Survey on Intellectual Property Data Exchange

Response ID:188 Data

2. Identification page

1. Please enter the ST.3 code of the member state or inter-governmental organization you represent.

CN - China

2. Please enter the name of the Office or Organization you represent. For instance, International Bureau of WIPO.
If your Organization name is the same as your ST.3 code name, you may put "n/a".

China National Intellectual Property Administration

3. Types of IP data exchanged

5. Does your Office provide or collect IP data?

Yes, providing and collecting

6. In what context is IP data exchange performed?

Bilateral agreements
Multilateral agreements
Direct upload/download of bulk data

4. Types of IP data exchanged

7. Select the IP domains for which your Office provide or collect data.

	Provide	Collect	Both, provide and collect	Not applicable
Patents			X	
Trademarks			X	
Industrial designs			X	
Geographical indications			X	

Other (please specify): Please be noted that CNIPA's providing and collecting geographical indication data is limited to domestic scopes only.

8. What types of IP data does your Office provide or collect?

Patents

	Provide	Collect	Both provide and collect	Not applicable
Bibliographic data (including classification information)			X	
Full-text publication data (including, description and claims)			X	
Full-image publication data (including bibliographic data, abstract, description and claims)			X	
Drawings (2D images, 3D models or 3D images)			X	
Citation information from search and/or examination			X	
Legal status data			X	
Sequence listing data			X	
Office actions				X
Examination reports/Search report				X
Statistical data (Added value data)			X	

Other (please specify):

Trademarks

	Provide	Collect	Both provide and collect	Not applicable
Bibliographic data (including classification information)			X	
Full-text publication data				X
Mark representation (2D images, 3D models, 3D images, audio or video)			X	
Legal status data			X	
Examination reports/Search reports				X
Office actions				X
Statistical data (Added value data)				X

Other (please specify):

Industrial Designs

	Provide	Collect	Both provide and collect	Not applicable
Bibliographic data (including classification information)			X	
Full-text publication data			X	
Industrial design representation (2D images, 3D models, 3D images, audio or video)			X	
Legal status data			X	
Examination reports/Search reports				X
Office actions				X
Statistical Data (Added value data)				X

Other (please specify):

Geographical Indications

	Provide	Collect	Both collect and provide	Not applicable
Bibliographic data (including classification information)			X	
Full-text publication data			X	
Geographical indication representation (labels or images)				X
Legal status data				X
Office actions				X
Statistical Data (Added value data)				X

Other (please specify):

5. Types of IP data exchanged

9. Which type of file formats are used when your Office provides and/or collects IP data?

Document and archive format

XML
JSON
SGML
PDF
TXT
DOC
CSV
TSV
ZIP

2D images

JPEG
TIFF
PNG

Audio, video and multimedia

MP3

3D model and 3D images

Not applicable

6. Types of IP data exchanged

10. Please indicate the data format related to WIPO Standards implemented by your Office in providing or collecting IP data

WIPO Standard ST.96: Recommendation for the processing of intellectual property information using XML

Patents
Industrial designs

WIPO Standard ST.97: Processing of Intellectual Property information using JSON

Patents

Other WIPO Standards

WIPO Standard ST.25: Standard for the presentation of nucleotide and amino acid sequence listings in patent applications
WIPO Standard ST.26: Recommended standard for the presentation of nucleotide and amino acid sequence listings using XML
WIPO Standard ST.27: Recommendation for the exchange of patent legal status data
WIPO Standard ST.36: Recommendation for the processing of patent information using XML

7. Reason for collecting IP data

11. Why does your Office collect IP data from other Offices?

For internal use

Examination purposes (e.g., prior art searches, examination)
Internal reports and analytics

For public dissemination

Publishing on our Office's free of charge public search tools/databases

For external distribution

Other external re-distribution (please specify): Sharing with third parties after standardized processing

8. IP data delivery methods/means

12. Which methods and/or means does your Office currently use to provide IP data?

API
SFTP/FTP/FTPS
Individual documents download from Office website
Bulk download from Office website
Physical hard drives (HDD/SSD/USB/CD/DVD)

9. Challenges

13. What challenges does your Office face in relationto providing IP data to other Offices?

Organizational and technical challenges

IP data cleansing and correction is ongoing

Legal and policy challenges

IP data should be shared in compliance with applicable personal data protection requirements
Legal concerns about ownership, redistribution and attribution (e.g: the partner Office redistributes, changes, or commercially use the received data in violation of or exceeding the terms which were bilaterally agreed or approved in written by both sides)
IP data is shared on condition that it is used for legitimate purposes
Legal concerns about hosting data outside the geographic area of my Office's jurisdiction (e.g., my Office cannot share IP data due to legal restrictions on hosting their IP data outside of my Office's geographic jurisdiction)

Financial challenges

Not applicable

14. What challenges does your Office face in relationto collecting IP data to other Offices?

Organizational and technical challenges

Discontinuation of data delivery without prior notice (e.g., data delivery from partner Offices is suddenly stopped and it takes considerable time and effort to resume data delivery)

Legal and policy challenges

Not applicable

Financial challenges

Not applicable

10. Proposed solutions

15. What following proposed solutions could help your Office address the challenges your Office selected above?

Develop a new WIPO standard on the recommendation for the exchange of IP data and its use
Provide a portal to enhance communication between Offices to share experiences on IP data exchange
Collect and share best practices for data exchange

11. Proposed solutions

16. What recommendations should be included in the new WIPO standard on the recommendation for the exchange of IP data and its use?

Technical recommendation

Recommendations on data formats (e.g., XML, JSON, and other unified formats)

Recommendations on means and methods of IP data exchange
Recommendations on the frequency of IP data exchange
Recommendations on IP data quality
Recommendations on IP data security and privacy protection during data exchange

Legal and policy recommendations on IP data use

Recommendations on reciprocity principles between Offices exchanging IP data
Recommendations on the scope and authority of IP data distribution and its use to be mutually agreed upon by the two Offices involved in the IP data exchange, based on practical circumstances and the reciprocity principle, and clearly recorded in the formal data exchange agreement

Procedural and operational guidance

Recommendations on the consultation process for IP data exchange cooperation
Recommendations on templates or examples of IP data exchange agreements and/or Memorandums of Understanding (MoU)/Memorandum of Cooperation (MoC)/Terms of Use (ToU)
Recommendations on other matters to be considered consultations and agreement negotiations on IP data exchange

12. Legal and contractual framework for data exchange

17. Does your Office or your country have any national and/or regional laws or regulations that govern the transfer by your Office of IP data (including hosting or redistribution) outside of your jurisdiction?

Yes (please specify the relevant law, regulation, policy, national practice, strategy, or rule that the Office is required to comply with, including the title, reference number, and/or URL to the source of information): Data Security Law, Personal Information Protection Law, Regulations on the Administration of Network Data Security (State Council Order No. 790), Measures on Security Assessment for Outbound Data Transfer (Cyberspace Administration of China Order No. 11), Provisions on Promoting and Regulating Cross-Border Data Flow (Cyberspace Administration of China Order No. 16)

18. Does your Office have formal written agreements (such as contracts/MoU/MoC/ToU/License Agreement) for data exchange with other IP Offices?

Yes, either bilateral contract/MoU/MoC/ToU is required

19. If possible, please provide template(s) of bilateral contract/MoU/MoC/ToU/License Agreement that your Office uses

Template_MOU_on_the_Exchange_of_Intellectual_Property_Information_Data.doc

20. Does your Office have formal written agreements for the provision of data to third parties? *(such as: MoU, MoC, ToU, contract, license agreement)*

Yes, required for any third parties

13. Conditions for provision, use and dissemination of IP data

21. How does your Office currently authorize the use and dissemination of exchanged IP data?

Determined by two Offices involved in the data exchange cooperation through consultation

22. How does your Office implement the reciprocity principle in practicing IP data exchange with other IP offices?

The exchanged IP data categories, scope, etc., must exactly match one-to-one
Two offices exchange IP data without requiring one-to-one correspondence of data
IP data sharing can be one-way
Bilaterally agreed by two sides

23. What reciprocity policy re-distribution would your Office support?

Exchange with re-distribution rights conditional on compliance with specific use restrictions (please provide details): The preconditions of re-distribution, data scope and distribution recipients shall be mutually agreed by thee two Offices involved in thee IP data exchange, and be clearly recorded in the formal data exchange agreement.

24. Would your Office support a recommendation that Offices provide their IP data free of charge or at marginal cost to the general public and any third party?

Yes, our Office supports providing IP data at a marginal cost (please provide details): CNIPA supports providing IP data free of charge or at a marginal cost. However, such provison needs precondistions and is not available to any third party. When the third party refers to other national and regional IP offices, the data exchange shall be carried out under formal agreements/MOU.

14. Conditions for provision, use and dissemination of IP data

If your Office does not support free or marginal cost data provision, what barriers exist to implementing such recommendation?

15. Conditions for provision, use and dissemination of IP data

25. What level of internal use does your Office permit when sharing IP data with partner Offices?

Restricted internal use, permissible only for specific applications or uses

16. Conditions for provision, use and dissemination of IP data

26. If permissible for certain applications or uses, which of the following internal uses are permitted?

Examination and search activities

17. Conditions for provision, use and dissemination of IP data

27. Does your Office permit partner Offices to provide IP data shared with them (including in bulk form) to third parties?

Permissible only under certain conditions

18. Conditions for provision, use and dissemination of IP data

28. Under what conditions would the provision of such data to third parties be permissible?

When the partner Office similarly allows our Office to provide their IP data to third parties based on the reciprocity principle
When the scope of third parties and the scope of data have been documented in a data exchange agreement/MoU or approved in writing

Please provide reasons why your Office does not permit the provision of such data to third parties

19. Data quality and error correction

29. Does your Office have mechanisms for checking data for assuring the quality of IP data before sharing them?

Yes

30. Which methods do you use on mechanisms for checking data for assuring the quality of IP data?

Automated validation checks (please provide details, tool name, set of business rules, if possible):
Manual review processes
User feedback mechanisms

20. Data quality and error correction

31. Would your Office agree to partner Offices using their quality assurance mechanisms to detect errors in your IP data and providing them to your Office, for corrections at the source?

Yes

32. Would your Office permit partner Offices to correct errors in your IP data before they use internally, publish or share it?

Not permitted: Partner Offices must not alter our IP data in any way and must report errors and await corrected data from my Office

Please provide details of permissible corrections

33. What would be the timeframe to make the corrections?

34. Is your Office able to make the corrections, or does the applicant need to be part of this process?

Yes, our Office can make corrections directly (please explain): It depends. For example, if the data error came from internal processing such as machine translation, then our Office can make corrections directly.

35. How will these corrections be tracked and managed?

Through internal approval procedure.

21. Data quality and error correction

36. Does your Office apply any quality assurance mechanisms to the datacollected from other Offices?

Yes (please provide details): Validation and data processing

22. Update frequency

37. What update frequency can your Office as providing Office realistically support?

	Real-time	Daily	Weekly	Monthly	Quarterly	Annually	Not applicable
Patents				X			
Trademarks				X			
Industrial designs				X			
Geographical indication							X

Other (please specify): The geographical indication will be updated irregularly.

38. Please provide any additional information or comments.