

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): US (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: *For patent application publications, the correction kind-of-document codes (A9, P9) and date of correction are provided. The complete corrected patent application publication document is republished with a new publication number to aid in uniquely identifying the document by its US publication number alone. For patent grants, corrections are published using certificates of corrections. The correction information is captured electronically in image format, but not in text format. Republications of patent application publications (A2, P4), reexamination certificates (C1, C2, etc.) and reissue granted patent (E) documents are not considered "corrections" as defined by WIPO ST.50.*

(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: *The USPTO is considering publication of corrected patent grants. No specific timetable has been determined.*

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

☐ ALL ☐ PARTLY ☒ NO

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

(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:

(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: *Paragraph 15 - only granted plant patents are published on paper.*
 - (ii) Patent gazettes: *Patent gazettes are not published on paper.*
- ☒ (b) Optical discs, e.g., CD-ROMs/DVDs:
- (i) Patent documents: *Patent application publications: paragraphs 7(b), 15 and 23;*
Granted patents: paragraphs 15 and 23.
 - (ii) Patent gazettes: *Patent application publications: not published.*
Patent grants: paragraphs 15, 23.
- ☒ (c) Machine-readable carriers other than optical discs, e.g., magnetic tapes:
- (i) Patent documents: *Patent application publications: paragraphs 7(b), 15 and 28-29;*
Granted patents: paragraphs 15 and 28-29.
 - (ii) Patent gazettes: *No.*
- ☒ (d) Online Internet publication:
- (i) Patent documents: *Patent application publications: paragraph 15.*
Granted patents: paragraph 15.
 - (ii) Patent gazettes: *List of Certificates of Corrections for patents: paragraph 15.*
 - (iii) Other (e.g. web services):

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

- ☒ Paper Patent Documents: *For granted plant patents only, paper certificates of corrections are used.*

- ☒ Patent Documents on optical discs, e.g., CD-ROMs/DVDs: *For patent grants, certificates of corrections are provided but no kind-of-document code is provided. The certificates of corrections are included with the pages of the granted patent document image.*
- ☐ Patent Gazettes/Bulletins (please specify media used):
- ☒ Machine-readable carriers other than optical discs
(Please specify product, e.g., patent document, patent gazette, etc.): *For patent grants, certificates of corrections are provided but no kind-of-document code is provided. The certificates of corrections are included with the pages of the granted patent document image.*
- ☒ Online Internet publication: *For patent grants, certificates of corrections are provided but no kind-of-document code is provided. The certificates of corrections are included with the pages of the granted patent document image.*

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:

A9: Correction of patent application publication document.

P9: Correction of plant patent application publication document.

For patent grants, certificates of correction are provided but no kind-of-document code is provided. The certificate pages are included with the pages of patent grant document images.

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.

No.

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: *For plant patent grant documents only*
- ☐ Optical discs:
- ☐ Machine-readable carriers other than optical discs:
- ☐ Online Internet publication:

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).

Where the defect is technical (not related to the content), in both image (Yellow Book based on WIPO Standard ST.33) and text (Red Book based on WIPO Standard ST.36) situations, a new document is disseminated to replace the defective document.

If the defect is in the content which must be corrected, then for Yellow Book, a replacement image file is disseminated with appended images pages of certificates of correction. At present, the content of the certificates of correction is not distributed in Red Book text format. On occasion, a complete replacement for a Grant Red Book file is disseminated, but with no change to the document number or the kind code.

- (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.):

The process is essentially the same for all electronic media, but there may be some slight variations for online products.

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 USPTO is working towards this Standard when possible for patent documents. Obstructions in the past were our legacy computer storage and software systems. We will continue to publish patent application publication corrections with a different number from the original publication to help users uniquely identify documents by the US publication number alone. Optical disc products follow industry standards. These products reflect the content of the document at a particular point in time. When corrections are necessary, the document is corrected and provided on the next appropriate publication of the product. The cumulative index is updated accordingly. WIPO Standard ST.16 kind codes and publication date are not currently needed in the cumulative index since publication and patent numbers uniquely identify US patent documents.

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:

It would be helpful to publish the corrections, alterations and/or supplements practices of the IPO's to better understand how the other Offices handle corrections.

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: *USPTO only corrects material errors in an A9 or P9 published application. A material error must affect the public's ability to appreciate the technical disclosure of a patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The origin of errors leading to certificates of correction for granted patents are about equally divided between applicant and the USPTO.*

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?

Year	# Patents	#Certificates	Ratio	#Patent Application Publications	# A9s	Ratio
2008	185246	25850	14%	320523	242	0.08%
2007	182928	26670	14.6%	300198	290	0.10%
2006	196437	23919	12.2%	294538	293	0.10%
2005	157741	25720	16.3%	289617	312	0.10%
2004	181318	27622	15.2%	268398	225	0.08%

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: *As the number of published patent applications increases, so does the number of corrected documents.*
Patent grants are stable.

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: *For published patent applications, it is dependent on the type of error.*
- ☐ It depends on the type of correction or error – Please specify:

Comments, if necessary: *The Office of Patent Legal Administration decides for published patent applications. Changes in 35 U.S.C. 102(e) date, however, are automatically accepted.*
For granted patent documents, all in cooperation.

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

☒ YES ☐ NO

Comments, if necessary: *For published patent application publications, only material errors are corrected.*
For granted patents, a request from an applicant for a certificate of correction is usually granted if it is a material error.

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: *For patent application publications, once the Office of Patent Publications grants a correction, the correction is scheduled to publish in fourteen weeks.*
For granted patents, the average number of days to publication is: 51.67 days.

Comments, if necessary:

PROVISION OF EXAMPLES OF CORRECTIONS, ALTERATIONS AND SUPPLEMENTS

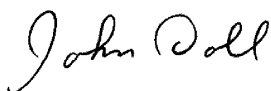
19. If possible please provide one or more brief examples of corrections, alterations, and/or supplements which may be used to update part 7.4.1 of the WIPO Handbook entitled “Examples concerning corrections, alterations, and supplements relating to patent information” (see http://www.wipo.int/standards/en/part_07.html#7.4).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


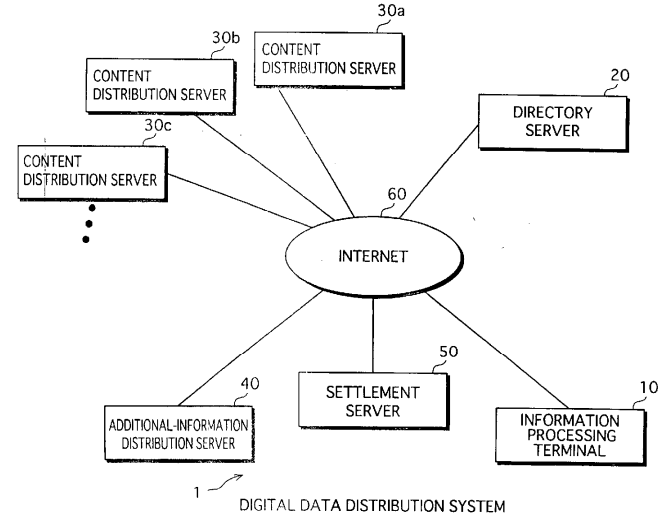
- (a) ☐ The following stable Internet addresses are provided, for updating part 7.4.1 of the Handbook:
(Please include steps to help readers find the information, if necessary.)

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

- (i) *Certificate of Correction for US Patent*

UNITED STATES PATENT AND TRADEMARK OFFICE	
CERTIFICATE OF CORRECTION	
PATENT NO. : 7,445,118 B2	Page 1 of 1
APPLICATION NO. : 10/553701	
DATED : November 4, 2008	
INVENTOR(S) : James Schroeder	
It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:	
Title page, item (54): "SIGNALING" should be changed to --SIGNING--	
Column 1, Line 1: "SIGNALING" should be changed to --SIGNING--	
Signed and Sealed this	
Seventeenth Day of February, 2009	
	
JOHN DOLL Acting Director of the United States Patent and Trademark Office	

(ii) *US Patent Application Publication A9 Corrected Publication*

 US 20080320173A9	
(19) United States (12) Patent Application Publication Matsushima et al.	(10) Pub. No.: US 2008/0320173 A9 (48) Pub. Date: Dec. 25, 2008 <div style="background-color: #e0e0e0; padding: 2px; text-align: center;">CORRECTED PUBLICATION</div>
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>(54) DIGITAL DATA DISTRIBUTION SYSTEM WITH SWITCHING UNIT, ONLINE ACQUISITION UNIT, AND CONVERSION UNIT FOR CONVERTING FROM FIRST TO SECOND FORMAT</p> <p>(76) Inventors: Hideki Matsushima, Hirakata (JP); Ryuichi Okamoto, Kadoma (JP); Mitsuhiro Inoue, Osaka (JP); Masayuki Kozuka, Arcadia, CA (US)</p> <p>Correspondence Address: WENDEROOTH, LIND & PONACK L.L.P. 2033 K. STREET, NW SUITE 800 WASHINGTON, DC 20006 (US)</p> <p>(21) Appl. No.: 10/169,606 (22) PCT Filed: Nov. 7, 2001 (86) PCT No.: PCT/US01/51574 § 371(c)(1), (2), (4) Date: Oct. 2, 2003</p> </div> <div style="width: 45%;"> <p>(65) US 2005/0033864 A1 Feb. 10, 2005</p> <p style="text-align: center;">Related U.S. Application Data</p> <p>(63) Continuation of application No. 09/706,755, filed on Nov. 7, 2000, now abandoned.</p> <p style="text-align: center;">Publication Classification</p> <p>(51) Int. Cl. G06F 3/00 (2006.01) (52) U.S. Cl. 710/1</p> <p style="text-align: center;">ABSTRACT</p> <p>A CD on which only music information specified by the CD-DA is recorded, or a CD on which both music information specified by the CD-DA and music information to be recorded on a CD-ROM are recorded is mounted upon an information processing terminal (10). When the CD on which only music information specified by the CD-DA is recorded is mounted, the information processing terminal (10) acquires, from a directory server (20), an ISRC number that identifies the music information recorded on the CD, and distribution server location information that identifies a content distribution server. The information processing terminal (10) acquires content that is the music information compressed according to the MP3 and encrypted, from the content distribution server identified by the acquired distribution server location information, and the decryption key. The information processing terminal then decrypts the acquired content using the acquired decryption key and reproduces music.</p> </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p style="text-align: center;">Prior Publication Data</p> <div style="background-color: #e0e0e0; padding: 5px;"> (15) Correction of US 2005/0033864 A1 Feb. 10, 2005 See (63) Related U.S. Application Data. </div> </div> <div style="width: 45%;"></div> </div>	
 <p style="text-align: center;">DIGITAL DATA DISTRIBUTION SYSTEM</p>	

(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]