W I P O

STANDARDS AND DOCUMENTATION WORKING GROUP

XML TASK FORCES' INFORMAL MEETING

EXTRACT FROM MINUTES

Agenda Item 4(c): Information concerning Citation Practices Task Force relating to ST.36

Presentation by the Leader of Citation Practices Task Force

10. The Task Force Leader of the Citation Practices Task Force presented the objective and background of the ongoing discussions on the revision of WIPO Standard ST.14 and other standards. The presentation paid particular emphasis to those issues which have an impact on, or from, ST.36. The ST.36 Task Force was asked to note the ST.36-related draft proposals presented in paragraph 5 of Annex II of document "Proposals for Citation Practices by Patent Offices". These, or similar proposals, would be made to the SDWG at the ninth session in February 2008.

11. In discussions about paragraph numbering, the USPTO noted that they accept the paragraph numbering provided by an applicant, but in the publication process the paragraphs are renumbered by the publisher. In this context, text editors are not relevant. Furthermore, it is not possible to impose maximum paragraph sizes on applicants for US patents. In the United States of America, the applicant often repeats the text of a long claim within the body of the application, to provide a basis for the claim. Indentations found in the US claim are repeated in the corresponding portion in the body of the patent document. The US patent document publisher numbers the indented components as sequentially numbered lists during the publication process. The EPO also renumbers paragraphs for publication. The Japanese delegation noted there is no function available to check the length of a paragraph.

12. Some discussions centered on how various elements, such as non text elements, were handled by different Offices, as follows:

(a) Non-text elements such as <math> are already in use by the USPTO. The USPTO, however, does not use the non-text element <chem> because there is no consensus about which standard to use. The EPO specifies that languages used in marking up applications must be open standard, such as CML (Chemical Markup Language). Even though CML is not a

popular standard, they have no problem because they publish their data in image format as well as in XML format. Proprietary data such as ChemDraw would not be supported.

(b) Tagging used by the OHIM allows for XML annotation which functions like a table of contents existing outside the document. Pointers to particular parts of the trademark application are included in this tabular information resource. If a parameter within the application changes, the tabular information resource records the change and points one to the change. With regard to the usefulness of such an information resource for patent application, the USPTO believes this system may not be possible in the reality of the patent world because not every part of the process occurs electronically. For example, decisions such as those which occur in court cases would not necessarily be easily recordable. In addition, such information would need to be stable, that is, for at least 20 years.

(c) The necessity to publish an application as originally filed was stated to be another important factor by the EPO. Citation references must be presented as they are presented by the applicant, in the application. The EPO presents the applicant's citations as a list at the end of the document with a corresponding disclaimer. If there are no citations within the body of the document, there is no list at the end of the document. There is no indication on the EPO bibliographic data to point one to a list at the end of a document.