

## **Committee on WIPO Standards (CWS)**

### **Fifth Session**

**Geneva, May 29 to June 2, 2017**

### **DRAFT REPORT**

*prepared by the Secretariat*

### **INTRODUCTION**

1. The Committee on WIPO Standards (hereinafter referred to as “the Committee”, or “the CWS”) held its fifth session in Geneva from May 29 to June 2, 2017.
2. The following Member States of WIPO and/or members of the Paris Union and Bern Union were represented at the session: Argentina; Australia; Austria; Brazil; Canada; Chile; China; Colombia; Costa Rica; Czech Republic; El Salvador; France; Georgia; Germany; Hungary; India; Indonesia; Iran (Islamic Republic of); Italy; Côte d'Ivoire; Japan; Kuwait; Lithuania; Mexico; Panama; Philippines; Republic of Korea; Romania; Russian Federation; Saudi Arabia; South Africa; Spain; Sweden; Thailand; The former Yugoslav Republic of Macedonia; Ukraine; United Arab Emirates; United Kingdom; United States of America and Venezuela, Bolivarian Republic of (40).
3. In their capacity as members of the CWS, the representatives of the following intergovernmental organizations took part in the session: the African Intellectual Property Organization (OAPI); the African Regional Intellectual Property Organization (ARIPO); the Eurasian Patent Organization (EAPO); the European Patent Office (EPO); the European Union (EU); the Patent Office of the Cooperation Council for the Arab States of the Gulf (GCC Patent Office) and the International Union for the Protection of New Varieties of Plants (UPOV) (7).
4. Representatives of the following non-governmental organizations took part in the meeting in an observer capacity: The Confederacy of Patent Information User Groups (CEPIUG); the International Federation of Inventors' Associations (IFIA); the International Video Federation (IVF); and the Patent Information Users Group (PIUG) (4).

5. The participation of seven Delegations from Least Developed Countries (LDCs) or developing countries was financed by WIPO in accordance with the decision taken by the General Assembly in 2011.

6. The list of participants appears as Annex I to this report.

#### Agenda Item 1: Opening of the session

7. The fifth session was opened by the Director General of WIPO, Mr. Francis Gurry, who welcomed the participants and emphasized the importance of WIPO Standards for facilitating the exchange and processing of big volumes of IP data in accurate and timely manner through a single common framework for IP information and documentation, which is extremely important in the current era of Big Data.

#### Agenda Item 2: Election of the Chair and two Vice-Chairs

8. The CWS unanimously elected Ms. Katja BRABEC (Germany) as Chair, and Ambassador Alfredo SUESCUM (Panama) as Vice-Chair.

9. Young-Woo YUN, Head, Standards Section, acted as Secretary of the session.

#### Agenda Item 3: Adoption of the agenda

10. The CWS unanimously adopted the agenda as proposed in document CWS/5/1 PROV. 3, which appears as Annex II to this report.

#### PRESENTATIONS

11. The presentations given at this session of the CWS and working documents are available on the WIPO website at: [http://www.wipo.int/meetings/en/details.jsp?meeting\\_id=42285](http://www.wipo.int/meetings/en/details.jsp?meeting_id=42285).

#### DISCUSSIONS, CONCLUSIONS, AND DECISIONS

12. As decided by the Governing Bodies of WIPO at their tenth series of meetings held from September 24 to October 2, 1979 (see document AB/X/32, paragraphs 51 and 52), the report of this session reflects only the conclusions of the CWS (decisions, recommendations, opinions, etc.) and does not, in particular, reflect the statements made by any participant, except where a reservation in relation to any specific conclusion of the CWS was expressed or repeated after the conclusion was reached.

#### Agenda Item 4: Report on the Survey on the Use of WIPO Standards

13. Discussions were based on document CWS/5/2 and the presentation made by the International Bureau.

14. The CWS noted the content of document CWS/5/2, in particular the report on results of the Survey on the use of WIPO Standards, summarized in paragraphs 6 to 9 thereof. Industrial property offices (IPOs) of the following 31 countries submitted their responses to the survey: Australia, Bosnia and Herzegovina, Bangladesh, Canada, China, Colombia, Czech Republic, Germany, Spain, Honduras, Croatia, Hungary, Italy, Japan, Kyrgyzstan, Republic of Korea, Lithuania, Republic of Moldova, Mexico, Oman, Russian Federation, Saudi Arabia, Sweden, Slovakia, El Salvador, Tunisia, Trinidad and Tobago, Ukraine, Uganda, United States of America and South Africa. The participants agreed that the report was useful to assess the level of the implementation of WIPO Standards in IPOs and better understand the remaining obstacles in this process.

15. The CWS encouraged IPOs, which had not submitted their responses to the survey, to do so; the Secretariat was requested to issue a Circular through *Note Verbale* inviting IPOs to submit or amend their responses to the Survey on the use of WIPO Standards, if necessary.

16. The CWS approved the publication of the Survey on the use of WIPO Standards as Part 7.12 of the *WIPO Handbook on Industrial Property Information and Documentation* (WIPO Handbook).
17. The CWS agreed to move WIPO Standards ST.7 to ST.7/F and ST.30 to the Archive, which is also available on WIPO website.
18. With respect to WIPO Standards listed in paragraph 11 of document CWS/5/2, namely, WIPO Standards relevant for paper publication: ST.10/D, ST.12/C, ST.18, ST.19, ST.20 and ST.21; and WIPO Standards related to technologies, which were outdated: ST.31 (character sets), ST.32 (SGML), ST.33 (facsimile), ST.34 (recording of application numbers), ST.35 (mixed-mode) and ST.40 (facsimile on CD-ROM), the CWS agreed to keep them in the WIPO Handbook and revisit the issue when the extended survey results would be presented for consideration by the CWS.
19. The CWS requested the International Bureau to continue and intensify its efforts in providing technical assistance to the Member States and to follow-up on the cases referred to in paragraph 8 (c) of document CWS/5/2, as well as other cases in the future which would require awareness building and technical assistance. These activities should be reflected in the report by the International Bureau on the provision of technical advice and assistance for capacity building to IPOs to the CWS.
- Agenda Item 5: Decision of the 48th session of the WIPO General Assembly in relation to the CWS, including Development Agenda matters<sup>1</sup>
20. Discussions were based on document CWS/5/3.
21. Some delegations stated that the CWS was a relevant Committee to report on the implementation of the WIPO Development Agenda recommendations to the General Assembly and that the International Bureau should intensify its efforts in providing technical assistance for capacity building in order to ensure that WIPO Standards are implemented in all IPOs to the maximum possible degree.
22. Some other delegations did not support the link between coordination mechanism and the work of the CWS; they emphasized the technical nature of the CWS and the fact that the implementation of WIPO Standards is often achieved through the use of WIPO software solutions for IPOs.
23. The Delegation of Brazil requested that its statement be included verbatim in the present report:

“The approval of the Development Agenda in 2007 was a landmark for the Organization. After many years of discussion, development considerations at last were recognized as in need of forming an integral part of WIPO’s work. A coordination mechanism approved in 2010 in order to monitor and assess the implementation of the Development Agenda throughout the organization. As contained in document WO/GA/39/7, ‘All WIPO Committees stand on an equal footing and report to the Assemblies’, and we view the CWS as fully under the purview of that decision.

“We cannot differentiate between technical and non-technical bodies, since all discussions related to IP involve technical aspects. At the same time, we are indeed an organization under the UN umbrella and development objectives must be part of our work, all of it. Specifically on the contribution of the CWS to the implementation of the Development

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<sup>1</sup> This agenda item is without prejudice to the Members’ positions on a question as to whether the CWS is relevant to Development Agenda coordination mechanism.

Agenda, there is naturally the matter of technical assistance, whose necessity is reflected in document CWS/5/2 that we have just discussed. Those efforts by WIPO should be guided by the relevant development agenda recommendations and we urge the organization to continue to support it. The Development Agenda's clusters, however, cover a wide area which is not limited to technical assistance. We should also consider its relation with the standards agreed in it. While non-binding to Members, they effectively serve to guide the work of IP Offices that choose to adopt them. Therefore, inclusivity and an evaluation on the balance between costs and benefits should always be the basis of the work of the CWS.

"The implementation of the Development Agenda is an on-going and non-exhaustive activity in WIPO. The mainstreaming of development considerations into WIPO's activities requires the effort of all Members. We remain committed to the Development Agenda and urge others to cooperate with that goal in view."

24. The CWS took note of the decision of the 48th session of the WIPO General Assembly related to the CWS.

Agenda Item 6: Extension of WIPO Standard ST.96 to incorporate Extensible Markup Language (XML) schema for orphan works and geographical indications

25. Discussions were based on document CWS/5/4, which contained two proposals for the extension of WIPO Standard ST.96 to include data elements regarding orphan works and geographical indications.

26. The Delegation of the Russian Federation presented its proposal to extend WIPO Standard ST.96 to incorporate XML schema for geographical indications as reproduced in Annex II to document CWS/5/4. The CWS noted wide support to the proposal and a suggestion, for future work, regarding possible functionalities of search and registration systems for geographical indications.

27. The CWS approved the extension of WIPO Standard ST.96 to cover geographical indications by incorporating new XML schema components and other associated data in relation to geographical indications into WIPO Standard ST.96.

28. The CWS agreed to create a new Task, whose description would read "Develop XML schema components for geographical indications" and assigned the new Task to the XML4IP Task Force.

29. The CWS requested the International Bureau to invite its Members to nominate experts on geographical indications to the XML4IP Task Force. The CWS also requested the Task Force to report on the progress regarding the new Task at its sixth session.

30. The Delegation of the United Kingdom presented its proposal to extend WIPO Standard ST.96 to incorporate XML schema for orphan works for mutually compatible technical standards which would facilitate the exchange of orphan works data as reproduced in Annex I to document CWS/5/4.

31. Several delegations and one representative supported the proposal; one delegation stated that it might be premature to develop data standards for orphan works since many countries had not adopted orphan works regime. Another delegation suggested that it might be necessary to define the scope of the term "orphan works" so that it would cover all existing practices.

32. The CWS agreed to create a new Task, whose description would read “Study the copyright orphan works data elements and naming conventions and compare them in view of the proposal to extend WIPO Standard ST.96, report the outcome of the study and present a proposal for consideration by the CWS to develop a data dictionary and XML schemas for inclusion of copyright orphan works in WIPO Standard ST.96”. The CWS designated the Intellectual Property Office of the United Kingdom (UK IPO) and the International Bureau as co-leaders of the new Task.

Agenda Item 7: Report on Task No. 41 by the XML4IP Task Force

33. Discussions were based on document CWS/5/5.

34. The CWS noted the results of the work of the XML4IP Task Force and the work plan of the XML4IP Task Force, as set out in document CWS/5/5.

35. The International Bureau, as the Task Force Leader, informed the CWS that the new version 3.0 of WIPO Standard ST.96 was planned to be released in October 2017; the version would include the following new XML schema components:

- Bibliographic data for Supplementary Protection Certificate (SPC)
- Patent search report
- Patent record
- Madrid System electronic communication
- Hague System electronic communication

36. The International Bureau presented the draft high-level roadmap describing the vision for the future of the electronic data exchange under the Hague System as reproduced in the Annex to document CWS/5/5. The CWS noted that, after the development of the comprehensive ST.96 Hague schema components for communication with the contracting Parties, the International Bureau planned to use WIPO Standard ST.96 as the authoritative format for all data exchange under the Hague System; the CWS was informed that the existing data format, Hague DTD, would be gradually discontinued during a sunset period, at the end of which the International Bureau would no longer support the legacy DTD data format.

37. Several delegations requested that the International Bureau extend the proposed sunset period of the current DTD format by one year, which would lead the sunset period to the end of 2020; this would give IPOs more time to prepare a transition from the current DTD format to the new XML schema format based on WIPO Standard ST.96. The International Bureau noted the request.

38. The CWS also noted that the XML4IP Task Force meeting in person would take place in Canada in September 2017.

Agenda Item 8: Revision of WIPO Standard ST.26

39. Discussions were based on document CWS/5/6, which contained a proposal to revise WIPO Standard ST.26 and the results of the work of the Sequence Listings Task Force.

40. The CWS considered the proposal for the revision of WIPO Standard ST.26, version 1.1, including the proposed modifications to the main body of ST.26 and its Annexes I to III and the addition of the new Annex VI (Guidance Document), as described in document CWS/5/6 and as reproduced in Annex II to document CWS/5/6.

41. The CWS adopted the revised WIPO Standard ST.26, version 1.1, as reproduced in Annex II to document CWS/5/6 with the editorial changes in Annex VI (Guidance Document) and in Annex II (DTD) to the revised ST.26 as suggested by the Delegation of the United States of America and the Secretariat, respectively.

Agenda Item 9: Recommendations for the transition provision from WIPO Standard ST.25 to ST.26

42. Discussions were based on documents CWS/5/7 Rev.1 and CWS/5/7 Rev.1 ADD.

43. The CWS had requested the Sequence Listings Task Force to present a proposal for transition provisions from WIPO Standard ST.25 to ST.26 for consideration and approval at this session. Following the request of the CWS and taking into account the result of the consultation carried out by the International Bureau by the means of the Circular C. PCT 1485/C. CWS 75, the Sequence Listing Task Force presented a proposal for the transition scenario, the reference date for the international applications, filed after the transition date and claiming priority from an application with a sequence listing filed in ST.25 format, and the transition date (see paragraphs 4 to 8 of document CWS/5/7 Rev.1).

44. Following the discussions, the CWS reached an agreement on the “big bang” scenario as the option for the transition from WIPO Standard ST.25 to ST.26, the international filing date as the reference date and January 2022 as the transition date. The CWS noted the document regarding potential added or deleted matter presented by the Delegation of the United States of America.

45. The CWS assigned the following task to the Sequence Listings Task Force:

- (a) support the International Bureau by providing users' requirements and feedback on the ST.26 authoring and validation software tool;
- (b) support the International Bureau in the consequential revision of the PCT Administrative Instructions; and
- (c) prepare necessary revisions of WIPO Standard ST.26 upon request by the CWS.

Agenda Item 10: Presentation on the development of WIPO ST.26 software tool

46. Discussions were based on the presentation made by the International Bureau regarding the development of the WIPO ST.26 authoring and validation software tool.

47. The International Bureau informed the CWS that it would develop the new common software tool to enable applicants to prepare sequence listings and verify that such sequence listings are in compliance with WIPO Standard ST.26; this tool would also facilitate the processing of the application containing the sequence listings in IPOs.

48. The CWS noted that the International Bureau planned to complete the project on the development of the software tool by the end of 2018 and distribute it to applicants and IPOs around the globe. The CWS also noted the draft high-level roadmap for the transition from WIPO Standard ST.25 to ST.26 proposed by the International Bureau; the roadmap included the proposed tentative timeline in relation to the revision of PCT Administrative Instructions, modification of national regulations (if needed) and upgrade of IPOs' IT systems, which covered the period from 2017 to 2021.

Agenda Item 11: New WIPO Standard for the exchange of patent legal status data by industrial property offices

49. Discussions were based on document CWS/5/8 Rev.1, which contained a proposal for a new WIPO standard on the exchange of patent legal status data by IPOs; the proposal had been prepared by the Legal Status Task Force within the framework of Task No. 47.

50. The CWS adopted a new WIPO Standard ST.27 “Recommendation for the exchange of patent legal status data”, as reproduced in the Annex to document CWS/5/8 Rev.1 with the following amendments:

- (a) the amended first sentence of paragraph 35 should read “In addition to the mapping process described in paragraph 33 above, this Standard recommends that IPOs map their national/regional events to a detailed event.”; and
- (b) in the introductory text of Annex IV to ST.27, the words “the model template” were replaced with “the suggested model template”.

51. The CWS approved the following Editorial Note to be included in the new WIPO Standard ST.27:

Editorial Note by the International Bureau

“The detailed events included in this Standard are provisional and will be reviewed and assessed by industrial property offices (IPOs) for one year. On the basis of the outcome of the review and assessment reported by IPOs, a final proposal on the detailed events in this Standard will be submitted for approval at the sixth session of the CWS. IPOs may choose to exchange legal status data on the basis of categories and key events only, if they so desire.”

“The Committee on WIPO Standards (CWS) adopted the present standard at its fifth session on June 2, 2017.”

52. The CWS requested the Secretariat to issue a circular to invite IPOs to assess their business practices and IT systems and review the provisional detailed events which were included in the new WIPO Standard ST.27.

53. The CWS requested the Legal Status Task Force

- (a) to finalize the list of detailed events and the guidance document for patent legal status data and present them for consideration and approval at its sixth session; and
- (b) to prepare a recommendation for the exchange of legal status data on trademarks and industrial designs and present a progress report on it for consideration at its sixth session.

54. The CWS requested the XML4IP Task Force to develop, in consultation with the Legal Status Task Force, XML schema components based on the new WIPO Standard ST.27 in order to facilitate the exchange of patent legal status data. The CWS also requested that the outcome be reported at its sixth session.

55. The CWS revised the description of Task No. 47 to read as follows:

“Prepare a final proposal for the detailed events and a guidance document with regard to patent legal status data; prepare a recommendation for the exchange of legal status data on trademarks and industrial designs by industrial property offices.”

56. The CWS took note that there might be an inconsistency between the date format recommended in the new standard referring to WIPO Standard ST.2, and the future XML schema components for legal status based on the WIPO Standard ST.96.

57. Considering the potential inconsistency mentioned above, the CWS requested the Secretariat to review the recommended date format(s) in WIPO Standards and report the outcome at its sixth session.

Agenda Item 12: New WIPO Standard for an authority file of patent documents published by a patent office

58. Discussions were based on document CWS/5/9, which contained a proposal for new recommendations on authority files of patent documents published by IPOs.

59. The CWS noted the report on the work of the Authority File Task Force, as reproduced in Annex I to document CWS/5/9.

60. The CWS adopted new WIPO Standard ST.37 "Recommendation for an authority file of published patent documents", as reproduced in Annex II to document CWS/5/9, with the following modifications:

- (a) the definition of code "E" in paragraph 23 was amended to read: "Publication number allocated by the IPO representing a PCT national/regional phase entry (for example Euro-PCT). No corresponding document published. A Euro-PCT application is an international (PCT) patent application that entered the European regional phase.";
- (b) the following sentence was added to paragraph 29: "If the IP office uses application number formats in the Authority File that are different from those used on the original publication, an explanation of the format should be provided in the definition file"; and
- (c) the definition of code "E" in Annex I was changed to "PCT applications which have not been republished".

61. The CWS approved the following editorial note to be included in the new WIPO Standard ST.37:

Editorial Note by the International Bureau

"Annexes III and IV to the present Standard, which define XML schema (XSD) and Data Type Definition (DTD), are under preparation by the Authority File Task Force. They are planned to be presented for consideration and adoption by the Committee on WIPO Standards (CWS) at its sixth session in 2018."

"Until the said Annexes are adopted by the CWS, the only recommended format for the purpose of this Standard is text."

62. The CWS noted that the data collected under paragraph 34 of the new WIPO Standard ST.37 (overview of the data coverage) could be extracted and used by the International Bureau in the preparation of its intellectual property statistics products.

63. The CWS revised the description of Task No. 51 to read as follows:

"Prepare and present for consideration at the sixth session of the CWS, to be held in 2018, Annex III "XML schema (XSD)" and Annex IV "Data Type Definition (DTD)" to WIPO Standard ST.37 "Recommendation for an authority file of published patent documents."

64. In addition to the revised Task, the CWS requested the Authority File Task Force to consider how the authority files should be disseminated by IPOs and to present a proposal for consideration at its sixth session.

Agenda Item 13: Report on the preparation of a new WIPO Standard for the electronic management of motion and multimedia marks

65. Discussions were based on document CWS/5/10.

66. The CWS noted the report prepared by the International Bureau on the work of the Trademark Standardization Task Force and the results of the survey on IPOs' practices related to motion and multimedia marks, as reproduced in document CWS/5/10 and its Annex.

67. The CWS agreed to postpone the development of the recommendations on electronic management of motion and multimedia marks until 2019 – the year of the expected implementation of the directive 2008/95/EC of October 22, 2008, by IPOs concerned. The CWS also agreed to hold Task No. 49 in abeyance until then.

Agenda Item 14: Report on Task No. 50 by the Part 7 Task Force

68. Discussions were based on document CWS/5/11.

69. The CWS noted the progress report and the tentative plan for maintenance and update of the surveys published in Part 7 of the WIPO Handbook, in particular, the actions to be carried out following the fifth session of the CWS, as indicated in Annex II to document CWS/5/11.

70. The CWS agreed on the following approach to the publication of new and updated surveys in Part 7 of the WIPO Handbook:

- (a) For a (regular) update of a survey based on the questionnaire approved by the CWS, which is already in the WIPO Handbook, the International Bureau should publish the updated survey and inform the CWS at the session following the publication.
- (b) For new surveys, their publication in Part 7 of the WIPO Handbook should be approved by the CWS.
- (c) For a survey update based on a revised questionnaire (effectively a new survey), the publication of the updated survey in Part 7 of the WIPO Handbook should be approved by the CWS.

71. The CWS requested the Part 7 Task Force to prepare a proposal for the questionnaire on numbering of published documents and registered rights and to present the proposal for consideration at its sixth session. The questionnaire should cover current and former practices of numbering of published documents and registered rights.

72. The CWS requested the International Bureau

- (a) to invite IPOs to update their entries in Part 7.2.4 "Survey on the presentation of priority application numbers", and subsequently to prepare and publish the updated Part 7.2.4 of the WIPO Handbook; and
- (b) to request the International Bureau to move Part 7.2.1 to the Archive, replace the reference in ST.10/C with Part 7.2.6 (editorial change) and include the link to the archived Part 7.2.1 in Part 7.2.6.

Agenda Item 15: Report on the Survey on application and priority application numbering systems used by industrial property offices in the past

73. Discussions were based on document CWS/5/12.

74. The CWS noted that in March 2017 the International Bureau published the updated Part 7.2.6 of the WIPO Handbook “Numbering of applications and priority applications – Current practices”; the entries covering practices of the following 18 IPOs were amended or added: Austria, Australia, Belgium, China, Germany, Spain, United Kingdom, Croatia, Ireland, Italy, Japan, Republic of Korea, Republic of Moldova, Poland, Russian Federation, Saudi Arabia, Sweden and Slovakia.

75. The CWS also noted the results of the survey on former practices of application and priority application numbering as reproduced in the Annex to document CWS/5/12. The new Part 7.2.7 of the WIPO Handbook contained 12 entries covering practices of the following IPOs: Australia, China, Germany, Estonia, Japan, Republic of Korea, Lithuania, Russian Federation, Saudi Arabia, Slovakia, Soviet Union and Ukraine.

76. The CWS agreed to publish the said results as new Part 7.2.7 of the WIPO Handbook “Numbering of applications and priority applications – former practices”.

77. The Delegation of the United States of America stated that the information regarding the former practices of application numbering implemented in the United States Patent and Trademark Office (USPTO) had been submitted to the Secretariat prior to the session and requested that it be included in new Part 7.2.7 of the WIPO Handbook.

78. The CWS agreed to consider Task No. 30 “survey industrial property offices on application and priority application numbers used” as completed and to remove it from the Task List of the CWS; it also agreed to discontinue the ST.10/C Task Force.

Agenda Item 16: Questionnaire on industrial property protection extensions (IPPEs)

79. Discussions were based on document CWS/5/13.

80. The CWS considered the proposed questionnaire on IPPEs and identified the following substantive issues to be amended:

(a) In some cases, national authorities other than IPOs were involved in the processing of IPPE information. The circular inviting IPOs to complete the questionnaire and questions 6, 8 and 10 should emphasize the importance of reflecting in the responses the practices of all relevant authorities;

(b) The list of products in question 3 should be amended as follows: medicinal products, plant protection products, all products subject to regulatory approval for marketing and other;

(c) Question 3 should contain a sub-question regarding the possibility to request administrative extensions of IP rights, like, for example, patent term adjustments (PTAs);

(d) The term “products” is not applicable to some IPPEs, like for example, PTAs; question 4 should be amended accordingly; and

(e) The questionnaire should include two new questions, similar to questions 8 and 9, regarding the elements included in the publication in case of coming into force of an IPPE; question 10 should be amended accordingly.

81. The CWS requested the Part 7 Task Force to revise the draft questionnaire taking into account the issues listed above and present a new proposal for consideration at the next session of the CWS. Delegations were invited to share their comments and proposals regarding the questionnaire on IPPEs in the Part 7 Task Force Wiki by the end of June 2017 and to actively participate in the Task Force's discussion.

Agenda Item 17: Applicant name standardization

82. Discussions were based on documents CWS/5/14 and CWS/5/14 ADD. and the presentations made by the Delegation of the Republic of Korea and the International Bureau.

83. The CWS noted the content of document CWS/5/14 and the Study on applicant name standardization prepared by the International Bureau, as reproduced in the Annex thereto.

84. The CWS noted the content of document "Status report on Applicant Name Standardization of IP5 Global Dossier Initiatives" presented by the Delegation of the Republic of Korea, as reproduced in the Annex to document CWS/5/14 ADD.

85. The CWS recognized the relevance of applicant name standardization and agreed to create a new Task, whose description would read:

"Envisaging developing a WIPO standard assisting Industrial Property Offices (IPOs) in providing better "quality at source" in relation to applicant names,

- i. conduct a survey on the use of the identifiers for applicants by IPOs and on the problems, which might be associated with it; and
- ii. prepare a proposal for future actions aimed at the standardization of applicant names in IP documents and present it for consideration by the CWS."

86. The CWS also agreed to establish a new Task Force (Name Standardization Task Force) to handle this task and requested the Task Force:

- (a) to prepare a questionnaire to carry out the survey on the use of the identifiers for applicants by IPOs and present it for consideration by the CWS at its sixth session; and
- (b) to prepare, on the basis of the survey results, the proposal for further actions and present it for consideration by the CWS at its seventh session to be held in 2019.

87. The CWS suggested that the Task Force should discuss the objectives and scope of the recommendations to be developed.

88. The Korean Intellectual Property Office (KIPO) and the International Bureau were designated as co-leaders of the Name Standardization Task Force.

Agenda Item 18: Creation of a Task to prepare recommendations for web services on IP information and documentation

89. Discussions were based on document CWS/5/15, which contained a proposal to create a new Task to prepare recommendations for the web services on IP information and documentation on the basis of the results of discussions by and the survey carried out within the XML4IP Task Force.

90. The CWS noted the content of document CWS/5/15 and presentations by the Delegations of Australia, the Russian Federation and the United States of America, the Representative of UPOV and the International Bureau regarding their practices and plans on web services.

91. Several delegations and representatives supported the abovementioned proposal; some other delegations and representatives suggested that the CWS focus on its standardization activities on IP information and documentation rather than IT standardization, as the corresponding IT technology might rapidly evolve.

92. The CWS agreed to create a new Task, whose description would read “Prepare recommendations for data exchange supporting machine to machine communications focusing on:

- i. message format, data structure and data dictionary in JavaScript Object Notation (JSON) and/or XML; and
- ii. naming conventions for Uniform Resource Identifier (URI) of resources.”

93. The CWS assigned the new Task to the XML4IP Task Force.

Agenda Item 19: Creation of a Task to prepare recommendations for national and regional patent registers

94. Discussions were based on document CWS/5/16, which contained a proposal to create a new Task in order to prepare recommendations for patent registers published by industrial property offices.

95. Some delegations were of the opinion that the term “patent registers” might bring confusion with respect to the scope of the proposed Task, as certain IPOs used the term to refer to all patent information available in their internal IT systems, not only publicly available information.

96. Following the discussion, the CWS agreed to create a new Task No. 52, whose description would read:

“Survey on content and functionalities of systems for providing access to publicly available patent information of industrial property offices, as well as future plans with respect to their publication practices; prepare recommendations for systems for providing access to publicly available patent information of industrial property offices.”

97. After the agreement on the establishment of the said new Task, the CWS considered the possibility to broaden the scope of the Task to cover systems for providing access to publicly available information related to trademarks and industrial designs. Following the discussion, the CWS agreed to limit the scope of the Task to the access to patent information only.

98. The CWS agreed that the survey should be focused on interactive systems used by IPOs to provide public access to patent information rather than bulk delivery of the corresponding data.

99. The CWS agreed to establish a new Task Force to handle the new Task and requested the Secretariat to propose the name of the new Task Force to be in line with the definition of the Task No. 52. The International Bureau was designated as the Task Force Leader.

100. The CWS requested the established Task Force to take into account the knowledge gathered during the maintenance of the Patent Register Portal and the results of the work of the Legal Status Task Force.

Agenda Item 20: Creation of a Task to establish requirements for design electronic visual representations

101. Discussions were based on document CWS/5/17.

102. The Delegation of Australia presented its proposal to develop a new WIPO standard for design electronic graphical views, as reproduced in the Annex to document CWS/5/17. The proposal had wide and unanimous support.

103. The CWS agreed to create a new Task, whose description would read:

“Collect information about the requirements from industrial property offices and customers; and prepare recommendations for electronic visual representations of designs.”

104. The CWS also agreed to establish a new Task Force (Design Representation Task Force) and designated IP Australia and the International Bureau as co-leaders of the new Task Force.

Agenda Item 21: Report on Annual Technical Reports (ATRs)

105. Discussions were based on document CWS/5/18.

106. The CWS noted the report on ATRs prepared by the International Bureau, as reproduced in document CWS/5/18, and encouraged IPOs to respond to the circulars C.CWS 84, C.CWS 85 and C.CWS 86 of April 13, 2017 and submit their ATRs for the year 2016.

107. The International Bureau noted a constant decrease in number of the ATRs submitted every year and informed the CWS of its plan to collect more statistics. The CWS took note that if the numbers continue decreasing, the International Bureau would present this issue for consideration at the sixth session of the CWS.

108. The CWS was informed that ATRs contained useful information for the IP information user community and that it would appreciate it if as many IPOs as practical participate in this activity.

Agenda Item 22: Report on the provision of technical advice and assistance for capacity building to industrial property offices in connection with the mandate of the CWS

109. Discussions were based on document CWS/5/19.

110. The Delegation of Spain informed the CWS that it started working on defining possible awareness raising activities on WIPO Standards in Latin America with funding from the Fund in Trust (FIT/ES). The Delegation also informed the CWS that in April 2017 it received from the Secretariat a specific training on WIPO Standards in the format “train-the-trainer”, which would be used as a model for future trainings on WIPO Standards to be held in interested countries in Latin America.

111. The CWS noted the need of further training and awareness raising activities, including online courses, on WIPO Standards to be provided by the International Bureau to the IPOs, especially in developing countries.

112. The CWS noted that the Secretariat would provide technical assistance and training regarding WIPO Standards on demand and depending on the availability of resources; the Secretariat would present a proposal regarding the online training courses on WIPO Standards for consideration by the CWS at its sixth session.

113. The CWS noted the report presented by the International Bureau on its activities carried out in 2016 related to providing technical advice and assistance for capacity building to IPOs, in particular, regarding the dissemination of IP standards information, as reproduced in document CWS/5/19. The CWS also took note that document CWS/5/19 would serve as a basis of the relevant report to be presented to the WIPO General Assembly to be held in October 2017, as it was requested at its 40th session held in October 2011 (see paragraph 190 of document WO/GA/40/19).

Agenda Item 23: Consideration of the Work Program and Tasks List of the CWS

114. The CWS considered the List of Tasks reproduced in Annex I to document CWS/5/20 in order to establish the work program of the CWS. The CWS noted the List of Tasks reproduced in Annex I to the said document.

115. The CWS approved the List of Tasks, as presented in Annex I to document CWS/5/20; the List of Tasks should be incorporated in the CWS work program once it is updated to reflect the agreements reached by the CWS at this fifth session.

116. After updating the information regarding the Tasks that had been discussed during the fifth session of the CWS, including the decisions under this agenda item 23, the status of Tasks was as follows:

(a) Tasks considered completed at this session:

Task No. 30: Survey industrial property offices on application and priority application numbers used.

(b) Tasks on which work remains to be done:

Task No. 44: Support the International Bureau by providing users' requirements and feedback on the ST.26 authoring and validation software tool; Support the International Bureau in the consequential revision of the PCT Administrative Instructions; and Prepare necessary revisions of WIPO Standard ST.26 upon request by the CWS.

Task No. 47: Prepare a final proposal for the detailed events and a guidance document with regard to patent legal status data; prepare a recommendation for the exchange of legal status data on trademarks and industrial designs by industrial property offices.

Task No. 51: Prepare and present for consideration at the sixth session of the CWS to be held in 2018, Annex III "XML schema (XSD)" and Annex IV "Data Type Definition (DTD)" to WIPO Standard ST.37 "Recommendation for an authority file of published patent documents".

(c) Tasks to ensure continuous maintenance of WIPO Standards:

Task No. 38: Ensure the necessary revisions and updates of WIPO Standard ST.36.

Task No. 39: Ensure the necessary revisions and updates of WIPO Standard ST.66.

Task No. 41: Ensure the necessary revisions and updates of WIPO Standard ST.96.

Task No. 42: Ensure the necessary revisions and updates of WIPO Standard ST.86.

(d) Tasks of continuing activity and/or information nature:

Task No. 18: Identify areas for standardization relevant to the exchange of machine-readable data on the basis of projects envisaged by such bodies as the Five IP Offices (IP5), the Five Trademark Offices (TM5), the Industrial Design 5 Forum (ID5), ISO, IEC and other well-known industry standard-setting bodies.

Task No. 23: Monitor the inclusion, in databases, of information about the entry, and, where applicable, the non-entry into the national (regional) phase of published PCT international applications.

Task No. 24: Collect and publish Annual Technical Reports (ATRs) on Patent, Trademark and Industrial Design Information Activities of the CWS Members (ATR/PI, ATR/TM, ATR/ID).

Task No. 33: Ongoing revision of WIPO Standards.

Task No. 33/3: Ongoing revision of WIPO Standard ST.3.

Task No. 50: Ensure the necessary maintenance and update of surveys published in Part 7 of the *WIPO Handbook on Industrial Property Information and Documentation*.

(e) Tasks created at this session and on which work has not started:

Task No. 52: Survey on content and functionalities of systems for providing access to publicly available patent information of industrial property offices, as well as future plans with respect to their publication practices; prepare recommendations for systems for providing access to publicly available patent information of industrial property offices.

Task No. 53: Develop XML schema components for geographical indications.

Task No. 54: Study the copyright orphan works data elements and naming conventions and compare them in view of the proposal to extend WIPO Standard ST.96; report the outcome of the study; and present a proposal for consideration by the CWS to develop a data dictionary and XML schemas for inclusion of copyright orphan works in WIPO Standard ST.96.

Task No. 55: Envisaging developing a WIPO standard assisting Industrial Property Offices (IPOs) in providing better “quality at source” in relation to applicant names,

- i. conduct a survey on the use of the identifiers for applicants by IPOs and on the problems, which might be associated with it; and
- ii. prepare a proposal for future actions aimed at the standardization of applicant names in IP documents and present it for consideration by the CWS.

Task No. 56: Prepare recommendations for data exchange supporting machine to machine communications focusing on:

- i. message format, data structure and data dictionary in JSON and/or XML
- ii. naming conventions for Uniform Resource Identifier (URI) of resources.

Task No. 57: Collect information about the requirements from IP offices and customers; and prepare recommendations for electronic visual representations of designs.

(f) Task on which work has been held in abeyance:

Task No. 43: Prepare guidelines, for implementation by industrial property offices, regarding paragraph numbering, long paragraphs, and consistent rendering of patent documents.

Task No. 49: Prepare a recommendation for the electronic management of motion or multimedia marks for adoption as a WIPO standard.

117. The Secretariat presented a proposal for the simplified CWS Work Program as reproduced in Annex II to document CWS/5/20.

118. The CWS approved the proposal for the CWS Work Program Overview presented by the Secretariat; and requested the Secretariat to publish the completed CWS Work Program Overview on WIPO's web site.

#### Agenda Item 24: Summary by the Chair

119. The Summary by the Chair was prepared and distributed for information purposes. The CWS noted the Summary by the Chair.

#### MEETINGS OF THE CWS TASK FORCES

120. During this session, the following CWS Task Forces held informal meetings: Legal Status Task Force, Sequence Listings Task Force, XML4IP and Authority File Task Forces. The Task Force Leaders informed the CWS about the progress made regarding their respective tasks in the said meetings.

#### Agenda Item 25: Closing of the session

121. The meeting was closed by the Chair on June 2, 2017.

[Annexes follow]

## **LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS**

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[Annex II follows]

## AGENDA

*Document prepared by the Secretariat*

1. Opening of the fifth session
2. Election of the Chair and two Vice-Chairs
3. Adoption of the agenda  
See present document.
4. Report on the survey on the use of WIPO Standards  
See document CWS/5/2.
5. Decision of the 48<sup>th</sup> session of the WIPO General Assembly in relation to the CWS, including Development Agenda matters<sup>1</sup>  
See document CWS/5/3.
6. Extension of WIPO Standard ST.96 to incorporate eXtensible Markup Language (XML) schema for orphan works and geographical indications  
See document CWS/5/4.
7. Report on Task No. 41 by the XML4IP Task Force  
See document CWS/5/5.
8. Revision of WIPO Standard ST.26  
See document CWS/5/6.
9. Recommendations for the transition provision from WIPO Standard ST.25 to ST.26  
See documents CWS/5/7 REV.1 and CWS/5/7 REV.1 ADD.
10. Presentation on the development of WIPO ST.26 software tool
11. New WIPO standard for the exchange of patent legal status data by industrial property offices  
See document CWS/5/8 REV.1.
12. New WIPO standard for an authority file of patent documents published by a patent office  
See document CWS/5/9.
13. Report on the preparation of a new WIPO standard for the electronic management of motion and multimedia marks  
See document CWS/5/10.
14. Report on Task No. 50 by the Part 7 Task Force  
See document CWS/5/11.
15. Report on the survey on application and priority application numbering systems used by industrial property offices in the past  
See document CWS/5/12.
16. Questionnaire on industrial property protection extensions (IPPEs)  
See document CWS/5/13.

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<sup>1</sup> This agenda item is without prejudice to the Members' positions on a question as to whether the CWS is relevant to Development Agenda coordination mechanism.

17. Applicant name standardization  
See documents CWS/5/14 and CWS/5/14 ADD.
18. Creation of a Task to prepare recommendations for web services on IP information and documentation  
See document CWS/5/15.
19. Creation of a Task to prepare recommendations for national and regional patent registers  
See document CWS/5/16.
20. Creation of a Task to establish requirements for design electronic visual representations  
See document CWS/5/17.
21. Report on Annual Technical Reports (ATRs)  
See document CWS/5/18.
22. Report by the International Bureau on the provision of technical advice and assistance for capacity building to industrial property offices in connection with the mandate of the CWS  
See document CWS/5/19.
23. Consideration of the Work Program and Tasks List of the CWS  
See document CWS/5/20.
24. Summary by the Chair
25. Closing of the session

[End of Annex II and of document]