

Committee on WIPO Standards (CWS)

Second Session
Geneva, April 30 to May 4, 2012

ORGANIZATIONAL MATTERS AND SPECIAL RULES OF PROCEDURE

prepared by the Secretariat

INTRODUCTION

1. The WIPO General Assembly, at its thirty-eighth session, held in September 2009, approved the creation of the Committee on WIPO Standards (CWS). The CWS replaced the former Standards and Documentation Working Group (SDWG) of the Standing Committee on Information Technologies (SCIT).
(See document WO/GA/38/10 and paragraphs 236 to 249 of document WO/GA/38/20.)

COMMITTEE ON WIPO STANDARDS

2. When the CWS met for the first time in October 2010, the CWS considered a proposal on the Organizational Matters and Special Rules of Procedure, including the mandate of the CWS, as reproduced in the Annex to document CWS/1/2. Opinions were divided on how to interpret the decision taken by the WIPO General Assembly on the mandate of the CWS in 2009, and no final agreement was reached on Organizational Matters and Special Rules of Procedure.
(See paragraphs 13 to 16, and 54 of document CWS/1/10 Prov.)

3. As a follow-up to the discussions by the CWS referred to above, the International Bureau invited the WIPO General Assembly, at its fortieth session, held in September 2011, to clarify the mandate of the CWS (see document WO/GA/40/17). Following discussions on the issues related to the CWS mandate, the WIPO General Assembly clarified the mandate as follows:

“The WIPO General Assembly reaffirmed and clarified its decision regarding the creation and mandate of the CWS at its 38th session in 2009, as contained in paragraph 249 of document WO/GA/38/20. The WIPO General Assembly also confirmed and clarified that the core mandate is that which is contained in paragraphs 11 to 16 of document WO/GA/38/10, and further agreed that, upon request from Member States, the Secretariat will endeavor to provide technical advice and assistance for capacity building to IP Offices by undertaking projects regarding dissemination of IP standards information. The Secretariat will provide regular written reports to the CWS on the details of such activities, as well as any other technical assistance and capacity-building activities that it undertakes in connection with the mandate, and provide the same to the General Assembly. The WIPO General Assembly decided that in order to encourage and facilitate the participation of technical experts from developing countries and LDCs in CWS meetings, the Secretariat will extend funding assistance for the participation of LDCs and developing countries, within existing budgetary resources.”

(See paragraphs 182 to 190 of document WO/GA/40/19.)

4. The Annex to the present document proposes, for consideration by the CWS, a revised proposal of the organizational and procedural matters related to this Committee, as well as of its mandate and working methods, which reflects the above decision taken by the General Assembly. This proposal also reflects the provisional agreements reached by the CWS during its discussions in 2010. (See paragraphs 14 and 15 of document CWS/1/10 Prov.)

5. *The CWS is invited to note the contents of this document and adopt the Organizational Matters and Special Rules of Procedure that are reproduced in the Annex to this document.*

[Annex follows]

ORGANIZATIONAL MATTERS AND SPECIAL RULES OF PROCEDURE OF THE COMMITTEE ON WIPO STANDARDS (CWS)

1. Subject to the following Organizational Matters and Special Rules of Procedure, the General Rules of Procedure of WIPO will apply to the Committee on WIPO Standards (CWS).
2. The CWS will report to the General Assembly of WIPO at least once every two years.
3. Recommendations and proposals from the CWS may be passed either to the WIPO General Assembly, to the Program and Budget Committee, or directly to the Director General, as needed.
4. The CWS will establish its work program, priorities and working methods.
5. The decisions adopted by the CWS will not be mandatory, but formulated as recommendations directed to States, in particular to their national or regional industrial property offices, to the International Bureau of WIPO, to international organizations, and to any other national or international institution interested in industrial property information matters.
6. The CWS may establish or dissolve task forces, keeping always their number to a minimum. Task forces will deal with specific tasks as required and be subject to the rules provided in paragraphs 23 to 29, below.

MEMBERSHIP

7. All WIPO Member States as well as Members of the Paris Union or Berne Union that are not Member States of WIPO will be members of the CWS. In addition, the African Intellectual Property Organization (OAPI), the African Regional Intellectual Property Organization (ARIPO), the Benelux Office for Intellectual Property (BOIP), the Eurasian Patent Organization (EAPO), the European Patent Organization (EPO), the International Union for the Protection of New Varieties of Plants (UPOV), the Nordic Patent Institute (NPI), the Patent Office of the Cooperation Council for the Arab States of the Gulf (GCC) and the European Union will be members of the CWS, provided that they will not have the right to vote.
8. The Director General of WIPO may and, if so requested by the CWS, will invite, as observers, interested intergovernmental organizations (other than member organizations mentioned above) and interested international and national non-governmental organizations, as well as organizations providing information services in the field of intellectual property information, which are not accredited with observer status at any or other WIPO meetings. Observers will not have the right to vote.

MANDATE

9. The mandate of the CWS was clarified by the WIPO General Assembly at the fortieth session in 2011 as follows (see paragraphs 182 to 190 of WO/GA/40/19):

“The WIPO General Assembly reaffirmed and clarified its decision regarding the creation and mandate of the CWS at its 38th session in 2009, as contained in paragraph 249¹ of document WO/GA/38/20. The WIPO General Assembly also confirmed and clarified that the core mandate is that which is contained in paragraphs 11 to 16² of document WO/GA/38/10, and further agreed that, upon request from Member States, the Secretariat will endeavor to provide technical advice and assistance for capacity building to IP Offices by undertaking projects regarding dissemination of IP standards information. The Secretariat will provide regular written reports to the CWS on the details of such activities, as well as any other technical assistance and capacity-building activities that it undertakes in connection with the mandate, and provide the same to the General Assembly. The WIPO General Assembly decided that in order to encourage and facilitate the participation of technical experts from developing countries and LDCs in CWS meetings, the Secretariat will extend funding assistance for the participation of LDCs and developing countries, within existing budgetary resources.”

SESSIONS

10. The CWS will meet once a year in ordinary session and will receive annual progress reports from its subsidiary bodies.

OFFICERS

11. The CWS will have a Chair and two Vice-Chairs and will elect them for a term of two consecutive ordinary sessions. Any outgoing Chair or Vice-Chair may be immediately re-elected to office for one more consecutive term only.

¹ The text in paragraph 249 reads: “The General Assembly approved the proposal contained in paragraphs 11 to 16 in document WO/GA/38/10, as amended by the Delegation of Argentina in respect of the creation and the mandate of the CWS, and deferred the issue on the creation of the CGI to the next session of the General Assembly in 2010.”

² The text in paragraphs 11 to 16 reads:

“11. It is proposed that the SCIT be replaced by the following two bodies as of the beginning of the next biennium 2010-11 (i) Committee on WIPO Standards (CWS) and (ii) Committee on Global IP Infrastructure (CGI).

12. These Committees should work independently and, where appropriate, should prepare proposals and/or activity reports for the consideration of the WIPO General Assembly or relevant Assemblies.

13. The mandate of the CWS would be to continue to work on the revision and development of WIPO standards relating to intellectual property information. The CWS would, in effect, perform the same work as the SDWG, but under a different name.

14. The mandate of the CGI would be to discuss matters concerning global intellectual property infrastructure that do not fall into the mandate of the CWS. Such matters include development of good practices, common tools and coherent approaches to various projects for strengthening international cooperation and interchange of data and information of intellectual property.

15. The SCIT working methods and procedures (document SCIT/7/14) are familiar to Member States, and it is proposed that they be applied *mutatis mutandis* to the new Committees.

16. The CWS would be convened in principle once a year and the CGI would meet whenever necessary. For the next biennium 2010-11, resources required for convening up to two sessions of CWS and one session of CGI are proposed in the draft Program and Budget under Programs 12, 14 and 15.”

MEETING DOCUMENTATION

12. Meeting documentation will be published on the website of WIPO and, upon request, provided on paper. The letter of invitation and the draft agenda will be distributed on paper and published on the website of WIPO.

PROJECT TASK INITIATION

13. Tasks will be created by the CWS.

14. Consideration of a new proposal, subject or activity, including requests for the revision of existing WIPO Standards or the preparation of new standards, may be initiated by any member, observer, task force or by the International Bureau by submission of a written project brief to the Secretariat. The project brief should include a clear description of the problem or specific need to be addressed, and indicate how it was determined. The project brief should also provide the objectives of the task, options for solution and the expected benefits.

15. The Secretariat will present the requests and project briefs received to the first available session of the CWS for consideration. The CWS will determine whether each specific request falls within its mandate and how to proceed with that request. The CWS will also decide the appropriate subsequent action, including whether there is a need for creating a task and a task force to handle the task.

16. On each request adopted as a task for inclusion in the work program, the CWS will determine the corresponding task description and the priority to be given to the task, including, as far as possible, the proposed action(s) and time frame(s).

17. If the task should not be assigned to a specific task force, the CWS would assign a leader for the task.

WORKING METHODS

18. The CWS and, in particular, its task forces will base their working methods on the intensive use of electronic means set up by the Secretariat. This will ensure the flexibility required to allow a maximum number of interested members and observers worldwide to take part in the discussions and consider issues within a short period of time.

19. The authority for approving the creation of new WIPO Standards or for the revision of existing WIPO Standards belongs to the CWS. The CWS may, however, establish a mechanism for reaching an agreement by electronic means, which may be delegated to its task forces as required.

20. A Chair's summary will be adopted at the end of each session of the CWS. It will only refer to the decisions made by the CWS and the status of tasks. A detailed report of the session of the CWS will be posted on the WIPO website for comments after closing the session. The adoption of the detailed report may take place through electronic means. If it should not be possible to reach an agreement on the detailed report via the electronic means, then the adoption of the said report would be included in the agenda of the next session of the CWS.

21. The detailed report of a CWS session will reflect only the conclusions of the CWS (decisions, recommendations, opinions, etc.) and will not, in particular, reflect the statements made by any participant, except where a reservation in relation to any specific conclusion of the CWS is expressed or repeated after the conclusion is reached.

TASK FORCES

22. To allow for consideration of a specific issue, a task force will be constituted on the following basis:

- (a) a request for the creation of a task force may be initiated either by a member, by observers or by the International Bureau;
- (b) a clear mandate for the task force must be agreed by the CWS in advance of its first discussions; such a document will include:
 - the task(s) to be handled by the task force;
 - the designation of a task force leader;
 - an indication of the professional/technical competencies needed by delegates participating in the task force discussions; and
- (c) task forces will report to the CWS.

23. The Secretariat will set up and maintain an e-forum for each task force, and provide the task force leader with assistance to carry out the work of the task force.

24. Invitations to members and observers to nominate their representatives to participate in the work of the task force will particularly include an indication of the professional/technical competencies required.

25. The status of observer in a task force e-forum will be granted to the external contractors of an industrial property office if the request comes directly from a member.

26. Task forces will carry out their work in a dynamic and flexible environment. Electronic working via e-forums will be their normal work framework, but they may also hold meetings as needed. The information discussed and the work done by a task force at a meeting will be posted on the e-forum in order to allow those task force members who could not attend the meeting to express their views.

27. The task force leader will be responsible for initiating and conducting the task force discussions, reporting to the CWS on the agreements reached by the task force and presenting, through the Secretariat, the corresponding proposals for consideration by the CWS.

28. The CWS will consider, revise, and take appropriate decisions on the recommendations of a task force, or refer the recommendation back to the task force for further consideration.

[End of Annex and of document]