

CWS/6/9

الأصل: بالإنكليزية

التاريخ: 18 سبتمبر 2018

اللجنة المعنية بمعايير الويبو

الدورة السادسة

جنيف، من 15 إلى 19 أكتوبر 2018

تقرير عن استخدام لغة الترميز الموسعة (XML) في بيانات الوضع القانوني للبراءات

وثيقة من إعداد المكتب الدولي

المقدمة

1. اعتمدت اللجنة المعنية بمعايير الويبو (لجنة المعايير)، في دورتها الخامسة المعقودة في الفترة من 29 مايو إلى 2 يونيو 2017، معيار الويبو ST.27 "توصية بشأن تبادل بيانات الوضع القانوني للبراءات". وطلبت اللجنة من فرقة عمل XML4IP أن تضع مكونات المخطط بلغة الترميز الموسعة (XML) بالتشاور مع فرقة العمل المعنية بالوضع القانوني وبالاتناد إلى معيار الويبو الجديد ST.27 من أجل تيسير تبادل بيانات الوضع القانوني للبراءات. وطلبت أيضاً موافقتها، إبان دورتها السادسة، بالنتائج المحققة في هذا الشأن (انظر الفقرتين 50 و 53 من الوثيقة CWS/5/22).

2. واستجابةً لذلك الطلب، نظّمت فرقة عمل XML4IP جولتين من المناقشات عن طريق منصة الويكي وعدة اجتماعات شبكية. ونوقش ذلك الموضوع مناقشة مستفيضة في اجتماعات مباشرة عُقدت بأوتاوا في عام 2017 وموسكو في عام 2018. ونظراً إلى الطبيعة المعقدة لهيكل البيانات والممارسات المختلفة لمكاتب الملكية الفكرية فيما يخص الوضع القانوني للبراءات، تحتاج فرقة العمل لمزيد من الوقت من أجل إعداد اقتراح نهائي بشأن المكونات المتعلقة ببيانات الوضع القانوني للبراءات بلغة الترميز الموسعة (XML).

3. ورداً على التعميم 92 CWS. C بشأن تنفيذ معيار الويبو ST.27 في مكاتب الملكية الفكرية، أفادت بعض المكاتب بأن تنفيذ المعيار يرتن بتوفر مكونات المخطط الخاص بالوضع القانوني بلغة XML.

التقرير المرحلي

4. استخدمت فرقة عمل XML4IP سجلات البراءات بلغة XML في إعداد مكونات الوضع القانوني للبراءات بلغة XML نظراً إلى أنه من المفترض أن تستخدم مجموعتنا البيانات بلغة XML مكونات البيانات نفسها تقريباً. والاختلاف الرئيسي بينهما هو أن الوضع القانوني للبراءات يحتوي على كل طلبات البراءات التي عالجها مكتب الملكية الفكرية في تاريخ إعداد البيانات، في حين يشمل سجل البراءات بيانات كل طلب براءة على امتداد دورة حياته.

5. واتفقت فرقة العمل على الهيكل الأعلى للوضع القانوني للبراءات بلغة XML وغالبية المكونات بلغة XML. وتبقى عنصران رئيسيان قيد المناقشة يلي بيانها:

- هيكل البيانات التكميلية المرتبطة بالحدث؛

- ومحتوى البيانات التكميلية التي ينبغي توفيرها مع الحدث استناداً إلى المرفق الثاني من معيار الويبو ST.27.

6. وفيما يخص هيكل البيانات التكميلية، اقترح خياران هما (أ) هيكل عام يدعم كل الفئات المدرجة في 21 فئة معروفة في معيار الويبو ST.27؛ (ب) أو هيكل خاص لكل فئة. ولكل خيار مزاياه وعيوبه ولكل عضو في فرقة العمل تفضيلاته. ويرد مشروعا المخططين - أي الهيكل العام والهيكل الخاص - في المرفقين الأول والثاني من هذه الوثيقة على التوالي.

7. وأما عن محتوى البيانات التكميلية، فقد أشارت فرقة العمل إلى أنها تحتاج المزيد من الوقت لاستعراض بيانات مكاتب الملكية الفكرية. وأقرت بأنه قد يكون من غير العملي تحديث المرفق الثاني من معيار الويبو ST.27 وفقاً لمحتوى البيانات نظراً إلى أن المرفق الثاني يوفر مستوى عاماً من المعلومات المعنية عوضاً عن بيانات مفصلة و/أو محددة لبعض مكاتب الملكية الفكرية. وتعتمد فرقة عمل XML4IP مناقشة تلك المسألة مع فرقة العمل المعنية بالوضع القانوني عقب إنجاز عملها في هذا الشأن.

8. إن لجنة المعايير مدعوة إلى ما يلي:

(أ) أن تحيط علماً بنتائج العمل الذي

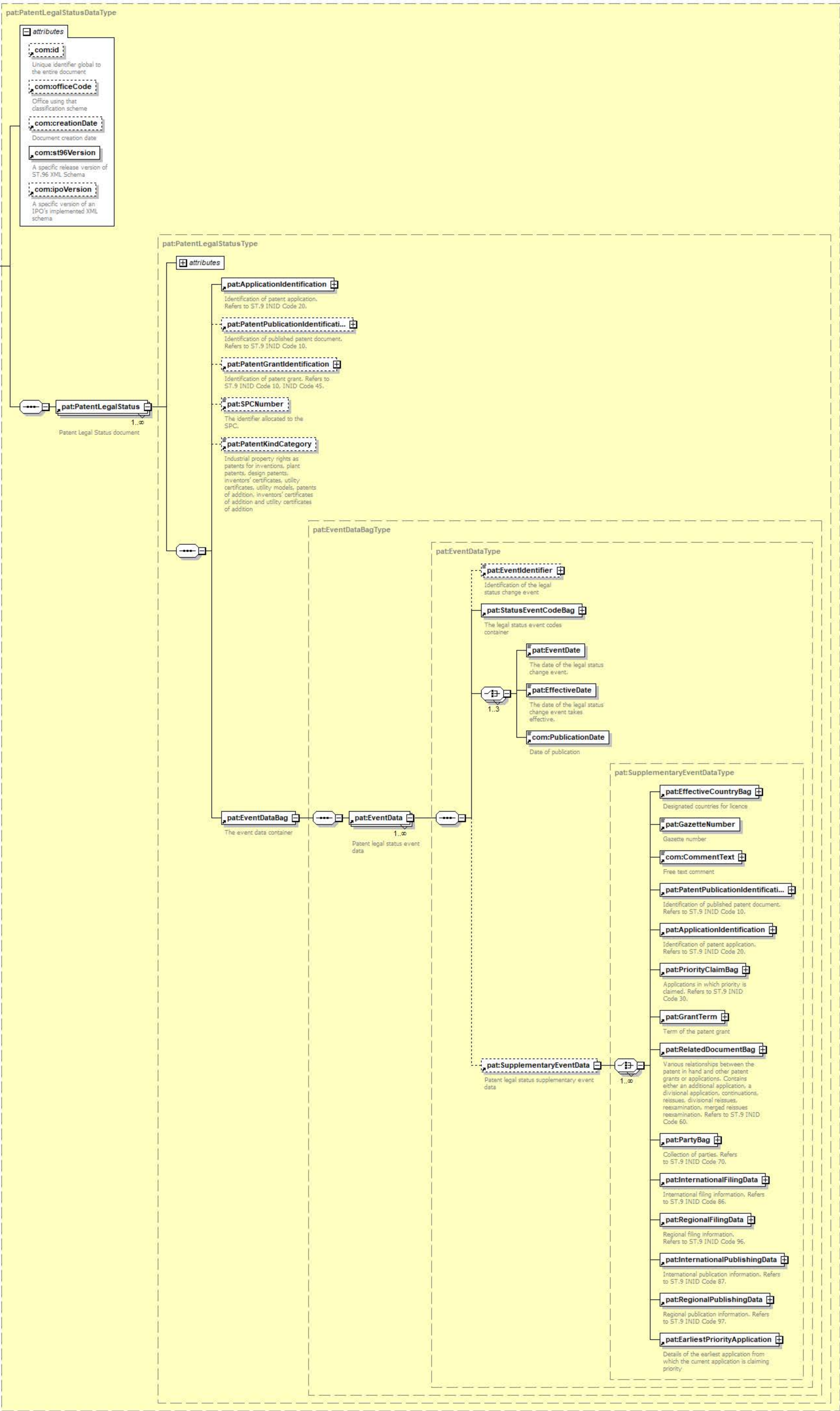
قامت به فرقة عمل XML4IP وتقرير رئيس فرقة العمل، على النحو المبين في هذه الوثيقة؛

(ب) وأن تطلب من فرقة عمل

XML4IP موافقتها بالمشروع النهائي عن بيانات الوضع القانوني للبراءات كي تنظر فيه إبان دورتها السابعة.

[يلي ذلك المرفقان]

PatentLegalStatusData
A collection of patent Legal Status documents



PatentLegalStatusData
A collection of patent legal status documents

pat:PatentLegalStatusDataType

attributes

com:cid

Unique identifier global to the entire document

com:officeCode

Office using that classification scheme

com:creationDate

Document creation date

com:st6Version

A specific release version of ST-96 XML Schema

com:ipoVersion

A specific version of an IPO's implemented XML Schema

pat:PatentLegalStatus

Patent Legal Status document

pat:PatentLegalStatusType

attributes

pat:ApplicationIdentification

Identification of parent application. Refers to 57.9 INID Code 20.

pat:PatentPublicationIdentification

Identification of published patent document. Refers to 57.9 INID Code 10.

pat:PatentGrantIdentification

Identification of patent grant. Refers to 57.9 INID Code 10, INID Code 45.

pat:IPRightKindCategory

Indicates property rights or patents for inventions, plant patents, design patents, inventors' certificates, utility certificates, utility models, patents of addition, inventors' certificates of addition, and utility certificates of addition

pat:StatusEventDataBag

The event data container

pat:StatusEventDataBagType

pat:StatusEventData

Patent legal status event data

pat:StatusEventData

pat:StatusEventIdentifier

Identification of the legal status change event

pat:StatusEventCode

Based on WIPO ST-27 - The conventional legal status event code

Consists of one character

StatusStateCode

one character

PreviousStageCode

one character

CurrentStageCode

three characters

KeyEventCode

three characters

DetailsEventCode

and

three characters

NationalEventCode

KeyEventCode, DetailsEventCode, and NationalEventCode must use 'X00' for unknown value.

NationalEventCode must be an Alpha-numeric value with no special characters.

pat:EventDate

The date of the legal status change event

pat:EffectiveDate

The date of the legal status change event takes effect

com:PublicationDate

Date of publication

pat:ApplicationFilingEventData

This category is a group of events related to the filing of an application. It includes, for example, when a national or regional IPO receives an application for the grant of an IP right together with any additional documentation and fees necessary to obtain a filing date under national or regional law or convention or the Patent Cooperation Treaty (PCT) as applicable. This category also includes events related to the filing of a provisional application, divisional application, continuation, continuation in part, or an application for conversion. It also includes entry of an international application into the national or regional phase.

pat:ApplicationDiscontinuationEventData

This category is a group of events related to the discontinuation of an application. It includes, for example, when an application has been voluntarily withdrawn by the applicant, was deemed to be withdrawn, abandoned or lapsed or was refused by the IPO. The events in this category may move an application from the filing stage, examination stage or pre-grant challenge stage into the termination (likely) stage.

pat:ApplicationRevivalEventData

This category is a group of events related to the revival, reinstatement or restoration of an application after it has been discontinued. It includes, for example, when an application was revived following a request for application revival after payment of an outstanding fee, responding to an outstanding office action which has resulted in the application being discontinued, or following an appeal. The events in this category may move an application from the termination (likely) stage into the filing stage, examination stage or pre-grant challenge stage.

pat:SearchExaminationEventData

This category is a group of events related to the examination proceeding and prior art searches. It includes, for example, a formality examination or a substantive examination. It also includes a request for a prior art search and an announcement of the intention of the IPO to grant an IP right. The events in this category may move an application from the filing stage into the examination stage.

pat:PreGrantReviewRequestEventData

This category is a group of events related to the request for a pre-grant review. It includes, for example, a request for a pre-grant opposition, pre-grant re-examination, or pre-grant limitation. It also includes when such a request was inadmissible, rejected or withdrawn. The events in this category may move an application from the examination stage or the termination (likely) stage into the pre-grant challenge stage.

pat:IPRightGrantEventData

This category is a group of events which relate to the effective grant date of an IP right and/or entry of an IP right into the IPO's register. It includes, for example, when an IP right was granted following an examination, an appeal, pre-grant review or inadmissibility, rejection or withdrawal of a pre-grant review request. The events in this category may move an application from the examination stage or the pre-grant challenge stage into the grant stage.

pat:ProtectionBeyondIPRightTerminationEventData

This category is a group of events related to the protection of an IP right beyond its term. It includes, for example, a request for a patent term adjustment (PTA), patent term extension (PTE) or a supplementary protection certificate (SPC), extension and also includes related events that occur subsequent to such a request. The events in this category occur during the grant stage.

pat:IPRightCessationEventData

This category is a group of events related to the cessation of an IP right. It includes, for example, the cessation of an IP right following an IP right review, appeal, a refusal to reinstate, or a lapse or expiry. The events in this category may move an IP right from the grant stage or the pre-grant challenge stage into the termination (likely) stage.

pat:IPRightRevivalEventData

This category is a group of events related to the reinstatement or restoration of an IP right after its cessation. It includes, for example, the request for the reinstatement and the decision to reinstate an IP right, including by way of an appeal. The events in this category may move an IP right from the termination (likely) stage into the grant stage or the pre-grant challenge stage.

pat:IPRightReviewRequestEventData

This category is a group of events related to a request for a review of an IP right after its grant. It includes, for example, a request for a post-grant opposition, re-examination, limitation, refusal, surrender, or invalidation. It also includes when such a request was inadmissible, rejected or withdrawn. The events in this category may move an IP right from the grant stage or the termination (likely) stage into the post-grant challenge stage.

pat:IPRightMaintenanceEventData

This category is a group of events related to the maintenance of a granted IP right in full or amended form. It includes, for example, an IP right being maintained in full or amended form following an appeal, an IP right review or the inadmissibility, rejection or withdrawal of a request for an IP right review. The events in this category may move an IP right from the post-grant challenge stage into the grant stage.

pat:PermanentTerminationEventData

This category is a group of events related to the permanent termination of an application or an IP right. It includes, for example, when an application or IP right was permanently terminated by the IPO or a court. The events in this category are not available to all IPOs.

pat:DocumentModificationEventData

This category is a group of events related to modifications of an application, IP right, document or other documents, which occur outside the context of a pre-grant review or IP right review. It includes, for example, amendments and corrections of errors in applications and IP right documents. The events in this category may occur during any stage.

pat:DocumentPublicationEventData

This category is a group of events related to document publication by the IPO. It includes, for example, publication of an application, IP right document or bibliographic information by the IPO. The events in this category may occur during any stage.

pat:PartyChangeEventData

This category is a group of events related to the IPO recording changes in party data. It includes, for example, when the IPO records changes to a party concerned with the application or IP right, e.g. the applicant(s), owner(s), inventor(s) or representative(s). It also includes events related to the recording of changes in party contact information. The events in this category may occur during any stage.

pat:LicensingInformationEventData

This category is a group of events related to the IPO recording licensing information and amendments to such records. It includes, for example, when an IPO records that a license, pledge or security interest has been agreed to, amended, cancelled or transferred. The events in this category may occur during any stage.

pat:AdministrativeProcedureEventData

This category is a group of events related to the adjustment of an administrative procedure conducted by the IPO. It includes, for example, granting an extension of an administrative time limit or continued processing of a necessary procedure. It also includes a suspension, stay or interruption of an administrative procedure, or the resumption of a suspended, stayed or interrupted administrative procedure. The events in this category may occur during any stage.

pat:PaymentEventData

This category is a group of events related to the payment of fees. It includes, for example, payment of a renewal, maintenance or other designation fee. The events in this category may occur during any stage.

pat:AppealEventData

This category is a group of events related to an appeal of a decision made during the prosecution of an IP right. It includes, for example, a request by the applicant, IP right owner, or third party for an administrative or court appeal of any decision made during the prosecution of an IP right and the procedural outcome of such an appeal. The administrative outcome of the appeal may be mapped to an event in another category, for example, application discontinued, application revived, IP right granted, IP right ceased, or IP right maintained. The events in this category may occur during any stage.

pat:OtherEventData

This category covers events which cannot be categorized under any other category. It is recommended to use this category as a last resort for unusual cases, where a liberal interpretation of the description of all other categories would fail to adequately describe the nationally/regional event (e.g. legacy events or internal events).

pat:CorrectionEventData

This category is a group of events related to the correction or deletion of event information that the IPO previously provided. It includes, for example, correction in the legal status event code of an application or IP right provided under this Standard or the correction or deletion of an event that was announced erroneously in a gazette, IP register or other published documentation. The events in this category may occur during any stage.