

## **Committee on WIPO Standards (CWS)**

### **Fifth Session**

**Geneva, May 29 to June 2, 2017**

### **QUESTIONNAIRE ON INDUSTRIAL PROPERTY PROTECTION EXTENSIONS (IPPEs)**

*Document prepared by the Secretariat*

#### **INTRODUCTION**

1. The Committee on WIPO Standards (CWS) at its reconvened fourth session held in March 2016, agreed to create 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 to establish 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.)
2. The CWS 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 and patent term extensions in addition to supplementary protection certificates. With the view of updating Part 7.7 of the WIPO Handbook, the CWS requested the Part 7 Task Force to review the questionnaire and present a proposal at its fifth session (see paragraph 74 of document CWS/4BIS/16).
3. On June 14, 2016, the Secretariat issued the Circular C.CWS 72, inviting industrial property offices to nominate representatives to the Part 7 Task Force.

#### DRAFT QUESTIONNAIRE ON IPPES

4. The Part 7 Task Force prepared a draft questionnaire on the grant and publication of industrial property protection extensions (IPPEs) for consideration and decision by the CWS. The draft questionnaire is reproduced in the Annex to the present document.

5. If the CWS agrees to update Part 7.7 of the WIPO Handbook on the basis of the questionnaire reproduced in the Annex to the present document, the International Bureau should be requested to carry out the following actions:

- prepare and issue a circular inviting IP Offices to complete the questionnaire;
- prepare a survey report; and
- present the updated Part 7.7 of the WIPO Handbook for consideration and decision by the CWS at its next session.

6. *The CWS is invited to:*

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

*(b) consider and decide on the proposed questionnaire on the grant and publication of IPPEs, as reproduced in the Annex to the present document; and*

*(c) consider and decide on the proposed actions to be undertaken by the International Bureau, as specified in paragraph 5, above.*

[Annex follows]

DRAFT QUESTIONNAIRE

**DRAFT QUESTIONNAIRE ON THE GRANT AND PUBLICATION OF INDUSTRIAL  
PROPERTY PROTECTION EXTENSIONS (IPPEs)**

CONTACT DETAILS

Name

*Please indicate the name of the person who filled in the questionnaire, in the format "First Name  
LAST NAME"*

Title

*Please indicate the title of the person who filled in the questionnaire*

Country/Organization

*Please indicate the country name or the name of your Organization and the corresponding ST.3 code*

E-mail address

*Please indicate the e-mail address of the person who filled in the questionnaire*

Facsimile

*Please indicate the facsimile of the person who filled in the questionnaire*

Telephone

*Please indicate the telephone of the person who filled in the questionnaire*

QUESTION 1

Does your Office/Organization grant industrial property protection extensions (IPPEs) that extend the term of patents? For example, supplementary protection certificates (SPCs), patent term adjustments (PTAs) or patent term extensions (PTEs).

- Yes
- No

QUESTION 2

If you have answered "NO" to QUESTION 1, will your Office/Organization start granting IPPEs in the future?

- Yes. Please use the field for comments below to indicate when.
- No. Please use the fields for comments below to indicate why.

Comments: \_\_\_\_\_

If your answer is "NO", please skip the rest of the questionnaire.

### QUESTION 3

Please specify for which products an IPPE can be obtained (or planned to be introduced):

- A. medicinal products,
- B. pharmaceutical products,
- C. phytopharmaceutical products,
- D. herbicides,
- E. agro-chemicals,
- F. all products subject to regulatory approval for marketing
- G. other: \_\_\_\_\_

Please also specify the requirements for granting an IPPE

- granted patent,
- marketing approval,
- clinical trial,
- other: \_\_\_\_\_

If available, please provide a link to guidelines on filing the applications for IPPEs.

\_\_\_\_\_

### QUESTION 4

Please specify the legal basis (kinds and titles of the documents) for granting IPPEs (national law, regional regulation, decrees, ordinances, etc.). If legal grounds are different for different products indicated in QUESTION 3 above, please list all of them, indicating corresponding products.

\_\_\_\_\_

Comments: \_\_\_\_\_

#### QUESTION 5

Please give the name of the IPPEs granted by your Office/Organization in English and the original language.

*Example: DE – Supplementary Protection Certificate (in German: “Ergänzendes Schutzzertifikat”).*

If names are different for different products indicated in QUESTION 3 above, please list all of them, indicating corresponding products.

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Comments: \_\_\_\_\_

#### QUESTION 6

Does your Office/Organization publish or intend to publish an application for an IPPE?

- Yes for all products indicated in QUESTION 3 above.
- Yes for some of the products indicated in QUESTION 3 above. Please indicate for which of them \_\_\_\_\_
- No

If your answer is “YES”, please attach a specimen of a front page of an IPPE and/or of announcements regarding IPPEs made in an Official Gazette.

Attachment

Comments: \_\_\_\_\_

#### QUESTION 7

If your reply to QUESTION 6 is “YES,” please state the minimum elements that a publication must contain.

- application number
- filing date
- name and address of the applicant
- number of the basic patent
- title of the invention
- name of product
- authorization details
- date of the said authorization
- other elements (please specify): \_\_\_\_\_

If the publication is different for different products indicated in QUESTION 3 above, please use the text field below to describe all of them

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Comments: \_\_\_\_\_

### QUESTION 8

Does your Office/Organization publish or intend to publish the fact that an IPPE has been granted?

- Yes for all products indicated in QUESTION 3 above.
- Yes for some of the products indicated in QUESTION 3 above. Please indicate for which of them \_\_\_\_\_
- No

If your answer is "YES", please attach specimen of a front page of an IPPE and/or of announcement regarding the grant of IPPEs made in an Official Gazette.

Attachment

Comments: \_\_\_\_\_

### QUESTION 9

If your reply to QUESTION 8 is "YES", please state the minimum elements that a publication must contain.

- registration number allotted to the granted IPPE
- date of registration of the granted IPPE
- name and address of the holder of the IPPE
- number of the basic patent
- title of the invention
- name of product
- authorization details
- date of the said authorization
- duration of the IPPE
- other elements, e.g. patent classification (please specify): \_\_\_\_\_

If the publication is different for different products indicated in QUESTION 3 above, please use the text field below to describe all of them.

\_\_\_\_\_

Comments: \_\_\_\_\_

QUESTION 10

In what form does your Office/Organization make or intend to make the publications referred to in QUESTIONS 6 and 8?

- As regards applications for IPPEs
  - as part of an Official Gazette
  - by publishing the application
  - by laying the application open to public inspection
  - through online databases (or the Office's/Organization's Web site)
  - by copy delivery of the application on request
  - other (please specify): \_\_\_\_\_

What is the planned timetable for publishing this information? \_\_\_\_\_

If the practice is different for different products indicated in QUESTION 3 above, please use the text field below to describe all of them.

\_\_\_\_\_

- As regards granted IPPEs
  - as part of an Official Gazette
  - by publishing the IPPE
  - by laying the IPPE open to public inspection
  - through online databases (or the Office's/Organization's Web site)
  - by copy delivery of the IPPE on request
  - other (please specify): \_\_\_\_\_

What is the planned timetable for publishing this information? \_\_\_\_\_

If the practice is different for different products indicated in QUESTION 3 above, please use the text field below to describe all of them.

\_\_\_\_\_

Comments: \_\_\_\_\_

QUESTION 11

If your Office/Organization provides or intends to provide data relating to IPPEs in online databases (internal or commercial), please give the name(s) and URL(s) of the database(s) and specify the bibliographic data elements:

To be repeated, if necessary:

name of database: \_\_\_\_\_

URL: \_\_\_\_\_

bibliographic data elements: \_\_\_\_\_

Comments: \_\_\_\_\_

QUESTION 12

If your Office/Organization assigns or intends to assign specific application and/or registration numbers to IPPEs, please give examples and details.

- concerning the numbering system for applications for IPPEs: \_\_\_\_\_
- concerning the numbering system for registrations or grants of IPPEs (if different from the above): \_\_\_\_\_

Comments: \_\_\_\_\_

[End of Annex and of document]