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To: <scit.mail@wipo.int>
Date: 1/31/05 8:42AM
Subject: C.SCIT 2604 Correction Procedures

<<2005-222.doc>>

Sincerely yours,

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Questionnaire on Correction Procedures in Patent Offices

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

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.

Please provide the following contact information in order for us to contact the person responsible for the Questionnaire in case of need:

<u>Contact details of the Reporting Office:</u>	
Name of the Reporting Office	<u>AT</u> (ST.3 two-letter country/organization code) <i>Austrian Patent Office</i>
Person to contact	Name: <i>Katharina Fastenbauer</i>
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Q U E S T I O N N A I R E

The Guidelines given by WIPO Standard ST.50 aim at providing guidance to industrial property offices and other suppliers of patent information on how to issue corrections, alterations and supplements relating to patent information published in paper form or on machine-readable media.

COMPLIANCE WITH WIPO STANDARD ST.50

1. Does your Office use these guidelines?

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

ALL

PARTLY

NO

- (i) If your answer was “PARTLY”, which parts of WIPO Standard ST.50 are used?
- Kind-of-document codes according to WIPO Standard ST.16, e.g., A8, A9, etc.
 - Data element “publication date” of the correction (INID code (48))
 - Additional correction information, e.g., supplementary correction codes (example: codes on EP CD-ROMs like W, Z, etc.), together with INID code (15)

- Other – Please specify:
- 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 + Utility model Documents are published on Espacenet MIMOSA-Cd-Roms.*
- 28-29: the gazette is published on paper + as .pdf on the Internet + 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 (=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.*

- (ii) If your answer was “NO”, is your Office planning to introduce the guidelines according to WIPO Standard ST.50? If so, when?

YES NO

When?

Comments, if necessary: *Publication of Patent Documents*
only for: Patents and Utility Models

not for: Design, Trade Marks, Supplementary certificates, Topologies. In these cases only publication in the gazettes. Information to the public is given on demand in form of register-information.

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

ALL PARTLY NO

- (i) If your answer was “PARTLY”, please specify the practice of your Office:

alterations are only published in the gazette + 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

- (ii) If your answer was “NO”, is your Office planning to introduce the guidelines according to WIPO Standard ST.50? If so, when?

YES NO

When?

Comments, if necessary:

- c) Guidelines for supplements (paragraphs 37 – 44) ?

ALL PARTLY NO

- (i) If your answer was “PARTLY” please specify the practice of your Office:

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 + gazette, but no publication of a document.

- (ii) If your answer was "NO", is your Office planning to introduce the guidelines according to ST.50? If so, when?

YES NO

When?

Comments, if necessary:

2. On which media are the guidelines according to WIPO Standard ST.50 used? Please indicate the guidelines used in the different media below. Please provide the requested media information for both (1) patent documents, and (2) patent gazettes, for any media on which they are provided.

- (a) Paper:
(i) Patent documents: 7-13,15; 33-34; 37-39
(ii) Patent gazettes: 33-34
- (b) CD-ROMs/DVDs:
(i) Patent documents: 7-13,15; 23-27 (*Mimosa*); 41;
(ii) Patent gazettes:
- (c) Machine-readable carriers other than CD-ROMs/DVDs: *Internet*
(i) Patent documents: 7-13,15; 28 (*EspaceNet*);
(ii) Patent gazettes: 15; 36; 43

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

- Paper Patent Documents: *no*
 Patent Documents on CD-ROMs/DVDs: *no*
 Patent Gazettes/Bulletins (please specify media used): *no*
 Machine-readable carriers other than CD-ROMs/DVDs
(Please specify product, e.g., patent document, patent gazette, etc.): *no*

List the WIPO Standard ST.16 kind-of-document codes used for each kind of corrected patent document. Please indicate if your Office does not change the ST.16 kind-of-document code for corrected documents:

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

4. In the case that your 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).

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.

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

no

5. If you use correction procedures that are not fully in accordance with WIPO Standard ST.50 and do not plan to be fully in line with this Standard in the future, please explain why. In particular, please indicate any concerns you have with WIPO Standard ST.50 that cause problems with its implementation.

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6. Do you see a necessity to update or amend WIPO Standard ST.50? In which area(s)?

no

TYPE AND CAUSE OF ERRORS

7. Is the origin of errors leading to corrections mainly due to the applicant or to the internal processes of your Office?

- More from the applicant side
 More from the Patent Office side
 About equally from applicant and Patent Office

Comments, if necessary: *example of errors in the last time:*

misfunction of the copier, so some pages of the copies have not been printed. In this case the complete document is republished.

8. What is the number of corrections published by your Office every year, in absolute values and/or percentage of the overall publication volume?

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)

9. Has a significant change occurred in the number of corrections issued in the past years?

- More corrections
 Stable
 Fewer corrections

Comments, if necessary:

10. Who makes the final decision of publishing a correction?

- The examiner
 The formality officer
 The publication department
 All, in cooperation
 Other – Please specify: *register*

Comments, if necessary: *formal officer (lawyer) for EP-Patents; Patent register in the other cases*

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

YES NO

Comments, if necessary:

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

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.

Comments, if necessary: