST.11 (e.g. paragraph 6), ST.12 (e.g., paragraph 7), ST.19 (e.g., paragraph 17), ST.30 (e.g., Annex 2), ST.32 (e.g., Part 1, paragraph 1 and Part 2, “Table of SGML Tags for Bibliographic Data”, ST.35 (e.g., Appendixes 2, 4 and 5 and ST.40 (e.g., paragraphs 19, 20, 25, Annexes E and F). Standards ST.14 and ST.33 are currently considering such changes. It may be useful for other standards such as ST.3, ST.9 and ST.16 to be revised or have text added clarifying how a patent document should be uniquely identified. This listing of potential standards which may need amending should not be considered exhaustive. It would be appreciated if the International Bureau would review the standards in detail and take appropriate action regarding those which should be considered by the Working Group.

In addition to providing text discussing the use of supplementary correction codes for these standards, the Working Group should consider how to uniquely identify documents having the

same ST.3 code, document number and ST.16 code, but which do not have correction codes. Theoretically, and probably in fact, a number of countries and organizations, both in the past and currently, could assign the same ST.16 kind of document code to corrected documents as was assigned to the original documents, e.g., A1 is assigned to both the original and corrected documents. ST.32 solves this problem by providing tag <B140>, “Document date, usually date of publication.” This, of course, assumes that two separate corrections to the same document would not be made on the same date.

A further additional concern with WIPO Standard ST.14 should also be noted. Standard ST.14 does not give any guidance on how to cite industrial design documents, trademarks, or other intellectual property office documents that might need to be cited in a patent document. Some of these documents may only be found as part of a collection in a gazette. They are not “patent documents” as defined in paragraph 3 of ST.14 so they do not fall under paragraph 11(a). Likewise, they are not “monographs or parts thereof”, “articles published in a periodical or other serial publication”, or “abstracts” as provided for under paragraph 11(b), (c) or (d), respectively. These documents would appear to fall under the category of non-patent literature, but could be cited in a manner similar to “patent documents”. Since this issue has not been considered by all offices as part of this project, it may be useful to briefly discuss it at the upcoming Working Group meeting before considering the circulating of a proposal requesting the comments of all offices.

Sincerely,

ORIGINAL SIGNED BY

Robert W. Saifer, Director
International Liaison Staff
Search and Information Resources