

AGREEMENT REGARDING PFR ST.36/2008/002

Agreement regarding PFR ST.36/2008/002 was reached by the ST.36 Task Force on February 12, 2009 as proposed in PFR ST.36/2008/002 **Rev.1** on January 22, 2009.

PFR ST.36/2008/002 **Rev.1** and the initial proposal submitted by the Spanish Patents and Trademarks Office (OEPM) on March 24, 2008 are reproduced as Annexes to this Agreement.

[Annex 1 follows]

ANNEX 1

PROPOSAL FOR REVISION (PFR) OF WIPO STANDARD ST.36

Identifier: <i>(to be completed by the IB)</i>	PFR ST.36/2008/002 Rev.1
Procedure for handling this proposal: <i>(to be completed by the IB)</i>	Fast-Track Procedure by the ST.36 Task Force

Submitted by: <i>(Office)</i>	ES: OEPM (Spanish Patents and Trademarks Office)	Date Submitted	March 24, 2008 Rev.1, January 22, 2009
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Subject	
<i>(i.e., brief indication of the changes to be considered)</i>	<ul style="list-style-type: none"> - Add the following data elements to ST.36 ICE: <first-last-name >, <second-last-name > - Change name_group in model DTD

WIPO Standard & Items impacted	
<i>(e.g., main body of the Standard, Appendices / Annexes to the Standard, DTD/Schema, Element/Type Name, etc.)</i>	<p>WIPO Standard ST.36</p> <p>Items impacted:</p> <ul style="list-style-type: none"> - Annex A : Model DTD (xx-patent-document.dtd) - Annex C : ICES

Detailed description <i>(i.e., proposed solution)</i>	
<i>(If necessary, please attach further explanation sheet, e.g., a part of ICE table to be changed if a proposal impacts ST.36 ICES, comments to be added to DTD/Schema if a proposal is related to elements/type, etc.)</i>	<p>Change:</p> <pre><!ENTITY % name_group "((name (prefix?,(last-name orgname), first-name?, middle-name?, suffix?, iid?, role?, orgname?, department?, synonym*)), registered-number?)"></pre> <p>To:</p> <pre><!ENTITY % name_group "((name (prefix?, (last-name orgname), first-name?, middle-name?, <u>first-last-name?</u>, <u>second-last-name?</u>, suffix?, iid?, role?, orgname?, department?, synonym*)), registered-number?)"></pre> <p>Add:</p> <pre><u><!-- First last name (father's family surname), for some countries (such as Spain) is legally mandatory. --></u> <u><!--></u> <u><!ELEMENT first-last-name (#PCDATA) ></u></pre> <pre><!--Second last name (mother's family surname), for some countries (such as Spain) is legally mandatory. --></pre> <pre><!ELEMENT second-last-name (#PCDATA) ></pre>

Annex 1

Reasons

- The main reason is that first-last-name ~~a~~ and second-last-name are ~~is~~ necessary to identify a person in certain countries, e.g., Spain, Portugal, Mexico, etc.
- All Spanish citizens need to be identified by two last names. The identity document or the passport in Spain requires two last names as mandatory: first one is from the father family and second one is from the mother family. When women are married they keep their own two last names.
- Many of last names in Spanish language are composed by more than two words. This means that if the two last names, which are consisted of more than two words, are in the same data field, it is impossible to split them to two family names with the aim of loading each last name to a different register.
- Both last names as independent attributes can be used for indexing or searching proposes in databases.
- In most of the relational databases, each last-name (first and second) is in a different field.
- The OEPM is involved on the migration and redesign of our patent information systems. A usage of separate fields for the two last names is foreseen as one of the improvements in data interchange files in XML format.
- This improvement will be a benefit to many countries.

Any offices, such as the Spanish Office, where two last names are required do the following:

- use <last-name> to store the complete name; e.g., <last-name>Carreras Durbán</last-name>; and
- use the optional two new sub-elements <first-last-name> and <second-last-name> to capture each last name element separately which then gives no ambiguity as to which is which.

Most offices use only <last-name>; they will be able to store this data "as is" during receipt of data from offices which use the secondary data, i.e., <first-last-name> and <second-last-name>, and ignore the secondary data (if required)

The revision to original PFR is to reflect comments by the OEPM and the Trilateral Offices (EPO, JPO and USPTO) and results of the ST.36 Task Force informal meeting which was held on November 20, 2008. The comments are reproduced as Appendix 2 to this document.

[Appendix 1 follows]

Annex 1
APPENDIX 1

PROPOSAL FOR REVISION OF ICEs

Element Name	Description	Uses	Used By	In DTD	INID	Category
<first-last-name>	<p><!-- First last name (father's family surname), for some countries (such as Spain) is legally mandatory. --></p> <p>Any office, such as the Spanish Office, where two last names are required do the following:</p> <ul style="list-style-type: none"> - use <last-name> to store the complete name; e.g., <last-name>Carreras Durbán</last-name>; and - use the optional two new sub-elements <first-last-name> and <second-last-name> to capture each last name element separately which then gives no ambiguity as to which is which. <p>Most offices use only <last-name>; they will be able to store this data "as is" during receipt of data from offices which use the secondary data, i.e., <first-last-name> and <second-last-name>, and ignore the secondary data (if required)</p>			package-data, request, application-body, declarations, power-of-attorney, fee-sheet, ro-request-receiving-info, table-external, ex-officio-correction, pkgheader, xmit-receipt, dispatch-list, application-receipt-list, demand, ipea-demand-receiving-info, fee-sheet-chapter2, priority-doc, search-report, iprp, amendment-request, wo-bibliographic-data, wo-published-application, xx-patent-document		Parties

Annex 1
APPENDIX 1

Element Name	Description	Uses	Used By	In DTD	INID	Category
<second-last-name>	<p>For some countries, each natural person is identified legally by Name (one or more) and two surnames: First one from father family and second one from mother family. In all legal procedures, including all industrial property procedures, persons involved in must be identified by two last names.</p> <p><u><!--Second last name (mother's family surname), for some countries (such as Spain) is legally mandatory.</u></p> <p><u>Any office, such as the Spanish Office, where two last names are required do the following:</u></p> <ul style="list-style-type: none"> - <u>use <last-name> to store the complete name; e.g., <last-name>Carreras Durbán</last-name>; and</u> - <u>use the optional two new sub-elements <first-last-name> and <second-last-name> to capture each last name element separately which then gives no ambiguity as to which is which.</u> <p><u>Most offices use only <last-name>; they will be able to store this data "as is" during receipt of data from offices which use the secondary data, i.e., <first-last-name> and <second-last-name>, and ignore the secondary data (if required)</u></p>			<p>package-data, request, application-body, declarations, power-of-attorney, fee-sheet, ro-request-rceiving-info, table-external, ex-officio-correction, pkgheader, xmit-receipt, dispatch-list, application-receipt-list, demand, ipea-demand-receiving-info, fee-sheet-chapter2, priority-doc, search-report, iprp, amendment-request, wo-bibliographic-data, wo-published-application, xx-patent-document</p>		Parties

[Appendix 2 follows]

Annex 1
APPENDIX 2

Comments by the OEPM and the Trilateral Offices (EPO, JPO and USPTO)

<p>Modify <!ENTITY % name_group</p> <p>Add the elements <i>first-last-name</i> and <i>second-last-name</i></p> <p>Agreed by Trilateral and Spanish PO</p>	<p>Change the entity to add the sub-elements <i>first-last-name</i> and <i>second-last-name</i></p> <p>From</p> <pre><!ENTITY % name_group "((name (prefix?,(last-name orgname),first-name?, middle-name?, suffix?,iid?,role?,orgname?,department?,synonym*)), registered-number?)" ></pre> <p>to</p> <pre><!ENTITY % name_group "((name (prefix?,(last-name orgname),first-name?,middle-name?,first-last-name?, second-last-name?, suffix?,iid?,role?,orgname?,department?,synonym*)),registered-number?)"></pre> <p>Add:</p> <pre><!-- First last name (father's family surname), for some countries (such as Spain) is legally mandatory. --> <!ELEMENT first-last-name (#PCDATA) ></pre> <pre><!--Second last name (mother's family surname), for some countries (such as Spain) is legally mandatory. --> <!ELEMENT second-last-name (#PCDATA) ></pre> <p>This revised proposal suggests the following - any office, such as the Spanish Office, where two last names are required do the following: use <last-name> to store the complete name; eg. <last-name>Carreras Durbán</last-name> use the optional two new sub-elements <first-last-name> and <second-last-name> to capture each last name element separately which then gives no ambiguity as to which is which. Most offices use only <last-name> - they will be able to store this data "as is" during receipt of data from offices and ignore the secondary data (if required)</p>
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[Annex 2 follows]

ANNEX 2

INITIAL PFR

Identifier: <i>(to be completed by the IB)</i>	PFR ST.36/2008/002
Procedure for handling this proposal: <i>(to be completed by the IB)</i>	Fast-Track Procedure by the ST.36 Task Force

Submitted by: <i>(Office)</i>	ES: OEPM (Spanish Patents and Trademarks Office)	Date Submitted	March 24, 2008
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Subject	
<i>(i.e., brief indication of the changes to be considered)</i>	<ul style="list-style-type: none"> - Add the following data elements to ST.36 ICE: <second-last-name > - Change name_group in model DTD

WIPO Standard & Items impacted	
<i>(e.g., main body of the Standard, Appendices / Annexes to the Standard, DTD/Schema, Element/Type Name, etc)</i>	<p>WIPO Standard ST.36</p> <p>Items impacted:</p> <ul style="list-style-type: none"> - Annex A : Model DTD (xx-patent-document.dtd) - Annex C : ICEs

Detailed description <i>(i.e., proposed solution)</i>	
<i>(If necessary, please attach further explanation sheet, e.g., a part of ICE table to be changed if a proposal impacts ST.36 ICEs, comments to be added to DTD/Schema if a proposal is related to elements/type, etc.)</i>	<p>Change:</p> <pre><!ENTITY % name_group "((name (prefix?,(last-name orgname),first-name?, middle-name?,suffix?,iid?,role?,orgname?,department?,synonym*)), registered-number?)" ></pre> <p>To:</p> <pre><!ENTITY % name_group "((name (prefix?,(last-name orgname),first-name?,middle-name?,second-last-name?,suffix?,iid?,role?,orgname?,department?,synonym*)),registered-number?)" ></pre>

Annex 2

Detailed description (i.e., proposed solution)	
	<p>Add:</p> <pre> <!--Second last name (mother's family surname), for some countries (such as Spain) is legally mandatory. --> <!ELEMENT second-last-name (#PCDATA) > </pre>
Reasons	<p><i>(e.g., clear indication of the problem, how the need was determined, objectives of the revision, expected benefits, etc.)</i></p> <ul style="list-style-type: none"> - The main reason is that a second-last-name is necessary to identify a person in certain countries, e.g., Spain, Portugal, Mexico, etc. - All Spanish citizens need to be identified by two last names. The identity document or the passport in Spain requires two last names as mandatory: first one is from the father family and second one is from the mother family. When women are married they keep their own two last names. - Many of last names in Spanish language are composed by more than two words. This means that if the two last names, which are consisted of more than two words, are in the same data field, it is impossible to split them to two family names with the aim of loading each last name to a different register. - Both last names as independent attributes can be used for indexing or searching proposes in databases. - In most of the relational databases, each last-name (first and second) is in a different field. - The OEPM is involved on the migration and redesign of our patent information systems. A usage of separate fields for the two last names is foreseen as one of the improvements in data interchange files in XML format. - This improvement will be a benefit to many countries.

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