|  |  |  |
| --- | --- | --- |
|  | WIPO-E | **E** |
| CWS/4/11 | | |
| ORIGINAL: English | | |
| DATE: March 27, 2014 | | |

**Committee on WIPO Standards (CWS)**

**Fourth Session**

**Geneva, May 12 to 16, 2014**

MAINTENANCE AND UPDATE OF SURVEYS PUBLISHED IN THE WIPO HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

*Document prepared by the Secretariat*

## INTRODUCTION

1. Part 7 of the WIPO *Handbook on Industrial Property Information and Documentation* (WIPO Handbook) contains 19 surveys related to different aspects of Industrial Property Offices (IPO) practices. These surveys have been conducted and published upon request by the Committee on WIPO Standards (CWS) and its predecessor bodies. Part 7 of the WIPO Handbook constitutes an important source of information on, for example, application and publication numbering systems, kinds of patent documents issued by offices, formats of dates, optical character recognition practices, codes used by IPOs internally and correction and citation practices, as well as other matters related to patent, trademark and industrial design information.
2. The purpose of conducting a survey has been, in general, to respond to the need of having concrete examples and information about IPO practices that the CWS or its predecessor bodies considered of interest to the users of industrial property information. These materials could also provide a basis for the preparation of proposals for new standards, or for the revision of existing Standards, as well as for explaining how a particular Standard is implemented in different IPOs. It should be noted that there are also surveys not directly related to any particular WIPO Standard (e.g., Part 7.7 of the WIPO Handbook “Supplementary Protection Certificates (SPCs)”).
3. Once a survey has been completed and published, the question of subsequent maintenance and update is usually left open and is addressed differently for different surveys. At present, there is no uniform approach to ensuring the maintenance and update of surveys published in Part 7 of the WIPO Handbook.
4. In order to avoid possible inconsistencies and to ensure that the information contained in Part 7 of the WIPO Handbook is relevant, up-to-date and not repetitive, the International Bureau proposes to address the question of maintenance of surveys in its integrity and invites the CWS to consider the proposals presented in paragraphs 10 to 14, below.

## CURRENT SITUATION

1. Survey results, as initially published, provide complete and accurate reflection of IPO practices as they were in place at the moment of conducting the survey. However, several years after its publication, the survey might become outdated or incomplete, as a result of changes in IPO practices.
2. If the update of the information is required for supporting ongoing work of the Committee, the CWS either initiates the complete update of the corresponding survey (sometimes amending the questionnaire in order to focus on issues relevant for the current discussion), or requests the International Bureau to conduct a new survey to replace the outdated one. Such complete updates are not so common and, although having the advantage of being comprehensive, are rather time consuming, work-intensive and usually require contributions from all offices involved even if their practices have not changed.
3. If, at a certain moment, the International Bureau becomes aware of changes in practice of an office that are relevant to a specific survey, it carries out a partial *ad hoc* update upon request and in collaboration with interested IPOs (e.g., updates of Part 7.3 “Examples and kinds of patent documents” in 2011 and 2014). Updates of this type take considerably less time than the one described in the previous paragraph, but their result is not comprehensive, i.e., while some entries are brought up-to-date, others are not. It leads to a situation where a survey, in particular its publication date, might be confusing since it is not clear whether the entries which were not covered by the update are still accurate, or that some of them should also have been amended, but they were not.
4. A possible response to this situation is to carry out regular updates of these surveys inviting all IPOs to revise corresponding entries and inform the International Bureau on the changes to be reflected, if any. This approach would ensure a better level of reliability of information and timely publication of the accurate information. The International Bureau would propose that this procedure apply, for example, to Part 7.3, Part 7.2.6 and other surveys of Part 7 of the WIPO Handbook (see Annex I for further details).
5. There is a number of surveys for which the approach described in paragraph 8, above, cannot be applied. These surveys contain qualitative and statistical analysis of the responses provided by IPOs, and present the summary of the situation at a given time, which makes a partial update almost impossible and very time consuming. (See, for example, Part 7.2.5 “Survey on application numbering systems”).

## PROPOSAL

1. Having the above considerations in mind, the International Bureau has reviewed all surveys published in Part 7 of the WIPO Handbook in order to present a proposal for their maintenance and update. Details concerning each survey and issues relevant for their respective updates are available in Annex I to the present document. Summarizing the results of the exercise, from the maintenance point of view, all surveys could be grouped as follows:
   1. recent surveys which contain up-to-date information and do not require updates so far; they should be kept in the WIPO Handbook and eventually updated completely upon request by the CWS. The corresponding questionnaire may also be amended if the CWS so decides;
   2. surveys requiring regular checking and subsequent updates (see paragraph 8, above);
   3. surveys which contain relevant information, but whose subject matter is covered by more recent surveys; relevant information should be transferred to related (recent) surveys, wherever possible;
   4. surveys related to a specific issue which was a matter of discussion in the past, but which have not been updated and are no longer relevant; such surveys should be moved to the Archive.
2. In order to better reflect the actual IPO practices, an important volume of information should be updated and, for some surveys, it would be necessary to amend the corresponding questionnaire. To ensure the continuous maintenance and update of all surveys published in Part 7, the International Bureau proposes to create the following task:

“Ensure the necessary maintenance and update of surveys published in Part 7 of the WIPO *Handbook on Industrial Property Information and Documentation*”.

1. If the new task is created, the International Bureau is ready to lead it, i.e., to continue being responsible for the maintenance and publication of surveys in Part 7 of the WIPO Handbook. The new task should be considered of a continuous nature and the International Bureau should report to the CWS at every session on the work done.
2. A tentative work plan for updating Part 7 of the WIPO Handbook, including proposed detailed actions for the next year (the year following CWS/4), is provided in Annex II to the present document. The execution of this plan will depend on the availability of resources and the definition of priorities as reflected in future decisions of the CWS.
3. In order to ensure the necessary involvement of the IPOs in this activity, the International Bureau proposes to create a task force for discussing issues related to the task, including the preparation of proposals for consideration by the CWS, and for carrying out eventual consultations that the task force leader may need.
4. *The CWS is invited to:*

*(a) note the information contained in Annex I to the present document;*

*(b) consider and approve the specific proposal(s) for each survey that are stated in Annex I to the present document, and, in particular, provide guidance with respect to Parts 7.6 and 7.7 of the WIPO Handbook;*

*(c) note the tentative work plan for updating Part 7 of the WIPO Handbook, in particular, the actions to be carried out following the fourth session of the CWS, as provided in Annex II to the present document;*

*(d) create a new task to ensure the continuing maintenance and update of Part 7 of the WIPO Handbook, as referred to in paragraph 11, above;*

*(e) designate the International Bureau as the task leader;*

*(f) establish a new task force, as referred to in paragraph 14, above; and*

*(g) request the International Bureau to report on the progress with the update of Part 7 of the WIPO Handbook at the fifth session of the CWS.*

[Annexes follow]