# ANALYSIS OF SURVEY RESULTS ON PRACTICES AND CHALLENGES ON INTELLECTUAL PROPERTY (IP) DATA EXCHANGE

*Document prepared by IP Data Exchange Task Force Co-Leaders*

## BACKGROUND

The IP Data Exchange Task Force was established at the twelfth session of the CWS. In line with the IP Data Exchange Task Force Workplan, the Task Force agreed to conduct a survey within the Task Force Offices to collect existing practices and challenges experienced by the Task Force Offices as regards to IP data exchange. The survey was conducted from January 27 to April 23, 2025. Twenty Task Force members responded to the survey, comprising Offices from the following Member States: Australia (AU), Brazil (BR), Canada (CA), China (CN), Croatia (HR), Ghana (GH), Honduras (HN), Japan (JP), Mexico (MX), Peru (PE), Poland (PL), Republic of Korea (KR), Russian Federation (RU), Saudi Arabia (SA), Ukraine (UA), United Kingdom (GB), United States of America (US) and Uruguay (UY); and the following regional Offices: the European Patent Office (EP) and the European Union Intellectual Property Office (EM). Of the responding Offices, 19 actively share IP data with other IP offices. It should be noted that the copyright Office in Jordan posted a comment, but it has not been reflected in the present analysis as it did not answer to the survey questionnaire.

## National Laws Governing IP Data exchange

Twelve out of 20 IP offices reported having national laws or regulations governing the sharing or exchange of IP data beyond their jurisdiction.

## IP Domains exchanged

* Patent (18 IP offices);
* Trademark and industrial design (15 each);
* Geographical Indication (6); and
* Others like copyright, plant breeders rights, topologies of integrated circuits computer programs (1 each).

## Types of IP Data exchanged

* Bibliographic or abstract data (17 IP offices);
* Full text of claims or descriptions (14); and
* Legal status (12), Office actions (9), IP gazettes (13).

## File Format Used on IP data exchange

* XML (18 IP offices), PDF (14), IMG (9), TXT (5), DOCX (4); and
* Others: TIFF (3), MP4, MP3, OBJ, XLT, X3D (1 each), CSV (1), JSON (3).

## WIPO Standards used on IP data exchange

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| WIPO Standard | Title | No. of IP offices |
| ST.26 | Presentation of nucleotide and amino acid sequence listings using XML | 11 |
| ST.27 | Exchange of Patent Legal Status Data | 5 |
| ST.32 | Markup of patent documents using SGML | 1 |
| ST.36 | Processing of patent information using XML | 12 |
| ST.37 | Authority File of Published Patent Documents | 1 |
| ST.61 | Recommendation for the exchange of trademark legal status data | 1 |
| ST.66 | Processing trademark information using XML | 2 |
| ST.86 | Processing of industrial design information using XML | 4 |
| ST.87 | Exchange of industrial design legal status data | 1 |
| ST.90 | Recommendation for processing and communicating Intellectual Property data using Web APIs (Application Programming Interfaces) | 2 |
| ST.96 | Processing of Intellectual Property information using XML | 11 |

## Challenges in Sharing IP Data with other ip offices

### Technical Challenges

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| Challenge | No. of IP offices | Analysis/Remarks |
| Lack of IT resources (databases, tools, storage, etc.) | 5 | A key foundational barrier, indicating insufficient investment in digital systems and capacity. |
| Non-standard data formats | 5 | Highlights lack of harmonized data structures or limited adoption of WIPO Standards. |
| IP Data not digitized | 1 | While largely resolved, a few offices still face issues with full digitization. |
| Poor data quality (digitized but needs correction) | 4 | Reflects legacy systems or inconsistent data entry practices. |
| Ongoing data correction project | 4 | Demonstrates awareness of data quality issues and commitment to improvement. |
| Partial digitization of IP data | 1 | Indicates remaining gaps in complete digitization of IP records. |

### Legal and Policy Challenges

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| Challenge | No. of IP offices | Analysis/Remarks |
| Legal concerns about ownership and redistribution: IP data could be shared only if not redistributed or altered without written consent. | 6 | Legal restrictions limit sharing unless formal agreements are established. |
| Legal concerns about hosting outside IP office jurisdiction. | 6 | Jurisdictional constraints (e.g., national security or data sovereignty) restrict data hosting. |
| IP data is considered potential revenue for the IP office, therefore data sharing free of charge is restricted. | 1 | Commercial interests restrict open collaboration and free access to IP data. |

### Organizational Constraints

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| Challenge | No. of IP offices | Analysis/Remarks |
| IP office does not share any IP data | 2 | Either due to policy or capability limitations. |
| Lack of personnel to improve systems | 1 | Staff shortages impact modernization of IP data exchange processes. |

## Challenges in Collecting IP Data from Other IP offices

### Technical Challenges

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| Challenge | No. of IP offices | Analysis/Remarks |
| Non-standard/unfamiliar formats | 4 | Limits automated processing and integration. |
| Poor quality data (e.g., incorrect XML tags) | 2 | Impacts downstream usability and automation. |
| Lack of IT resources at partner IP offices | 4 | Reflects uneven maturity across global IP systems. |
| Technical reliability of systems (e.g., WIPO CASE) | 1 | Points to the need for improved infrastructure or maintenance. |

### Legal and Policy Challenges

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| Challenge | No. of IP offices | Analysis/Remarks |
| Legal concerns (redistribution, error correction) | 4 | Restrictions on how IP data can be used or modified limit transparency and reuse. |
| Hosting restriction outside IP office jurisdiction | 4 | Similar to challenges in sharing IP data, cloud and cross-border data laws pose significant barriers to external data hosting. |
| Data protection regulations (e.g., GDPR) | 2 | Regulations like GDPR impose strict rules on IP data access and use, especially on personal or sensitive data. |

### Operational and Coordination Issues

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| Challenge | No. of IP offices | Analysis/Remarks |
| Incomplete datasets | 5 | May reflect intentional filtering or lack of standard IP data sets. |
| Irregular data delivery | 4 | Unpredictable updates disrupt automation and reduce data reliability. |
| Sudden discontinuation without notice | 3 | Indicates poor coordination and lack of communication between offices. |
| Data commercialization differences | 3 | Conflicting views on whether data should be free or monetized cause friction. |
| No collection from others | 5 | Offices may be isolated or lack agreements to receive data from others. |

### Strategic and Other Challenges

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| Challenge | Analysis/Remarks |
| Data governance and access policies | Lack of clarity around who can use data, how it can be stored, and dissemination rights. |
| Data completeness | Incomplete records limit the utility of shared data. |
| Data dictionary issues | Limits interoperability due to a lack of shared definitions/structures. |

## Key issues and findings

1. Interoperability and poor data quality issues dominate

* Non-standard formats and poor data quality are persistent and inhibit seamless integration;
* Incomplete records limit the utility of shared data;
* Lack of clarity around who can use data, how it can be stored, and dissemination rights;
* Irregular data delivery;
* Sudden discontinuation without notice; and
* Data commercialization differences.

1. Legal and policy barriers are significant

Data ownership, hosting restrictions, redistribution restrictions and revenue-driven models prevent open sharing.

1. Infrastructure and human resources gaps

* Lack of IT resources, both locally and in partner IP offices, is a key blocker; and
* Insufficient staff to develop or maintain data exchange systems undermines progress.

1. Asymmetry between IP offices

While some IP offices are advanced and sharing their IP data, others are still partially digitized or isolated.

## Proposed Solutions

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| Area | Action |
| Technical | Adopt a WIPO standard on IP data exchange and promote wide implementation existing WIPO Standards such as ST.90, ST.96 and ST.97.  Improve IP data quality, using AI tools If possible.  Support of IP data digitalization. |
| Legal & Policy | Create model data-sharing agreements. |
| Coordination | Assign Data Exchange Coordinators; implement multilateral SLAs; create a shared update calendar. |
| Capacity Building | Launch training programs; establish a twinning program on knowledge exchange. |
| Governance | Establish Global IP Data Exchange Framework; develop a central data portal; monitor progress via transparency dashboard. |

## Benefits of the proposed solutions

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| Benefit | Description |
| Efficiency | Streamlined data processing and reduced duplication of effort. |
| Interoperability | Improved integration of global IP systems and automation of services. |
| Transparency | Reliable, predictable access to legal and bibliographic IP data. |
| Legal Confidence | Clear rules on data usage, hosting, and redistribution. |
| Capacity Building | Support of developing IP offices to participate meaningfully in global exchange. |

[End of Annex and of document]