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| CWS/6/24 Rev.2 | | |
| ORIGINAL: English | | |
| DATE: SEPTEMBER 12, 2018 | | |

**Committee on WIPO Standards (CWS)**

**Sixth Session**

**Geneva, October 15 to 19, 2018**

REPORT ON TASK NO.50 BY THE PART 7 TASK FORCE

*Document prepared by the Part 7 Task Force*

## INTRODUCTION

At its reconvened fourth session held in March 2016, the Committee on WIPO Standards (CWS) agreed on the creation of 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” and the establishment of a corresponding Task Force (Part 7 Task Force). The International Bureau was designated as the Task Force Leader. (See paragraphs 73 and 122 (e) of document CWS/4BIS/16.)

At its reconvened fourth session, the CWS also agreed to extend the scope of Part 7.7 of the WIPO Handbook on Industrial Property Information and Documentation (WIPO Handbook) to cover patent term adjustments (PTAs) and patent term extensions (PTEs) in addition to supplementary protection certificates (SPCs). With the view of extending the scope of Part 7.7, the CWS requested the Part 7 Task Force to review the existing questionnaire on SPCs and to present a proposal for updating it at its fifth session (see paragraph 74 of document CWS/4BIS/16).

At the fifth session of the CWS held from May 29 to June 2, 2017, the Part 7 Task Force presented a draft questionnaire on the grant and publication of industrial property protection extensions (IPPEs) for consideration. The CWS discussed the proposed draft questionnaire on IPPEs and identified the several substantive issues, which should be amended. Consequently, the CWS requested the Task Force to revise the draft questionnaire taking into account the issues identified and to present a new proposal for consideration at its sixth session.   
(See paragraphs 79 to 81 of document CWS/5/22.)

At its fifth session, the CWS also 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 Committee noted that the questionnaire should cover current and former practices of numbering of published documents and registered rights. (See paragraph 71 of document CWS/5/22.)

At its fifth session, the CWS also requested the International Bureau

1. 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
2. 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.

(See paragraph 72 of document CWS/5/22.)

## PROGRESS REPORT AND UPDATED DRAFT QUESTIONNAIRE

As a follow-up to the requests by the CWS at its fifth session, the International Bureau issued Circular C.CWS 88 inviting IPOs to provide information for Part 7.2.4 of the WIPO Handbook “Survey on the presentation of priority application numbers”. The 12 IPOs from the following countries provided their response: AU, CZ, DE, GB, HR, KG, MD, PL, PT, SE, SK and UA. It should be noted that the responses have not been reflected in Part 7.2.4 and the Secretariat plans to publish the updated Part 7.2.4 with the new information in 2018.

The Secretariat also conducted the following actions requested by the CWS:

1. moving Part 7.2.1 to the Archive;
2. replacing the reference in ST.10/C with Part 7.2.6 (editorial change); and
3. including the link to the archived Part 7.2.1 in Part 7.2.6.

With regard to the request for preparing a proposal for the questionnaire on numbering of published documents and registered rights, the Part 7 Task Force has not started its work and plans to do so after the sixth session and present a proposal for consideration at its seventh session.

The Part 7 Task Force carried out four rounds of discussions and prepared five draft versions of the questionnaire, considering the issues identified at the fifth session of the CWS, referring to paragraph 80 of document CWS/5/22. The Task Force presented a final draft questionnaire for consideration by the CWS as Annex to this document.

During the discussions about the questionnaire, the Task Force members noted the difference between SPCs/PTEs and PTAs as legal instruments in use in the countries. The SPCs and PTEs are related to delays in marketing due to governmental procedures of accreditation conducted by in general other authorities than the IPO, while the term SPCs is used in the European Economic area, and the term PTEs is, to a certain extent, used in other countries such as Japan, Republic of Korea and United States of America. The term PTAs, however, is related to delays of administrative procedures caused during the examination and grant process in the IPO.

The Task Force initially considered to split questions into two parts, Part I - questions regarding SPCs and PTEs; and Part II - questions related to PTAs. Taking into account the difference in nature between the two groups and the scope of Part 7.7 of WIPO Handbook, the Task Force agreed to keep only the questions which are related to SPCs and PTEs. If necessary in the future, a new questionnaire needs to be prepared for PTAs. Therefore, the final draft questionnaire annexed to this document contains only the questions which are related to SPCs and PTEs.

*The CWS is invited to:*

*(a) note the content of the present document;*

*(b) consider and approve the draft questionnaire, as reproduced in the Annex; and*

*(c) request the Secretariat to issue a circular inviting IPOs to participate in the survey on the grant and publication of Supplementary Protection Certificates and Extensions of the Patent Term, as referred to in paragraph 6 above.*

*(d) request the International Bureau to prepare and publish the updated Part 7.2.4, as referred to in paragraph 6, above*

*(e) request 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, as indicated in paragraph 8 above.*

[Annex follows]