

## Committee on WIPO Standards (CWS)

**Reconvened Fourth Session  
Geneva, March 21 to 24, 2016**

### REPORT

*adopted by the Committee*

#### INTRODUCTION

1. The Committee on WIPO Standards (hereinafter referred to as “the Committee”, or “the CWS”) held its reconvened fourth session in Geneva from March 21 to 24, 2016 after the adjournment of its fourth session which had taken place in May 2014.
2. The following Member States of WIPO and/or members of the Paris Union were represented at the session: Albania; Algeria; Argentina; Australia; Austria; Bahamas; Brazil; Canada; Chile; China; Congo; Czech Republic; Ecuador; Egypt; El Salvador; Germany; Greece; Hungary; India; Indonesia; Italy; Iran, Islamic Republic of; Ivory Coast; Japan; Kuwait; Latvia; Lithuania; Mali; Mexico; Netherlands; Nigeria; Oman; Panama; Peru; Poland; Republic of Korea; Republic of Moldova; Romania; Russian Federation; Saudi Arabia; Slovakia; Spain; Sweden; Switzerland; Thailand; The former Yugoslav Republic of Macedonia; Ukraine; United Arab Emirates; United Kingdom; United States of America; Venezuela, Bolivarian Republic of; and Zimbabwe (52).
3. In their capacity as members of the CWS, the representatives of the following intergovernmental organizations took part in the session: the African Regional Intellectual Property Organization (ARIPO); the Eurasian Patent Organization (EAPO); the European Patent Office (EPO); the European Union (EU); the Patent Office of the Cooperation Council for the Arab States of the Gulf (GCC Patent Office); the International Union for the Protection of New Varieties of Plants (UPOV) and the South Centre (SC) (7).

4. Representatives of the following non-governmental organizations took part in the meeting in an observer capacity: The Confederacy of Patent Information User Groups (CEPIUG); the International DOI Foundation (IDF); the International Video Federation (IVF); and the Motion Picture Association (MPA) (4).

5. The participation of five Delegations from Least Developed Countries (LDCs) or developing countries was financed by WIPO in accordance with the decision taken by the General Assembly in 2011.

6. The list of participants appears as Annex I to this report.

#### Agenda Item 1: Opening of the reconvened session

7. The reconvened fourth session was opened by Ms. Oksana Parkheta, the Chair of the fourth session of the CWS, who welcomed the participants. Mr. Yo Takagi, Assistant Director General, Global Infrastructure Sector, also welcomed the participants on behalf of the Director General, Mr. Francis Gurry.

#### Agenda Item 2: Election of the Chair and two Vice-Chairs

8. The CWS, at its fourth session held in May 2014, had unanimously elected Ms. Oksana Parkheta (Ukraine) as Chair, and H.E. Ambassador Alfredo Suescum (Panama) as Vice-Chair. The elected Chair and Vice-Chair continued their role at the reconvened fourth session of the CWS.

9. Young-Woo YUN, Head, Standards Section, acted as Secretary of the session.

#### Agenda Item 3: Adoption of the agenda

10. The CWS unanimously adopted the agenda as proposed in document CWS/4BIS/1 PROV. 2, which appears as Annex II to this report.

#### PRESENTATIONS

11. The presentations given at the fourth session and the reconvened fourth session of the CWS and working documents are available on the WIPO website at:

[http://www.wipo.int/meetings/en/details.jsp?meeting\\_id=39402](http://www.wipo.int/meetings/en/details.jsp?meeting_id=39402).

#### DISCUSSIONS, CONCLUSIONS, AND DECISIONS

12. As decided by the Governing Bodies of WIPO at their tenth series of meetings held from September 24 to October 2, 1979 (see document AB/X/32, paragraphs 51 and 52), the report of this session reflects only the conclusions of the CWS (decisions, recommendations, opinions, etc.) and does not, in particular, reflect the statements made by any participant, except where a reservation in relation to any specific conclusion of the CWS was expressed or repeated after the conclusion was reached.

#### Agenda Item 4: Decision of the 47th session of the WIPO General Assembly in relation to the CWS, including Development Agenda matters<sup>1</sup>

13. Discussions were based on document CWS/4BIS/2.

14. Following the intervention made by the Delegation of Nigeria, speaking on behalf of the African Group, the delegations expressed different views on whether the CWS should report on the implementation of Development Agenda recommendations. One view expressed was that the recommendations of the Development Agenda should form an integral part of the work of

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<sup>1</sup> This agenda item is without prejudice to the Members' positions on a question as to whether the CWS is relevant to Development Agenda coordination mechanism.

the CWS, as the activities of the CWS fell under Clusters A and B of the WIPO Development Agenda Recommendations. The delegations supporting this view also emphasized the importance of the coordination mechanism to mainstream the Development Agenda Recommendations in all WIPO bodies.

15. Another view was that the CWS is of a technical nature and should focus on developing WIPO Standards and providing technical assistance for capacity building; it was stated that issues not related to WIPO Standards should be resolved outside the Committee. The delegations supporting this view also highlighted that WIPO Standards were used by industrial property offices (IPOs) and the International Bureau in its essential role of providing WIPO global IP protection systems and products; all Member States therefore benefited from the development of WIPO Standards.

16. A proposal of the African Group in relation to this agenda item was presented for consideration by the CWS. In order to carry out discussions on other agenda items, the Chair suggested holding an informal discussion on this agenda item based on the proposal during this session. Following the suggestion by the Chair, the informal discussion took place on March 23, 2016; it was facilitated by the Vice-Chair, H.E. Ambassador Suescum (Facilitator).

17. The Facilitator, reporting on the outcome of the informal discussion to the CWS plenary, stated that pursuant to the Chair's proposal of Monday, March 21, under agenda item 4, he had held informal discussions with the delegations to discuss the following two proposals by the African Group:

“(i) That the CWS encourages expedited discussion on the subject of Coordination Mechanism within the Committee on Development and Intellectual Property (CDIP); and

(ii) That the CWS commits to holding more concrete discussion on Member States' views on agenda item 4 at its next session. To facilitate this, the Secretariat shall, along regional lines, prepare a report on the implementation of WIPO Standards so far adopted by the CWS since inception, highlighting any implementation gaps encountered by Member States. The report shall be considered at the next session of the CWS.”

18. The Facilitator further stated that regarding item (i) above, the delegations had discussed the proposal and several variants. Discussion revolved around communications between bodies of WIPO horizontally, or by making recommendations to the General Assembly. No agreement was reached as to the best way to proceed; however, the delegations were open to continue the discussion at the next session of the CWS (CWS/5).

19. The Facilitator reported on the outcome of the proposal referred to in item (ii) above and stated that the African Group had clarified the objectives behind the proposal. Various delegations pointed out that the questionnaire attached to document CWS/4BIS/10, and adopted under agenda item 18, could serve as a good base to gather the factual information requested by the African Group. To facilitate this, the delegations requested the Secretariat to emphasize, in the cover letter accompanying the questionnaire, the importance of highlighting any problems with the implementation of WIPO Standards and reasons for these problems.

20. The Facilitator finally stated that with this, the delegations had concluded the discussion under agenda item 4. The Facilitator emphasized that the delegations had acknowledged that the issues raised under agenda item 4, as well as other pending matters, could be discussed at the next session of the CWS (CWS/5).

21. The Facilitator sincerely thanked all delegations that had participated in the consultations for their constructive engagement and flexibility.

22. The CWS noted the report by the Facilitator regarding the outcome of the informal discussion mentioned above.

23. The CWS agreed to continue its discussion on the pending matters regarding agenda item 4 at its next session to be held in 2017 and requested the Secretariat to emphasize, in the cover letter accompanying the questionnaire under agenda item 18, the importance of highlighting any problems with the implementation of WIPO Standards and reasons for the problems.

Agenda Item 5: Proposal for the extension of the activities of the CWS to include copyright within the scope of WIPO Standard ST.96

24. Discussions were based on document CWS/4/3.

25. The Secretariat recalled that the CWS had discussed, at its fourth session, a proposal, as indicated in the said document, to create a new task of the CWS to develop a data dictionary and XML schemas for inclusion of copyright orphan works in WIPO Standard ST.96. It had been proposed to modify the title of the new task, limiting it to the study of the feasibility to extend WIPO Standard ST.96 for the standardization of metadata of copyright orphan works and to report the outcome of the study; where possible, to present a proposal for consideration by the CWS. Although several delegations had supported the proposal to create the new task, some delegations had expressed reservations and had not been in a position to agree on the creation of this new task at the fourth session. The discussion had therefore not been completed.

26. At the reconvened fourth session of the CWS, the CWS noted the support of the Delegation of Canada for the proposal as reproduced in document CWS/4/3 and the interest of the Delegation of the Russian Federation in extending WIPO Standard ST.96 to other types of intellectual property, including geographical indications.

27. The Delegation of the United Kingdom, as the proponent of the proposal, suggested not to open the item for discussion at the reconvened fourth session and to leave it on the agenda of the next session of the CWS to be held in 2017. The Delegation of the United Kingdom requested other delegations to provide comments on the said proposal in order to elaborate it for consideration by the CWS at its next session.

28. The CWS agreed to keep this item on the agenda of its next session to be held in 2017.

Agenda Item 6: Questionnaire on application and priority application numbering systems used by industrial property offices in the past

29. Discussions were based on document CWS/4/4, which contained the proposal for the questionnaire "Numbering of applications and priority applications – former practices".

30. The proposal had been prepared by the ST.10/C Task Force, within the framework of Task No. 30, following the completion of the survey on application numbering systems currently used by IPOs. Results of this survey had been published as Parts 7.2.5 and 7.2.6 of the *WIPO Handbook on Industrial Property Information and Documentation* (WIPO Handbook) in June and September 2013 respectively. Part 7.2.6 was updated in 2015 to include the information submitted by the European Patent Office (EPO).

31. The CWS approved the questionnaire "Numbering of applications and priority applications – former practices" as reproduced in the Annex to document CWS/4/4.

32. The CWS requested the International Bureau to carry out the following actions:
- (a) prepare and issue a circular inviting IPOs to complete the questionnaire;
  - (b) prepare a survey report; and
  - (c) present the results of the survey for consideration by the CWS at its next session in order to approve their publication in Part 7 of the WIPO Handbook.
33. The CWS noted that the Secretariat would use the online survey tool “Opinio” to collect responses to this questionnaire.
34. The CWS noted that once the results of the survey had been presented for consideration by the CWS, Task No. 30 should be considered completed and removed from the CWS Task List and ST.10/C Task Force should be discontinued.

#### Agenda Item 7: Revision of WIPO Standard ST.14

35. Discussions were based on documents CWS/4/5 and CWS/4BIS/3. Document CWS/4/5, presented at the fourth session of the CWS held in May 2014, contained the status report on the work of the ST.14 Task Force and the request to the CWS to decide on the proposed replacement of category “X” with two new categories “N” and “I”. Document CWS/4BIS/3, presented at the reconvened fourth session of the CWS, contained the status report on the work of the ST.14 Task Force since 2014 and the proposal for revision of WIPO Standard ST.14, as presented in the Annex to document CWS/4BIS/3.

36. The CWS noted the status reports on the work carried out by the ST.14 Task Force within the framework of Task No. 45, as set out in the said documents.

37. The main objective of the revision of category codes, listed in paragraph 14 of WIPO Standard ST.14 (first component of Task No. 45), was to introduce a distinction in search reports between documents cited for novelty and documents cited for their relevance to inventive step when taken alone. It had been proposed to replace category “X” with two new categories “N” and “I”. Category “N” would apply for a document showing that the claimed invention could not be considered novel when the document is taken alone; category “I” would apply for a document showing that the claimed invention could not be considered to involve an inventive step when the document is taken alone.

38. During the discussions, which took place before 2014, ST.14 Task Force members had questioned the practical advantages of this change for the whole system, i.e. the positive balance between the additional value of providing more detailed information in the search reports versus the additional burden on the examiners for providing these details, as described in paragraphs 5, 8 and 9 of document CWS/4/5. During its subsequent discussions after 2014, the Task Force agreed to recommend the CWS to keep the definition of category “X” unchanged and to revise definitions of categories “E”, “O” and “P”.

39. The CWS was invited to consider three options for the definition of category “E”, as provided in paragraph 9 of document CWS/4BIS/3, and to take a decision which of them should be included in the revised WIPO Standard ST.14.

40. The CWS agreed on the following definition of category “E”:

*Category “E”: Earlier patent document as defined in Rule 33.1(c) of the Regulations under the PCT, published on or after the international filing date. Code “E” may be accompanied by one of the categories “X”, “Y” or “A”.*

41. The second component of Task No. 45 was to study the convenience of revising the recommendations for the identification of non-patent literature citations in order to bring WIPO Standard ST.14 in line with the International Standard ISO 690:2010. The CWS noted the proposal by the Task Force for revision of recommendations for non-patent literature citations, which included:

- recommendations for citing documents having multiple authors;
- recommendations for citing documents produced by Standards Defining Organizations;
- recommendations for indicating the format of publication content, e.g., text, audio, video or multimedia;
- detailed recommendations for indicating the source and location of the cited document;
- recommendations for non-patent literature citations in a language other than English or other than the language of the search report; and
- certain editorial changes.

42. The Delegation of Australia shared its concerns regarding entering non-English characters into citation lists and proposed to amend paragraph 16 of the draft revised WIPO Standard ST.14 as follows:

*“16. For non-patent literature citations in a language other than English, the original (non-English) reference should be included, wherever technically possible, followed by an official translation into English, if one exists and it is available, in round brackets. For the purposes of this Standard, an “official translation” means an existing rendering of the original language name or title in English coming from the same source as the citation and useful for identifying and retrieving the relevant document.”*

43. The CWS agreed on the said amendment proposed by the Delegation of Australia.

44. The CWS approved the revision of WIPO Standard ST.14 as reproduced in the Annex to document CWS/4BIS/3 and amended in paragraphs 40 and 43, above. Task No. 45 was therefore considered completed and should be removed from the CWS Task List.

#### Agenda Item 8: Status report on the preparation of Annexes V and VI, and the revision of WIPO Standard ST.96

45. The CWS noted the result of the work carried out by the XML4IP Task Force and the report of the Task Force Leader as set out in documents CWS/4/6 and CWS/4BIS/4. It was recalled that the Committee had reviewed, at its fourth session held in May 2014, the arrangement for assistance in the preparation of Annex VI to WIPO Standard ST.96, as referred to in paragraph 6 of document CWS/4/6. It was also recalled that the CWS had welcomed the offer by the Delegation of the United States of America, which had been made at its fourth session, to continue assisting the International Bureau in the development of Annex VI and its Appendixes until the assistance would be no longer needed, pending availability of resources.

46. It was recalled that the XML4IP Task Force had been working on the revision of WIPO Standard ST.96 in 2014. The CWS noted that the Task Force approved two revisions of WIPO Standard ST.96, in 2015, one major revision (Version 2.0) and one minor revision (Version 2.1).

47. The CWS noted the work plan of the XML4IP Task Force, as presented in document CWS/4BIS/4. The CWS was informed that the new draft version of WIPO

Standard ST.96, Version 3.0 Draft 1, was under review and being tested by the Task Force members. It was noted that the new Version 3.0 of WIPO Standard ST.96 would include new XML Schema components for Madrid and Hague Systems electronic communications, bibliographic data for Supplementary Protection Certificates (SPCs) and patent search reports.

48. The CWS noted that the XML4IP Task Force planned to organize its face-to-face meeting in the fourth quarter of 2016 in order to carry out the planned works.

Agenda Item 9: New WIPO standard on the presentation of nucleotide and amino acid sequence listings using eXtensible Markup Language (XML)

49. Discussions were based on document CWS/4/7, which contained a proposal for a new WIPO standard on the presentation of nucleotide and amino acid sequence listings based on eXtensible Markup Language (XML), and document CWS/4/7 ADD., which presented amendments to the initial proposal. The initial proposal and subsequent amendments had been prepared by the SEQL Task Force within the framework of Task No. 44.

50. The Secretariat recalled that the CWS, at its fourth session held in May 2014, had informally discussed and agreed on the proposal for the new WIPO Standard ST.26 as presented in documents CWS/4/7 and CWS/4/7 ADD.

51. The CWS noted the status report on the work of the SEQL Task Force as provided in Annex I to document CWS/4/7, as well as the oral report by the Task Force Leader.

52. The CWS adopted WIPO Standard ST.26, entitled “Recommended standard for the presentation of nucleotide and amino acid sequence listings using XML (eXtensible Markup Language)”, as reproduced in Annex II to document CWS/4/7 and amended in the Annex to document CWS/4/7 ADD.

53. The CWS also approved the following Editorial Note to be included in new WIPO Standard ST.26:

*“Editorial Note by the International Bureau*

The Committee on WIPO Standards (CWS) agreed to ask industrial property offices to postpone the preparations for implementation of this new WIPO Standard ST.26 until the recommendations for the transition from WIPO Standard ST.25 to the new Standard ST.26 is agreed on by the CWS at its next session to be held in 2017. Meanwhile, Standard ST.25 should continue to be used.

The Standard is published for information purposes of industrial property offices and other interested parties.

The CWS adopted the present standard at its reconvened fourth session on March 24, 2016.”

Agenda Item 10: Status report on the preparation of a proposal to establish a new WIPO standard for the exchange of patent legal status data by industrial property offices

54. Discussions were based on documents CWS/4/8 and CWS/4BIS/5.

55. The CWS noted the result of the work of the Legal Status Task Force (LSTF) as set out in the said documents, including the provisional agreement on the scope of the new standard, the composition of legal status event information, key events and structure of events list.

56. The CWS noted that the Task Force provisionally agreed that the new standard should provide recommendations to promote efficient exchange of patent legal status data by IPOs in

order to facilitate access to that data by IP information users, IPOs, IP data providers, the general public and other interested parties.

57. It was noted that the composition of a legal status event would consist of three components, i.e. Stage, Event and State, to indicate the status information of an application or a patent at a given time. The CWS noted that the LSTF had defined six stages, 18 key events and three states and agreed to include an overall patent prosecution model in the new standard. The CWS also noted that several open issues were under discussion by the LSTF, including the list of detailed events.

58. The CWS noted the LSTF would submit a final draft of new WIPO standard for consideration and adoption at the next session of the CWS. The CWS also noted that a face-to-face meeting of the LSTF would take place in the second half of 2016.

59. The CWS reviewed 18 key events listed in Annex II to document CWS/4BIS/5 and confirmed that the events would be a good basis for further discussion.

#### Agenda Item 11: Proposal for the revision of WIPO Standard ST.60

60. Discussions were based on document CWS/4/9.

61. The CWS noted the proposals to revise WIPO Standard ST.60 prepared by the International Bureau within the framework of Task No.33, as set forth in the document and in an oral amendment regarding new INID code (852).

62. The CWS adopted the following revised definitions of INID codes (895), (896), (897) and (898), and definitions of new INID codes (581) and (852):

- (895) Statement to the effect that the provisional refusal is withdrawn and that protection to the mark is granted for all goods and services.
- (896) Confirmation of total provisional refusal.
- (897) Statement indicating the goods and services for which protection of the mark is granted, following a provisional refusal.
- (898) Further decision which affects the protection of the mark.
- (581) Date of notification by the International Bureau to the designated Contracting Parties.
- (852) Partial cancellation of the list of goods and services.

63. The CWS adopted a change in the description of the title preceding the 850 series contained in WIPO Standard ST.60 to read as follows:

“Data concerning the cancellation or limitation of the list of goods and services.”

64. The CWS adopted the inclusion of the following explanatory note on new INID code (852):

Re: INID code (852)

This code will be used where a partial cancellation of the list of goods and services covered by the international registration has been recorded.



65. The CWS also noted the editorial changes to Appendix 2 to WIPO Standard ST.60 that the International Bureau should carry out, as stated in paragraph 4 of document CWS/4/9.

Agenda Item 12: Status report on the preparation of recommendations for the electronic management of sound marks for adoption as a WIPO standard; and motion or multimedia marks for adoption as a WIPO standard

66. Discussions were based on document CWS/4/10, which contained status report on the preparation of recommendations for the electronic management of sound marks and motion or multimedia marks for adoption as WIPO standard(s) and the calendar for the development of new WIPO standard(s).

67. The CWS noted the status report on the work done by the Trademark Standardization Task Force between its third and fourth sessions. The CWS also noted that the calendar had been prepared in 2014 and therefore was no longer applicable. (See also agenda item 17, below).

Agenda Item 13: Maintenance and update of surveys published in the *WIPO Handbook on Industrial Property Information and Documentation*

68. Discussions were based on document CWS/4BIS/6, which contained the proposal prepared by the International Bureau on the maintenance and update of surveys published in Part 7 of the WIPO Handbook.

69. The CWS noted that Part 7 of the WIPO Handbook contained 19 surveys and constituted an important source of information on application and publication numbering systems, kinds of patent documents issued by IPOs, 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.

70. The objective of the proposal was to establish a uniform approach to ensuring the maintenance and update of surveys published in Part 7 of the WIPO Handbook. A number of delegations supported this initiative of the International Bureau.

71. The CWS noted the information, prepared by the International Bureau, on the status of each survey and agreed on proposed actions, as stated in Annex I to document CWS/4BIS/6. The CWS agreed to keep Parts 7.6 and 7.7 in the WIPO Handbook and to update them regularly.

72. The CWS noted and approved the tentative work plan for updating Part 7 of the WIPO Handbook, as provided in Annex II to document CWS/4BIS/6, understanding that this plan was subject to possible changes in the future.

73. The CWS agreed to create a new Task: "Ensure the necessary maintenance and update of surveys published in Part 7 of the WIPO Handbook on Industrial Property Information and Documentation" and to establish a corresponding Task Force (Part 7 Task Force). The International Bureau was designated as the Task Force Leader.

74. The CWS agreed to extend the scope of Part 7.7 of the WIPO Handbook to cover patent term adjustments and patent term extensions in addition to supplementary protection certificates and requested Part 7 Task Force to review the questionnaire and present a proposal at its next session.

75. The CWS noted the request and information provided by the Patent Documentation Group (PDG) concerning the requirements for national and regional patent registers as provided in Annex III to document CWS/4BIS/6. The CWS agreed to include this issue in

the CWS Work Program and requested the International Bureau to present a proposal for a new task at its next session.

76. The CWS noted the progress in maintenance of Part 7 of the WIPO Handbook since May 2014 and requested the International Bureau to report on the progress with the update of Part 7 of the WIPO Handbook at its following session.

Agenda Item 14: Information on the entry into national (regional) phase of published PCT international applications

77. Discussions were based on documents CWS/4/12 and CWS/4BIS/7.

78. The CWS noted two progress reports made in 2014 and 2016 by the EPO and the International Bureau, concerning the inclusion, in databases, of information provided by IPOs about the entry and, where applicable, the non-entry into the national (regional) phase of published PCT international applications.

79. The CWS also considered documents CWS/4/12 ADD. and CWS/4BIS/PDG LETTER, which reproduced two letters that the PDG had addressed to the International Bureau expressing their concerns about the delivery of legal status data regarding PCT international applications, in particular, its timeliness and comprehensiveness.

80. The CWS recalled the high importance of the information about the entry and, where applicable, the non-entry into the national (regional) phase of published PCT international applications for patent information users. The CWS encouraged IPOs that did not yet provide their information to participate in this project, IPOs that had discontinued the provision of their information to renew their former practice and IPOs that were providing their information to continue doing so in a timely manner.

Agenda Item 15: Report by the International Bureau, on the provision of technical advice and assistance for capacity building to industrial property offices in connection with the mandate of the CWS

81. The CWS took note of the activities of the International Bureau from 2013 to 2015, related to providing technical advice and assistance for capacity building to IPOs in relation to WIPO Standards, as provided in document CWS/4/13 and paragraphs 17 to 20 of document WO/GA/47/13. The CWS also noted that document CWS/4/13 served as a basis of the relevant report presented to the WIPO General Assembly in September 2014, as had been requested at its 40th session held in October 2011 (see paragraph 190 of document WO/GA/40/19).

Agenda Item 16: Progress report on Task No. 44 by the SEQL Task Force

82. The CWS noted the progress report on the work of the SEQL Task Force provided in the Annex to document CWS/4BIS/8. The CWS noted that the SEQL Task Force was conducting the eighth round of discussions aimed at completing the technical assessment of the transition from WIPO Standard ST.25 to ST.26 and finalizing the preparation of guidance document to ensure that applicants and IPOs understand and uniformly apply WIPO Standard ST.26.

83. As the new WIPO Standard ST.26 was adopted at this session, the CWS agreed to modify Task No. 44 as follows:

“Task No. 44: Prepare recommendations for the transition provisions from WIPO Standard ST.25 to ST.26; and a proposal for the revision of WIPO Standard ST.26, if needed”.

84. The CWS requested the SEQL Task Force to present a proposal for transition provisions from WIPO Standard ST.25 to ST.26 for consideration and approval at its next session.

Agenda Item 17: New WIPO standard on the electronic management of sound marks

85. Discussions were based on document CWS/4BIS/9.

86. The CWS adopted the new WIPO Standard ST.68 “Recommendations for the Electronic Management of Sound Marks” as reproduced in the Annex to the said document.

87. The CWS agreed to consider Task No.48 completed and to remove it from the CWS Task List.

88. The CWS noted that the Trademark Standardization Task Force, within the framework of Task No. 49, had carried out its discussion to prepare a proposal for a new WIPO standard on motion and multimedia marks on the basis of a draft proposal prepared by the International Bureau. The Committee also noted that, due to the lack of experience at the IPOs with respect to motion and multimedia marks, the Task Force had agreed to take more time to monitor the developments in the area of electronic management of motion and multimedia marks.

89. The CWS requested the Task Force to report on the progress in the preparation of the recommendation under Task No. 49 at its next session to be held in 2017.

Agenda Item 18: Questionnaire on the use of WIPO Standards

90. Discussions were based on document CWS/4BIS/10.

91. The CWS noted the proposal by the International Bureau to carry out a survey on the use of WIPO Standards by IPOs as set forth in the document.

92. The CWS approved the questionnaire as reproduced in the Annex to document CWS/4BIS/10.

93. The CWS requested the International Bureau to carry out the following actions:

(a) prepare and issue a circular inviting IPOs to complete the questionnaire;

(b) prepare a survey report; and

(c) present the results of the survey for consideration by the CWS at its next session, in order to approve its publication in Part 7 of the WIPO Handbook and take the other relevant actions, if necessary.

Agenda Item 19: Revision of WIPO Standard ST.3 (Task No. 33/3)

94. The CWS noted the information provided in document CWS/4BIS/11.

95. The CWS approved the proposal to establish a new two-letter code “XX” to represent unknown states, other entities or organizations in WIPO Standard ST.3.

96. The CWS noted that the new two-letter code “XV” for the Visegrad Patent Institute (VPI) would be added to WIPO Standard ST.3 provided that no objection to the proposal indicated in Circular C.CWS 61 was provided by March 26, 2016.

97. The CWS also noted that the name of the Office for Harmonization in the Internal Market (OHIM) was changed to the European Union Intellectual Property Office (EUIPO) from

March 23, 2016 and the two-letter code “EM” to represent the Offices in Standard ST.3 remained unchanged.

98. The CWS agreed that the revised WIPO Standard ST.3 would be published prior to the adoption of the report of the reconvened fourth session of the CWS.

Agenda Item 20: Proposal for Annexes V and VI of WIPO Standard ST.96

99. The CWS noted the information contained in document CWS/4BIS/12. It was noted that the final drafts of Annex V (*Implementation Rules and Guidelines*) and Annex VI (*Transformation Rules and Guidelines*) were based on the XML Schema version 2.0 of WIPO Standard ST.96 (Annex III of ST.96).

100. The CWS noted that Annex V of WIPO Standard ST.96 provided a comprehensive set of rules and guidelines for the customization and implementation of ST.96 XML Schemas in two ways, i.e. compatible schema and conformant schema to WIPO Standard ST.96. The CWS also noted that Annex V contained *ST96XSDValidator* which was a tool that uses *Schematron* to validate XML schema against *ST.96 XML Design Rules and Conventions* (Annex I of ST.96). It was noted that the tool would assist IPOs to validate their implementation XML schema against WIPO Standard ST.96.

101. The CWS noted that Annex VI of WIPO Standard ST.96 provided rules and guidelines for transformation between XML instances conforming to ST.96 and XML instances validated against WIPO Standard ST.36, ST.66 or ST.86, which existed prior to ST.96; Annex VI included three Appendices in order to facilitate transformation of the data conforming to ST.36, ST.66 or ST.86 to the data conforming to ST.96 and *vice versa*.

102. The CWS adopted Annex V and Annex VI of WIPO Standard ST.96, as reproduced in Annexes to document CWS/4BIS/12.

103. The CWS approved the modification of Task No. 41 to read “Task No. 41: Ensure the necessary revisions and updates of WIPO Standard ST.96”. The CWS assigned the modified Task No. 41 to the XML4IP Task Force.

Agenda Item 21: Creation of a Task to establish requirements for an authority file of patent documents issued by a patent Office

104. Discussions were based on document CWS/4BIS/13.

105. The CWS noted the proposal submitted by the EPO regarding the preparation of recommendation for an authority file of patent documents issued by a patent office. The Committee took note that an authority file would provide a definitive list of all patent documents issued by a national or regional patent office with the primary purpose to allow other patent offices to assess the completeness of the available patent documentation.

106. The EPO informed the CWS that the project “Common Documentation” under the umbrella of the IP5 Foundation Projects had triggered a pertinent need to enable patent offices to assess the completeness of their collections of documents published by other patent offices. The EPO stated that the completeness would be a cornerstone for enabling a comprehensive prior-art search in published patent documents on a specific data collection, e.g. PCT Minimum documentation.

107. Many delegations strongly supported the EPO’s proposal and expressed their willingness to participate in the future activity of preparing recommendations. The delegations and representatives of IP5 Offices shared their experiences in using the authority file to assess the completeness of prior art patent documentation. It was noted that the authority file tool would be extremely useful and beneficial to all stakeholders. The CWS noted that the said new

recommendations should be easy to use for small IPOs, in particular IPOs in developing countries and LDCs.

108. The CWS agreed to create a new task whose description would read “Prepare a recommendation for an authority file of patent documents issued by a national or regional patent office to enable other patent offices and other interested parties to assess the completeness of their collections of published patent documents”; and to establish a new task force to handle the task. The EPO was designated as the Task Force Leader.

109. The CWS requested the new Task Force to present a proposal for a new WIPO standard or the revision of existing WIPO Standard(s) for consideration and approval by the CWS at its next session to be held in 2017.

#### Agenda Item 22: Oral report on Annual Technical Reports (ATRs)

110. The CWS noted the presentation made by the International Bureau regarding new ATR Wiki, its structure and functionality, as well as statistical information on ATRs submitted for the year 2014. The CWS encouraged IPOs to participate in the ATR exercise for the year 2015, which would take place in 2016.

#### Agenda Item 23: Consideration of the Work Program and Tasks List of the CWS

111. The CWS considered the Tasks List reproduced in the Annex to document CWS/4BIS/14 in order to establish the work program of the CWS.

112. The CWS agreed to include two new references, i.e. the Five Trademark Offices (TM5) and the Industrial Design 5 Forum (ID5), in the description of Task No. 18. The revised description will read “Task No. 18: Identify *areas* for standardization relevant to the exchange of machine-readable data on the basis of projects envisaged by such bodies as the Five IP Offices (IP5), the Five Trademark Offices (TM5), the Industrial Design 5 Forum (ID5), ISO, IEC and other well-known industry standard-setting bodies”.

113. The CWS agreed to modify future actions of the following Tasks which are described in the paragraph “scheduled actions to be carried out” of respective Tasks:

Task No. 23: A new report will be presented at the sixth session of the CWS.

Task No. 30: The International Bureau will present a result of the survey on application and priority application numbers used by the industrial property offices in the past for consideration at the fifth session of the CWS.

Task No. 47: A final draft proposal for a new WIPO standard for the exchange of patent legal status data by industrial property offices will be presented for consideration and adoption at the fifth session of the CWS.

Task No. 49: A progress report will be presented for consideration by the CWS at its fifth session.

114. With respect to Task No. 26, the CWS noted the information provided by the Secretariat regarding the discontinuation of development of WIPOSTAD due to budgetary constraints. It was noted that the Secretariat found alternative solutions to replace WIPOSTAD.

115. The CWS agreed to discontinue Task No. 26 and remove it from the CWS Task List.

116. It was recalled that Task No. 43 had been held in abeyance since the first session of the CWS. The Secretariat proposed to decide whether to remove Task No. 43 from the CWS Task List or to revive the discussion on Task No. 43. Several delegations preferred not to remove Task No. 43 from the List as the Task was still relevant to their business.

117. The CWS agreed to keep Task No. 43 in the CWS Task List for future discussion.

118. The CWS noted that the summary of the CWS Work Program would be published on the WIPO website.

119. The CWS approved its Task List, as presented in the Annex to document CWS/4BIS/14 with the modifications mentioned above, for incorporation in the CWS Work Program once it had been updated to reflect the agreements reached by the CWS at its reconvened fourth session.

120. Several delegations pointed out that the CWS Task List might need to be simplified for better understanding of the CWS Work Program. The CWS noted the intention of the Secretariat to improve the current Work Program document by a dynamically updated one, available on the web site of the CWS.

121. The CWS therefore requested the Secretariat to present a proposal for improving the structure of the CWS Task List for consideration at its next session.

122. After updating the information regarding the Tasks that had been discussed during the reconvened fourth session of the CWS, including the decisions under this agenda item 23, the status of Tasks was as follows:

(a) Tasks considered completed at this session:

Task No. 26: Report on activities regarding the migration of data from the *WIPO Handbook on Industrial Property Information and Documentation* (WIPO Handbook) into WIPOSTAD (WIPO Standards Administration Database).

Task No. 45: Revision of WIPO Standard ST.14:

(i) Prepare a proposal for the revision of category codes provided in paragraph 14 of WIPO Standard ST.14 taking into account comments and draft proposals stated in paragraphs 7 and 10 to 14 of document CWS/2/6.

(ii) Study the convenience of revising the recommendations for the identification of non-patent literature citations in order to bring WIPO Standard ST.14 in line with the International Standard ISO 690:2010 (Information and documentation – Guidelines for bibliographic references and citations to information resources). If the revision is considered convenient, prepare the corresponding proposal.

Task No. 48: Prepare a recommendation for the electronic management of sound marks for adoption as a WIPO standard.

(b) Tasks on which work remains to be done:

- Task No. 30: Survey industrial property offices on application and priority application numbers used.
- Task No. 44: Prepare recommendations for the transition provisions from WIPO Standard ST.25 to ST.26; and a proposal for the revision of WIPO Standard ST.26, if needed.
- Task No. 47: Prepare a proposal to establish a new WIPO standard for the exchange of patent legal status data by industrial property offices. Once this task is completed, the corresponding proposal should be extended to trademarks and industrial designs.
- Task No. 49: Prepare a recommendation for the electronic management of motion or multimedia marks for adoption as a WIPO standard.

(c) Tasks to ensure continuous maintenance of WIPO Standards:

- Task No. 38: Ensure the necessary revisions and updates of WIPO Standard ST.36.
- Task No. 39: Ensure the necessary revisions and updates of WIPO Standard ST.66.
- Task No. 41: Ensure the necessary revisions and updates of WIPO Standard ST.96.
- Task No. 42: Ensure the necessary revisions and updates of WIPO Standard ST.86.

(d) Tasks of continuing activity and/or information nature:

- Task No. 18: Identify areas for standardization relevant to the exchange of machine-readable data on the basis of projects envisaged by such bodies as the Five IP Offices (IP5), the Five Trademark Offices (TM5), the Industrial Design 5 Forum (ID5), ISO, IEC and other well-known industry standard-setting bodies.
- Task No. 23: Monitor the inclusion, in databases, of information about the entry, and, where applicable, the non-entry into the national (regional) phase of published PCT international applications.
- Task No. 24: Collect and publish Annual Technical Reports (ATRs) on Patent, Trademark and Industrial Design Information Activities of the CWS Members (ATR/PI, ATR/TM, ATR/ID).
- Task No. 33: Ongoing revision of WIPO Standards.
- Task No. 33/3: Ongoing revision of WIPO Standard ST.3.

(e) Tasks created at this session and on which work has not started:

- 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*.

Task No. 51: Prepare a recommendation for an authority file of patent documents issued by a national or regional patent office to enable other patent offices and other interested parties to assess the completeness of their collections of published patent documents.

(f) Task on which work has not started and is held in abeyance:

Task No. 43: Prepare guidelines, for implementation by industrial property offices, regarding paragraph numbering, long paragraphs, and consistent rendering of patent documents.

Agenda Item 24: Exchange of information: Presentations on industrial property offices' activities and plans related to the WIPO Standards dealing with XML

123. The CWS recalled the presentations on activities and plans related to WIPO Standards dealing with XML, which had been made in May 2014 by the delegations of Canada, Germany, the Russian Federation, the Republic of Korea and the United States of America and the representatives of the EPO. The CWS noted presentations on activities and plans related to WIPO Standards dealing with XML, which were made, at the reconvened fourth session, by the delegations of the Russian Federation, the Republic of Korea, the United Kingdom and the United States of America and the representatives of the EPO and the International Union for the Protection of New Varieties of Plants (UPOV).

124. The CWS took note that IPOs implemented WIPO Standards ST.36, ST.66, ST.86 and/or ST.96. The CWS noted that WIPO Standard ST.96 was used as the central pillar for data modeling and data quality assurance at IPOs as well as data exchange among IPOs. The CWS recognized that the presentations delivered were very useful for delegations to learn how these WIPO Standards were used by different IPOs in order to fulfil various business purposes.

Agenda Item 25: Summary by the Chair

125. The CWS noted the Summary by the Chair that was prepared and distributed for information purposes.

Meetings of the CWS Task Forces

126. During this session, the following CWS Task Forces held meetings: Legal Status Task Force and Sequence Listings Task Force.

127. The Task Force Leaders informed the CWS about the progress made regarding their respective tasks in the said meetings. The Task Force Leaders also informed the CWS of possible face-to-face meetings to be held in September 2016 in order to progress in their discussion.

Agenda Item 26: Closing of the session

128. The meeting was closed by the Chair on March 24, 2016.

Adoption of the report of the session

*129. This report was adopted by the participants to the reconvened fourth session of the CWS via a restricted e-forum.*

[Annexes follow]



## **LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS**

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Vice-Chair: Alfredo SUESCUM (PANAMA)

Secrétaire/Secretary: Young-Woo YUN (OMPI/WIPO)



V. BUREAU INTERNATIONAL DE L'ORGANISATION MONDIALE DE LA PROPRIÉTÉ  
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[L'annexe II suit/  
Annex II follows]

## AGENDA

1. Opening of the reconvened session
2. Election of the Chair and two Vice-Chairs
3. Adoption of the agenda
4. Decision of the 47th session of the WIPO General Assembly in relation to the CWS, including Development Agenda matters<sup>1</sup>  
See document CWS/4BIS/2.
5. Proposal for the extension of the activities of the CWS to include copyright within the scope of WIPO Standard ST.96  
See document CWS/4/3.
6. Questionnaire on application and priority application numbering systems used by industrial property offices in the past  
See document CWS/4/4.
7. Revision of WIPO Standard ST.14  
See documents CWS/4/5 and CWS/4BIS/3.
8. Status report on the preparation of Annexes V and VI, and the revision of WIPO Standard ST. 96  
See documents CWS/4/6 and CWS/4BIS/4.
9. New WIPO standard on the presentation of nucleotide and amino acid sequence listings using eXtensible Markup Language (XML)  
See documents CWS/4/7 and CWS/4/7 ADD.
10. Status report on the preparation of a proposal to establish a new WIPO standard for the exchange of patent legal status data by industrial property offices  
See documents CWS/4/8 and CWS/4BIS/5.
11. Proposal for the revision of WIPO Standard ST.60  
See document CWS/4/9.
12. Status report on the preparation of recommendations for the electronic management of:
  - a) sound marks for adoption as a WIPO standard; and
  - b) motion or multimedia marks for adoption as a WIPO standardSee document CWS/4/10.
13. Maintenance and update of surveys published in the WIPO Handbook on Industrial Property Information and Documentation  
See document CWS/4BIS/6.
14. Information on the entry into national (regional) phase of published PCT international applications  
See documents CWS/4/12, CWS/4/12 ADD. and CWS/4BIS/7.

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<sup>1</sup> This agenda item is without prejudice to the Members' positions on a question as to whether the CWS is relevant to Development Agenda coordination mechanism.

15. Report by the International Bureau, on the provision of technical advice and assistance for capacity building to industrial property offices in connection with the mandate of the CWS  
See documents CWS/4/13 and paragraphs 17 to 20 of document WO/GA/47/13.
16. Progress report on Task No. 44 by the SEQL Task Force  
See document CWS/4BIS/8.
17. New WIPO standard on the electronic management of sound marks  
See document CWS/4BIS/9.
18. Questionnaire on the use of WIPO Standards  
See document CWS/4BIS/10.
19. Revision of WIPO Standard ST.3 (Task No. 33/3)  
See document CWS/4BIS/11.
20. Proposal for Annexes V and VI of WIPO Standard ST.96  
See document CWS/4BIS/12.
21. Creation of a Task to establish requirements for an authority file of patent documents issued by a patent Office  
See document CWS/4BIS/13.
22. Oral report on Annual Technical Reports (ATRs)
23. Consideration of the Work Program and Tasks List of the CWS  
See document CWS/4BIS/14.
24. Exchange of information: Presentations on industrial property offices' activities and plans related to the WIPO Standards dealing with XML
25. Summary by the Chair
26. Closing of the session

[End of Annex II and of document]