

Questionnaire on Correction Procedures in Patent Offices

modified by the Correction Procedures Task Force in February 2009

Task No. 35: Prepare a questionnaire and carry out a survey on the implementation of WIPO Standard ST.50 and on the status of the correction procedures in the industrial property offices. Prepare a proposal regarding this matter for consideration by the SDWG.

Please provide the following contact information so that the International Bureau can, if necessary, contact the person responsible for responding to the Questionnaire:

YOUR DETAILS:

Industrial Property Office (IPO): AT (ST.3 two-letter country/organization code)

QUESTIONNAIRE

The Guidelines given by WIPO Standard ST.50 (refer to <http://www.wipo.int/standards/en/pdf/03-50-01.pdf>) aim at providing guidance to industrial property offices and other suppliers of patent information on how to issue corrections, alterations and supplements relating to patent information published in paper form or on machine-readable media.

This questionnaire is a second version of an original survey approved by the SCIT Standards and Documentation Working Group and conducted in 2004. Modifications take into account comments received from the original questionnaire as well as correction procedures of offices' given their recent experiences with online Internet publication. The original survey results are available at <http://www.wipo.int/standards/en/pdf/07-04-02.pdf>.

NOTIFICATIONS ISSUED

1. Does your Office issue the following notifications?

(a) Corrections:

- ☒ YES
☐ NO or
☐ Under the following circumstances:

(b) Alterations:

- ☒ YES
☐ NO or
☐ Under the following circumstances:

(c) Supplements:

- ☒ YES
☐ NO or
☐ Under the following circumstances:

(d) Other similar notification details:

COMPLIANCE WITH WIPO STANDARD ST.50

2. Does your Office use the guidelines described in WIPO Standard ST.50?

(a) Guidelines for corrections (paragraphs 7 - 32)

- ☐ ALL ☒ PARTLY ☐ NO

(i) If your answer was “PARTLY”, which parts of WIPO Standard ST.50 are used?

- ☒ Kind-of-document codes according to paragraph 10 of WIPO Standard ST.16, e.g., A8, A9, etc.
☒ Data element “publication date” of the correction (INID code (48)) according to [WIPO Standard ST.9](#)
☒ Additional correction information, e.g., supplementary correction codes (example: codes on EP CD-ROMs like W, Z, etc.), together with INID code (15)

- ☒ Other – Please specify: *The AT Office (APO) does not publish data on machine-readable data carriers other than CD-ROMs; the related guidelines of WIPO Standard ST.50 are therefore not used. Apart from this the AT Office fully follows the recommendations of ST.50 with the following exceptions:*
- An indication such as “correction” or the like under INID 12 is not given (paragraph 12).*
 - Publications of corrected versions of patent documents are not mentioned in the patent gazette (paragraph 17) up to now.*
 - Supplementary correction codes are not used (paragraphs 30-32).*

(ii) If your answer was “NO”, is your Office planning to introduce the guidelines according to WIPO Standard ST.50? If so, when?

- ☐ YES When?
- ☐ NO

Comments, if necessary:

b) Guidelines for alterations (paragraphs 33 – 36)?

- ☐ ALL ☒ PARTLY ☐ NO

(i) If your answer was “PARTLY”, please specify the practice of your Office:

The AT Office does not publish data on machine-readable data carriers other than CD-ROMs; the related guidelines of ST.50 are therefore not used. Apart from this the AT Office fully follows the recommendations of ST.50 with the following exception relating to paragraph 33:

Since alterations, such as changes in ownership or the like, relate more to the intellectual property right than to published documents, also notifications of such alterations are related to the property right itself (register number of the concerned patent or utility model) and do not lead to republications of documents. However, the register numbers equal the publication numbers.

The only possible and legally provided case of an alteration of a previously published document itself would be a republication in amended form after an opposition procedure (kind code B2), which would be notified in the gazette. Notification of partial or full declaration of nullity is only provided in the register.

(ii) If your answer was “NO”, is your Office planning to introduce the guidelines according to WIPO Standard ST.50? If so, when?

- ☐ YES When?
- ☐ NO

Comments, if necessary:

- c) Guidelines for supplements (paragraphs 37 – 44)?

☐ ALL

☒ PARTLY

☐ NO

- (i) If your answer was “PARTLY” please specify the practice of your Office:

The AT Office does not publish data on machine-readable data carriers other than CD-ROMs; the related guidelines of ST.50 are therefore not used. Apart from this the AT Office fully follows the recommendations of ST.50 with the following exception:

The only provided supplements are search reports after initial publications of patent applications or registered utility models without search report (kind codes A2, U2). These search reports are published as A3, A5 or U3 documents. Indications such as “Supplement” or the like are not given (paragraph 37).

- (ii) If your answer was “NO”, is your Office planning to introduce the guidelines according to ST.50? If so, when?

☐ YES

When?

☐ NO

Comments, if necessary:

MEDIA ON WHICH CORRECTIONS, ALTERATIONS, AND SUPPLEMENTS ARE PUBLISHED

3. On which types of media are corrections, alterations, and/or supplements issued according to the guidelines of WIPO Standard ST.50?
Please indicate the specific guidelines used in relation to the media indicated below.
Please provide the requested media information for both (i) patent documents, and (ii) patent gazettes, for any media on which they are issued.

- ☒ (a) Paper:

- (i) Patent documents: *no paper version of published patent applications (kind codes A) are available, therefore corrections/alterations/supplements of these are not published on paper; corrections/alterations/supplements of patent documents (B,U,T) are published on paper as stated above*
- (ii) Patent gazettes: *alterations/supplements are notified as stated above*

- ☒ (b) Optical discs, e.g., CD-ROMs/DVDs:

- (i) Patent documents: *MIMOSA CD-ROMs are produced including all corrections/alterations/supplements of documents (A,B,U)*
- (ii) Patent gazettes:

☐ (c) Machine-readable carriers other than optical discs, e.g., magnetic tapes:

(i) Patent documents:

(ii) Patent gazettes:

☒ (d) Online Internet publication:

(i) Patent documents:

documents with kind codes A,B,U as mentioned under (a) are published

(ii) Patent gazettes:

the gazette as mentioned under (a) is published

(iii) Other (e.g. web services):

the AT Office (APO) offers register inspection via internet

4. Does your Office use correction, alteration, and/or supplement issuing procedures other than provided in WIPO Standard ST.50?

☐ Paper Patent Documents:

☐ Patent Documents on optical discs, e.g., CD-ROMs/DVDs:

☐ Patent Gazettes/Bulletins (please specify media used):

☐ Machine-readable carriers other than optical discs
(Please specify product, e.g., patent document, patent gazette, etc.):

☐ Online Internet publication:

5. List the WIPO Standard ST.16 kind-of-document codes used for each kind of corrected patent document. Please indicate if your Office does not change the ST.16 kind-of-document code for corrected documents:

A8: published patent application, correction of the first page

A9: published patent application, corrected republication of the whole document

B2: granted patent, amended republication after opposition procedure

B8: granted patent, correction of the first page

B9: granted patent, corrected republication of the whole document

U8: registered utility model, correction of the first page

U9: registered utility model, corrected republication of the whole document

T8: translation of the granted european patent, correction of the first page

T9: translation of granted european patent, corrected republication of the whole document

6. In terms of what type of media the notification types (corrections, alterations, and supplements) are issued on, does your Office treat one of the notification types differently from the others? If so, please specify how the different notification types are treated.

As specified in the answer to question 3, the online internet publications are with exception of the A-publications in essence electronic forms of the paper publications. Therefore the APO does not, apart from the stated exception, treat these publication forms differently. CD-ROMs are produced according to the MIMOSA-standard. The data in the online register includes the currently valid data regarding to the individual intellectual property right and information about deleted entries. Details about erroneous information corrected by republications of documents are not available.

7. In the case that your Office issues corrections, alterations, and supplements on more than one type of media, and in the case that one or more types are more important/dominant/authentic than the other(s), please specify which type(s) of media are the most important. (Multiple selections can be made).

- ☒ Paper: *authentic for all but A-documents*
☐ Optical discs:
☐ Machine-readable carriers other than optical discs:
☒ Online Internet publication: *dominant, authentic for A-documents*

8. In the case that your Office issues corrections, alterations, and supplements on machine-readable media (including online Internet publications):

- (a) Please indicate if corrections, alterations, and supplements to image data (e.g., WIPO Standard ST.33 data) are handled differently from corrections to full text versions of the same data (e.g., WIPO Standard ST.32 or ST.36 data).

no differences

- (b) Please indicate if corrections, alterations, and supplements are handled differently on different media (e.g., differently on paper, optical disc, magnetic tape, on-line, etc.):

see question 6

PROBLEM AREAS

9. If you use correction, alteration, and supplement procedures that are not fully in accordance with WIPO Standard ST.50 and do not plan to be fully in line with this Standard in the future, please explain why. In particular, please indicate any concerns (e.g. procedural, technical, cost) you have with WIPO Standard ST.50 that cause problems with its implementation.

The AT Office does not plan to use supplementary correction codes (paragraphs 30-32) due to technical concerns. It is also not felt suitable to relate to any published patent documents in cases where alterations concern the intellectual property right itself rather than an individual published document (paragraph 33, see also the answer to question 2(b)) or mark search reports as supplements (paragraph 37, see also the answer to question 2(c)).

10. In the case that your Office issues corrections, alterations, and/or supplements via online Internet publication:

- (a) Does WIPO Standard ST.50 require amendment to cover your procedures?
☐ YES ☒ NO
- (b) If YES, please provide details about what are the problem areas:
- (c) And, if YES, please identify any possible solution(s) to amend WIPO Standard ST.50:

11. With regard to problem area(s) other than in relation to online Internet publication:

- (a) Do you see a need to update or amend WIPO Standard ST.50 in any area(s) other than in relation to online Internet publication?
☐ YES ☒ NO
- (b) If YES, please provide details about what are the problem areas:
- (c) And, if YES, please identify any possible solution(s) to amend WIPO Standard ST.50:

12. Do users have problems in the identification of corrections, alterations, or supplements? If so, choose one or more of the following options:

- ☒ We do not have this information.
- ☐ There are problems distinguishing between the different types of corrections, alterations, and supplements.
- ☐ There are problems identifying which publications have been subsequently corrected, altered, or supplemented.
- ☐ There are problems identifying what previous publication is now being corrected, altered, or supplemented.
- ☐ Other, please specify:

TYPE AND CAUSE OF ERRORS REQUIRING SUBSEQUENT CORRECTION

13. Is the origin of errors leading to corrections mainly due to the applicant or to the internal processes of your Office, or another source?

- ☐ More from the applicant side
- ☒ More from the Patent Office side
- ☐ About equally from applicant and Patent Office
- ☐ Other, please specify:

Comments, if necessary:

14. If known, please indicate the number of corrections published by your Office every year, in absolute values and/or percentage of the overall publication volume?

10-15 corrections of A/B/U documents per year
20-25 corrections of T documents per year
equalling ~ 0,1% of the overall publication volume

15. If known, has a significant change occurred in the number of corrections issued in the past five years?

- ☐ More corrections
- ☒ Stable
- ☐ Fewer corrections

Comments, if necessary:

16. Who makes the final decision of publishing a correction?

- ☐ The examiner
- ☐ The formality officer
- ☐ The internal publication department
- ☐ An external publication department
- ☒ All, in cooperation
- ☐ Other – Please specify:
- ☐ It depends on the type of correction or error – Please specify:

Comments, if necessary:

17. Is a request for correction from an applicant usually granted?

☒ YES ☐ NO

Comments, if necessary:

18. How long, on average, does your Office take to publish a correction once an error becomes known?

(One or more selections may be made).

- ☐ In the next publication cycle
☐ Within one working day
☐ Within one month
☐ Within 1-3 months
☒ Within 3-6 months
☐ Longer than 6 months
☐ It depends on the types of media (paper, optical discs, machine-readable carriers other than optical disc, online Internet publication) the notifications are issued on and on the types of notifications (corrections, alterations, and supplements) issued. Does your Office treat one of the notification types differently from the others? If so, please specify how the different types of media and notifications are treated.

☐ Other – Please specify:

Comments, if necessary:

PROVISION OF EXAMPLES OF CORRECTIONS, ALTERATIONS AND SUPPLEMENTS

19. If possible please provide one or more brief examples of corrections, alterations, and/or supplements which may be used to update part 7.4.1 of the WIPO Handbook entitled “Examples concerning corrections, alterations, and supplements relating to patent information” (see http://www.wipo.int/standards/en/part_07.html#7.4). An example should preferably be provided in the form of either:

- (a) a reference to an Internet address that is likely to be stable for more than three years or
(b) an embedded image within a Microsoft Word or an Adobe PDF document.

Please note that the examples provided will REPLACE those examples existing in part 7.4.1, unless advised otherwise (below).

- (a) ☐ The following stable Internet addresses are provided, for updating part 7.4.1 of the Handbook:

(Please include steps to help readers find the information, if necessary.)

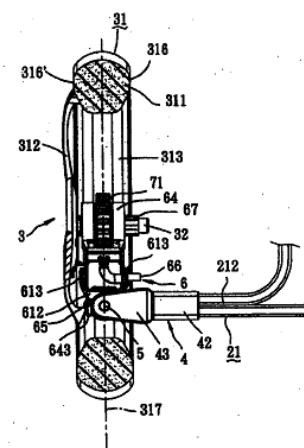
- (b) ☒ The following attached images are provided for updating part 7.4.1 of the Handbook:

- (i) *patent application AT 502981 was republished as A9 on 15.08.2007 because in the initial publication the search report was missing; INID 15 states the kind of correction; INID 43 mentions the initial publication date and INID 48 the publication date of the corrected version*

<p>(19)  österreichisches patentamt</p>	<p>(10) AT 502 981 A9 2007-08-15</p> <p>(15) Berichtigung: Recherchenbericht</p>
<p>(12) Österreichische Patentanmeldung</p> <p>(48) Ausgabetag der Berichtigung: 15.08.2007</p> <p>(21) Anmeldenummer: A 851/2003 (51) Int. Cl.⁸: B62B 7/04 (2006.01)</p> <p>(22) Anmeldetag: 02.06.2003</p> <p>(43) Veröffentlicht am: 15.06.2007</p>	
	<p>(73) Patentanmelder:</p> <p>LAN RED TAIPEI HSIEN (TW)</p>

(54) KINDERWAGEN

- (57) Eine Radanordnung (20) für einen Kinderwagen enthält ein Rad (31) mit einer Felge (311), die zwei vertikale Seitenflächen und eine vertikale zentrale Ebene (317) aufweist. Eine vertikale Schenkswelle (5) ist innerhalb eines Montageraums (313) in dem Rad (31) angeordnet, befindet sich in der zentralen Ebene (317), und erstreckt sich durch einen befestigten Sitz (4), der dazu geeignet ist, fest an einem Kinderwagengestell (21) montiert zu werden und der an einen, drehbaren Sitz (61) befestigt ist. Ein Radsitz (64) ist mit dem Rad (31) und dem drehbaren Sitz (61) verbunden, um die Rotation des Rades (31) und des Radsitzes (64) um die vertikale Schenkswelle (5) zu ermöglichen.



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DVR. 0078018

- (ii)
(iii)

(c) ☐ Other – Please specify:

Comments, if necessary:

FURTHER COMMENTS

20. Please indicate below any further comments you wish to make in relation to Correction Procedures.

[End of Annex]