> **NOTICE**:   This file contains information that was previously published in the WIPO *Handbook on Industrial Property Information and Documentation*, but that has become outdated.

CITATION PRACTICES IN PATENT OFFICES

Editorial note by the International Bureau

1.   The Standards and Documentation Working Group (SDWG) of the Standing Committee on Information Technologies (SCIT), at its fourth session, held in January 2004, approved a questionnaire on citation practices in industrial property offices. The survey prepared by the SDWG Citation Practices Task Force was issued as WIPO Circular C.SCIT 2605 on December 14, 2004. At its ninth session, held in February 2008, the SDWG considered the final version of the survey and agreed on its publication in the WIPO *Handbook on Industrial Property Information and Documentation* (see document SCIT/SDWG/9/12, paragraph 30).

2.   The survey reproduced in this document presents the practices by industrial property offices regarding the difficulties in citing specific parts of the description of the invention text in a patent document.

3.   An introduction in Part 1 states the objectives, background, definitions, related standards, and relevant practices from other domains, as well as a summary of the current practices of respondents. Part 2 collates the results of the survey concerning Citation Practices in Patent Offices.

SURVEY CONCERNING CITATION PRACTICES IN PATENT OFFICES

*Survey presented to the SCIT Standards and Documentation Working Group
at its ninth session in February 2008*

PART 1 – SUMMARY OF RESULTS OF THE SURVEY OF CITATION PRACTICES BY PATENT OFFICES

BACKGROUND

1.   Users of patent information encounter difficulties when referring to citations and to locate specific parts of a patent document (e.g., when a patent document is available in electronic media, the identification of specific parts of the description text may become difficult if the document layout depends on the software settings of the users). This problem is related to the diverse and multiple forms of media on which patent documents are available.

2.   Circular C.SCIT 2605 and a questionnaire on citation practices in patent offices were sent by email to patent offices in December 2004. Responses were received from the following 16 Offices:

Austria (AT),	Lithuania (LT),	Slovakia (SK),
European Patent Office (EP),	Republic of Moldova (MD),	Sweden (SE),
Germany (DE),	Netherlands (NL),	Ukraine (UA),
Ireland (IE),	Russian Federation (RU),	United Kingdom (GB),
Japan (JP),	Spain (ES),	United States of America (US).
Republic of Korea (KR),		

3.   The circular, the questionnaire and the individual responses received are available on WIPO's website (*http://www.wipo.int/scit/en/mailbox/circ04.htm*).

DEFINITIONS

4.   To keep in mind the form and objective of a citation reference the following definition from paragraph nine of International Standard ISO 690:1987 is noted. "A citation is a brief form of reference inserted parenthetically within the running text or appended as a note at the foot of the page, at the end of a chapter, or at the end of the complete text. The citation serves to identify the publication from which quoted matter within the text, an idea paraphrased, etc. was taken, and to specify its precise location within the source publication."

5.   Three points from this definition appear to be relevant to citation practices, namely, a citation:
   - is brief,
   - can be expected to appear within one or more of several parts of a document, and
   - serves to unambiguously identify the publication, as well as the precise location therein, of the cited material.

6.   Another definition of Citation (relating particularly to patent documents) occurs in the WIPO Glossary of Terms, Part 8.1 of the WIPO Handbook.

EXISTING STANDARDS AND OTHER RELATED MATERIAL

7.   WIPO Standard ST.1 provides recommendations concerning the minimum data elements required to uniquely identify a patent document.

8.   WIPO Standard ST.9 provides technical information INID code (56) to describe a "List of prior art documents", if separate from descriptive text. Attention is drawn to WIPO Standard ST.14 in connection with the citation of references on the first page of patent documents and in search reports attached to patent documents.

9.   WIPO Standard ST.14 provides for the inclusion of references cited in patent documents. WIPO Standard ST.14 gives recommendations for the location, order, format, and nature of making citation references to patent and non-patent literature occurring in electronic or paper-based media. Paragraph 13 refers to the identification of cited material within electronic media modeled on the ISO 690-2 standard.

10.   WIPO Standard ST.36 (Supplementary Material) allows for the identification of parts of the description of a patent specification in electronic format in one of two ways. The first way is as a list of pages (in TIFF or another accepted

page-based format). The second means of identification is as XML-coded text, in which case paragraphs (and other parts) can be identified (refer to the DTDs). XML tags and elements found in WIPO Standard ST.36 with regard to citation practices rely heavily on the examples given in WIPO Standard ST.14. Many tags in WIPO Standard ST.36 are available for use when citing references.

RELEVANT PRACTICES FROM OTHER DOMAINS

11.   Paragraph 5.1.2 of ISO Standard 690-2 includes guidelines for the citation of parts of electronic documents, but gives no specific guidance on how those parts should be identified. Examples of the standard are reproduced at the following address *http://www.collectionscanada.ca/iso/tc46sc9/standard/690-2e.htm#5.1.2.*

12.   In the academic domain, the Chicago Manual of Style is a well-recognized guide for documentation. It includes guidelines for citing electronic documents but there is no explicit guideline for identifying parts of those documents. An example is reproduced at the following address *http://library.osu.edu/sites/guides/chicagogd.html.*

CURRENT PRACTICES AND FUTURE PLANS AS DETERMINED FROM CIRCULAR C.SCIT 2605 RESPONSES

13.   In early 2005, 9 Offices (DE, EP, ES, IE, JP, KR, NL, UA, US) were using media-independent citation practices and 7 did not (AT, GB, LT, MD, RU, SE, SK). 5 were planning modifications to their procedures in the future (AT, LT, MD, RU, UA), typically linked to the implementation of electronic filing and/or processing systems.

14.   Paragraph numbering was the preferred method for identifying parts of electronic documents, and several offices' publication systems already supported paragraph numbering, either by automatically adding paragraph numbers to the published documents, or by relying on applicants and/or examiners to number paragraphs. However, there is a preference for sentence numbering from some Offices (NL suggests sentences as the primary numbering system and DE suggests numbering sentences within paragraphs). There was no clear consensus on numbering of figures, tables, and other non-text elements.

15.   It is observed that it is typically only in patent applications filed electronically (e.g., in full XML format) where paragraphs are numbered (automatically) by the applicant. However, in the majority of cases, numbering appears to be added later by the office as part of the publication process.

16.   Text editors used when creating patent application text typically create new paragraphs for each line break (when the applicant presses 'Enter' on the keyboard). There is no restriction on length of paragraphs, although some offices will give guidance on how long a paragraph ideally will be.

17.   In the case of claims: existing practices of numbering and citing claims were the preferred method.

18.   There was no consistent approach on current or intended practice with respect to numbering non textual parts of a document. 8 Offices count embedded images (DE, EP, IE, KR, LT, RU, UA, US). 5 Offices count chemical and mathematical formulae (JP, KR, LT, RU, US). 7 Offices count tables (IE, JP, KR, LT, RU, UA, US). 4 Offices count gene sequences (DE, EP, LT, RU). And, 3 Offices count computer programs (DE, LT, RU).

19.   The majority of respondents did not plan to suppress the display of numbers allotted to paragraphs, sentences, etc.

20.   There were no specific additional plans to implement or change the citing of specific parts of patent documents with regard to e-filing other than those already mentioned (paragraph numbering).

21.   The main problems were seen to be long paragraphs (9 Offices – AT, DE, EP, ES, GB, LT, MD, UA, US), numbering of non-textual elements (3 Offices- AT, ES, US), and 1 Office experiences technical difficulties (NL). 4 Offices (IE, JP, KR, RU) did not experience any particular problems. 2 Offices (DE, US) had developed solutions for the problem of long paragraphs which involved number of sentences within paragraphs and creating sub-paragraphs.

PART 2 – RESULTS OF THE SURVEY CONCERNING CITATION PRACTICES IN PATENT OFFICES

Start date: December 14, 2004
Completed responses: 16

1. *Does your Office use any practices to make citing of specific parts of patent documents possible independent of the media and formats on which the document is stored or published?*

Option	Count	Percent
Yes: DE, EP, ES, IE, JP, KR, NL, UA, US	9	56%
No: AT, GB, LT, MD, RU, SE, SK	7	44%

Total responses: 16

2. *In the light of new developments in media and formats, is your Office planning to introduce new practices regarding citing of specific parts of patent documents?*

Option	Count	Percent
Yes: AT, LT, MD, RU, UA	5	31%
No: DE, EP, ES, GB, IE, JP, KR, NL, SE, SK, US	11	69%

Total responses: 16

3. *If your Office is planning to introduce those practices, when will they be introduced?*

Country	Comment
AT:	No fixed time schedule at the moment. But we plan a redesign of all our publications in view of a new Corporate Identity / Design and evaluate whether with this we could also introduce a numbering of the paragraphs like EP, US and DE do.
GB:	We have no immediate plans, we currently use EPOLINE for our electronic filing means and are developing an electronic case management system based on the EPO's Phoenix system, we will therefore be guided by the XML developments of EPOLINE, PatXML and Phoenix.
IE:	There are currently no plans to introduce new measures for citing specific parts of patent documents.
LT:	2007.
MD:	From January 1, 2006.
RU:	Our Office is planning to introduce such practice but the date of its implementation is not settled yet.
UA:	This can be done after creation in Ukraine of the legislative basis concerning digital signature without which introduction of the e-filing system is impossible.

Total responses: 7

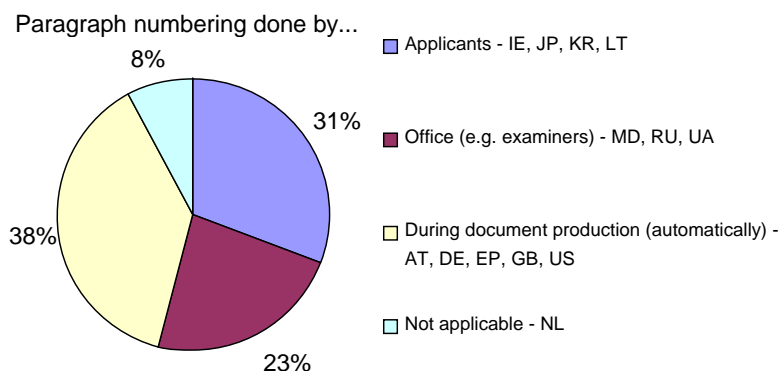| 4.	*In WIPO Standard ST.36 paragraph numbering in patent document is foreseen. If your Office is using or planning to use practices for unambiguous citing of the text, which practices are or will be used?*

Option	Count
Paragraph numbering: AT, DE, EP, GB, JP, KR, LT, MD, RU, UA, US	11
Sentence counting: NL	1
Word Counting	0
Other – Please specify: AT, IE, RU, US	4

Total responses: 13

Other remarks:

AT:	Probably keep line numbers for paper documents.
IE:	Page and line numbering, e.g. Pg 16, lines 22-30.
RU:	According to the internal regulations the only document with citations of specific parts of patent documents is a search report made by the examiner to be sent to the applicant and saved in the application file. According to current practice, search reports are not published. For the purpose of citation in search reports every 5th line of a patent document published on paper is marked with its corresponding number: 5, 10, 15 etc. Found patent documents of prior art are cited on a published patent document without indicating their parts.
US:	For patent application publications, paragraph numbering is used for both images (Yellow Book 2 based on ST.33) and full text (Red Book ICE based on ST.36). For patent grants, columns and line numbers are used in the image data only.

5.	*If paragraph numbering is done or foreseen by your Office, who defines or will define the paragraphs to be numbered?*

Paragraph numbering done by...

- Applicants - IE, JP, KR, LT
- Office (e.g. examiners) - MD, RU, UA
- During document production (automatically) - AT, DE, EP, GB, US
- Not applicable - NL

8%
31%
38%
23%

Option	Count
(a) Basically the applicants: EP, IE, JP, KR, LT	5
(b) The Office, e.g., the examiners: MD, RU, UA	3
(c) Other –Please specify: AT, DE, EP, GB, NL, US	6

Total responses: 13

Other remarks:

AT:	Scanning + OCR is done by XEROX, and the paragraph numbering will be done at this occasion.
DE:	Automatically during the production of the document.
EP:	The paragraph numbering is generated during the preparation of the patent document in case of classic filing (paper) and by the applicant in case of on-line filing using PATXML.
GB:	It is foreseen that it would be a combination of (a) and/or (b) and driven by the XML developments of E Filing and Electronic case management.
NL:	Paragraph numbering is not foreseen.
US:	For patent application publications, the publication contractor numbers paragraphs in their logical order at the time of publication for most applications (paper or electronic), ignoring any paragraph numbers applied by the applicant (since they might no longer be in ascending numerical order by time of publication).
	For patent grants, the publication contractor ignores paragraph numbers applied by the applicant and provides paragraph numbers for Grant Red Book ICE (based on WIPO Standard ST.36) and numbers and columns in Grant Yellow Book 2 (based on WIPO Standard ST.33).

6.   If according to 5 (a) the applicants define or will define the paragraphs, does or will your Office give guidance as to, e.g., how long a paragraph should ideally be?

	Option	Count
Yes:	EP, IE, LT	3
No:	DE, GB, JP, KR, NL, US	6
Comments, if necessary:	EP, IE, KR	3
Not answered:	AT, ES, MD, RU, SE, SK, UA	7

Total responses: 9

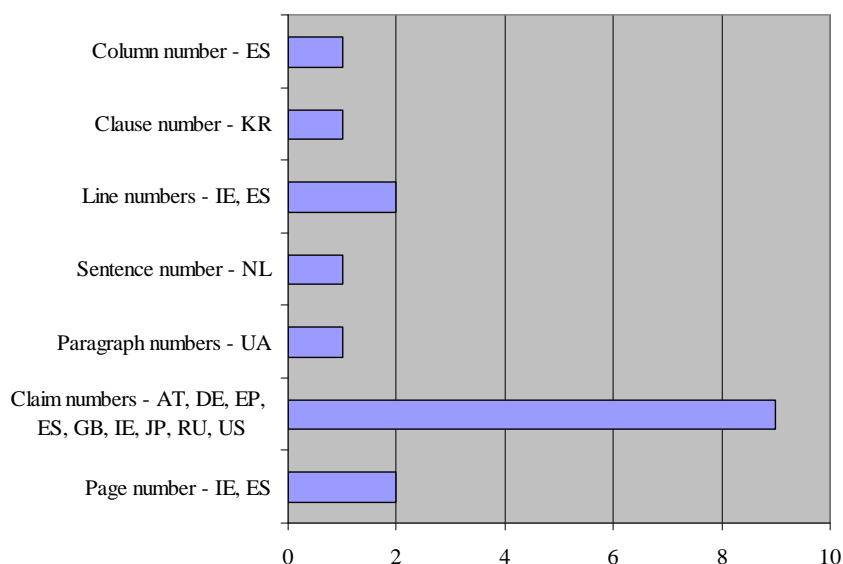Other remarks:

EP:	The PATXML software used for on-line filing in XML, is generating the paragraph numbering automatically after a line break.
IE:	The description should be clear and intelligible, therefore the paragraph length used should anticipate this.
KR:	If an applicant presses an enter key when preparing an application, a paragraph is automatically made with a paragraph number assigned to each paragraph respectively. We don't have a rule or guideline to limit a paragraph length or size.

7. *If your Office is using or planning to use practices for unambiguous citing of the text, how are the claims treated (or how will they be treated)?*

Citation references to claims indicate...

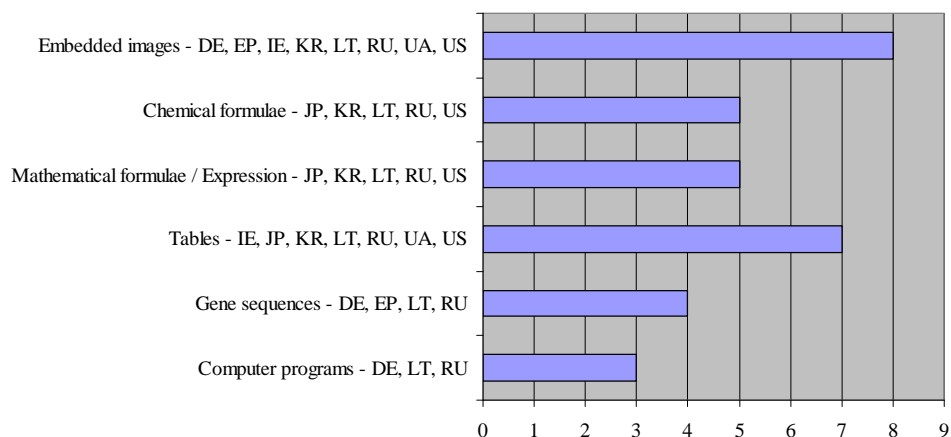| Country	Comment
AT:	Each claim will have a number, no paragraph numbers for claims.
DE:	According to the existing numbering of the claims.
EP:	The numbering of claims is the basis for citation of claims.
ES:	Numbering pages, columns, lines and claims.
GB:	No change to current UK Legislation is foreseen, the claims will be identified and start on a separate page to the description and abstract. Claims are numbered consecutively.
IE:	The claim text is cited using page, claim and line numbering, e.g.; Pg 18, claim 4, lines 34-36.
JP:	JPO accepts application in XML format. Under this format, claims as a whole must be tagged with <claims>, and each claim must be tagged with <claim> (e.g., claim 1 is represented as "<claim num=""1>text</claim>").
KR:	Claim number should be assigned to each claim clause respectively. (e.g., [Clause 1], [Clause 2], etc.).
LT:	Claims will be treated also as a separate document.
MD:	At the moment, the office does not use unambiguous citing for claims.
NL:	Sentence counting.
RU:	In future for citing claims our Office plans to indicate only the respective claim number as it is made now for citations in search reports.
UA:	Paragraph numbering is planned.
US:	Claims for patent application publications are numbered by the applicant. Claims for patent grants are numbered using consecutive Arabic numerals starting with the number 1. Claim step numbering within a claim normally reproduces whatever the applicant submitted in terms of outline style.

Total responses: 14

8. *Does your Office count or intend to count other parts of the specification apart from textual parts, e.g., embedded images, tables, etc.? Please specify:*

The Office identifies the following parts…

Country	Comment
AT:	No, but we did not evaluate this deeply until yet.
DE:	The office itself does not count embedded images, tables, etc. During the capturing of the documents the following elements are marked up: embedded images (chemical formula, mathematic formula, tables), gene sequences, computer programs.
EP:	The EPO is capturing the patent document in SGML (WIPO Standard ST.32) and in the future in XML (WIPO Standard ST.36). The embedded images, gene sequences are marked individually with sequencing numbers in the SGML/XML data flow.
GB:	No.
IE:	Tables are allowed amidst the descriptive text to aid understanding of the inventive concept. These are dealt with using page, table and line numbering, e.g., Pg 25, table 1, line 28. Each image/drawing is allocated a reference number, e.g., Figure 1, which allows easy citing of a particular image.
JP:	Yes. JPO employs tags to identify chemical formulae, mathematical formulae, or tables. These tags have numbers as their attributes (e.g., <chemistry num= "1">NaCl</chemistry>) in order to identify one part from other parts of the same kind.
KR:	Yes, we have already count such parts using image, table, expression, and formula numbering scheme, e.g., [Image 1], [Table 1], [Expression 1], [Formula 1].
LT:	Other parts of the specification (apart from textual parts) will be numbered.
MD:	The office plans to use citing for all parts of the description of the invention text in patents documents.
NL:	No.
RU:	Our Office plans to count other parts of the specification apart from textual parts.
SE:	No.
UA:	Tables and images are counted separately.
US:	Some embedded images are already counted; for example, chemical structures and mathematical equations. Applicants may provide numbering for tables, formulas, etc. that will appear in the image of the document and may be cited by a user. For published patent applications, the paragraph number near an imbedded image or table may be included in a citation, necessary or desired. For granted patents, the column and line number near the imbedded image or table may be cited.

Total responses: 14

9.   Do you plan to create within the user interface of your electronic patent information products or services an option to suppress the display of the numbers allotted to paragraphs, sentences, etc.? Please specify the products or services and the methods used:

Interpretation of Remarks	Count	Percent
Yes: MD	1	7%
No: AT, DE, EP, GB, IE, JP, KR, LT, NL, RU, SE, UA, US	13	93%

Remarks:

Country	Comment
AT:	Our patent documents (patent + utility models) are accessible via EspaceNet.
DE:	At the moment no plan.
EP:	No plans at the EPO on that respect and no request from users are known.
GB:	This will be dependant on the electronic product development as identified in question 3 above.
IE:	No. All electronic patent information products display a PDF version of the original patent document, therefore removal of numbers allotted to lines, etc., is not possible.
JP:	No.
KR:	Currently, our system only shows paragraph numbers of an application. However, we don't have any plan to add the function to optionally suppress the display of a paragraph number.
LT:	The display of the numbers alloted to paragraphs etc., within the user interface of electronic patent information products are planned.
MD:	It will be used products developed within the office.
NL:	No.
RU:	No, this option would not be provided.
SE:	No.
UA:	No.
US:	No.

Total responses: 14

10. *If your Office has introduced or is planning to introduce e-filing, does it intend to implement or change its practices concerning the citing of specific parts of patent documents with regard to e-filing?*

Option	Count	Percent
Yes: EP, GB, LT, MD, RU, UA	6	43%
No: DE, ES, IE, JP, KR, NL, SE, US	8	57%

Please elaborate:

AT:	We don't have e-filing now. We plan to introduce the EPO-Tool-Box.
EP:	The paragraph numbering is generated during the preparation of the patent document in case of classic filing (paper) and by the applicant in case of on-line filing using PATXML. The PATXML software used for on-line filing in XML, is generating the paragraph numbering automatically after a line break.
ES:	At present we think that it's enough.
GB:	Developments in the epoline (RTM) system and also the development of a UK version of PatXML will allow this Office to reassess the format of the patent applications it receives, however, there are no changes in practice planned at present.
IE:	There are currently no plans to introduce e-filing in the short or medium term, therefore no changes shall be made to the current practices for citing specific parts of patent documents.
JP:	JPO introduced e-filing as early as in 1990 and has developed practices as described above as to the citing of specific parts of patent documents. We at this time do not have any plan to further change these practices.
KR:	We had already launched e-filing system in 1999 and we keep our current practices relating the citing of patent documents for a while.
NL:	We make use of WIPO/EPO systems/software. An applicant can file in Patxml. We are not yet planning to introduce a full text database.
RU:	At present e-filing procedure is under development in our Office. The principles of citation would be the same as planned in relation to the published documents.
SE:	We will introduce e-filing in the near future, but the plans are not advanced far enough to decide on details like paragraph numbering.
UA:	In detailed elaboration of the plans of e-filing introduction it is planned to introduce paragraph numbering.
US:	When citing published US patent application publications, the examiner will continue to cite the relevant paragraph numbers. When citing granted US patents the examiner will continue to cite the relevant column and line number.

Total responses: 14

11. *What are, according to the position of your Office, aspects which seem to be difficult?*

Option		Count
Long paragraphs:	AT, DE, EP, ES, GB, LT, MD, UA, US	9
No particular problems:	IE, JP, KR, RU	4
Technical difficulties:	NL	1
Numbering of non textual elements:	AT, ES, US	3

Comments on long paragraphs and other difficulties**:**

Country	Comments on long paragraphs
DE:	To improve the possibility of citing particular parts of the document we propose the numbering of the sentences within a paragraph, i.e, to start with a new numbering in each paragraph.
EP:	The long paragraphs were mentioned as a problem by users. Nevertheless, some internal studies show that the size of the paragraph has decreased in the past years.
US:	Paragraphs that extend over more than one page are most often broken into multiple "sub" paragraphs that read very much like a claim with a large number of claim steps. We now treat these as unordered lists (list without bullets) and give them paragraph numbers as if they were separate paragraphs.

Country	Comments about difficulties other than paragraph numbering
AT:	See question 8 [relating to the counting of elements other than textual elements].
ES:	Chemistry patents with chemical formulae.
IE:	The current system is sufficient at the moment, but any change in the format of citing specific parts of patent text will require revision of Irish patent legislation.
JP:	JPO has no difficulties.
KR:	We have no problems.
NL:	There are sometimes technical difficulties, like the firewall.
RU:	No particular difficulties have been revealed yet.
US:	We currently do not include tables, equations, formulas, in the sequence of paragraph numbering. It is not clear whether we should we have only one sequence for numbering all objects throughout the document, or if we should maintain separate numbering for different object types. Examiners and other users will need to be consulted about their experiences.

Total responses: 14

12.	Do you intend to introduce additional measures to solve the problem of unambiguous citing?

Option		Count
Instructions to the applicant:	ES, IE, KR, LT, UA	5
Instructions within the office (from Other comments below):	MD	1
No (from Other comments below):	GB, JP, NL, US	4
Possible website announcements (from other comments below):	RU	1

Other – Please specify:

GB:	No
JP:	JPO does not have any plan to introduce additional measures as current JPO practices fully guarantee clear identification of specific parts of patent documents.
MD:	Internal instructions it is foreseen to be elaborated.
NL:	Not at this moment.
RU:	Nothing particular is planned now. Some public announcements could be issued by means of official and special publications including those on official Web-site.
US:	Not at this time.

Total responses: 11

[End of Survey]