

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

### **Eighth Session**

**Geneva, November 30 to December 4, 2020**

### **PROPOSAL FOR THE REVISION OF WIPO STANDARD ST.27**

*Document prepared by the Legal Status Task Force Leader*

#### **BACKGROUND**

1. At its fifth session held in 2017, the Committee on WIPO Standards (CWS) requested the Legal Status Task Force to consult with the XML4IP Task Force to develop eXtensible Markup Language (XML) schema components based on WIPO Standard ST.27 for the exchange of patent legal status data. The International Bureau is the Task Force Leader. (See paragraphs 50 and 53 of document CWS/5/22.)

2. This work falls under Task No. 47, whose description reads “prepare proposals for revisions to WIPO Standards ST.27 and ST.87 as needed; prepare a proposed guidance document for industrial design legal status data; prepare a recommendation for the exchange of legal status data on trademarks by industrial property offices; and support the XML4IP Task Force to develop XML components regarding legal status event data” (see paragraph 114 of document CWS/7/29).

#### **PROPOSED REVISION TO WIPO STANDARD ST.27**

3. During work on the XML schema components for patent legal status data, the XML4IP Task Force discovered that additional information needs to be stored in the ST.27 supplementary data fields. After discussion, the Legal Status Task Force recommends revisions to ST.27 Annex II to better reflect the new information and ensure alignment with the relevant ST.96 XML components, incorporated in the new version 4.0. The proposed modification to ST.27 Annex II is described in the Annex of this document.

4. The following types of additional supplementary data are proposed for the revision of ST.27 Annex II. As with the existing supplementary data fields, all supplementary data is optional. Each IPO may choose what supplementary data, if any, it provides. The new data elements are:

- A date for a prior event that is related to the event being recorded;
- A citation to a relevant rule, regulation, statute, legal provision, or other basis for a decision;
- A reason the application or IP right is not in force (e.g. withdrawn, abandoned, lapsed);
- An indicator that prior use rights are or may be attached to this application or IP right, if such data is available at the IPO;
- Data on publication, priority documents, or other related documents;
- Data on a review procedure that was conducted (e.g. opposition date, language, reference number);
- Data associated with the application: invention title, priority data, classification data;
- Data about the inventor (e.g. name, location, employer);
- Data on ownership transfers, such as assignment record number;
- Expanded license data including start and end dates; and
- Details on fee payments, such as year of payment and payment status (e.g. completed, processing, not started).

5. ST.27 only provides a general indication of the types of information stored as supplementary data. Complete details of the information to be stored are available in the ST.96 version 4.0 XML schema components published on the WIPO website.

6. Additionally, several improvements were made to existing supplementary data elements:

- Common data elements shared by all categories are listed in a separate cell at the start of the table, rather than repeated for every category;
- Information on names and/or contact information were generalized and combined. For instance, Name of Applicants became Applicant Data, Licensee Name and Licensee Country Code became Licensee Data, etc.;
- *Ex tunc* or *Ex nunc* Indicator was renamed to Legal Effect Start Time; and
- The title and description columns were merged, with the resulting table being easier to read and occupying 33% fewer pages than before.

7. The main body of ST.27 will be modified as follows to reflect these changes:

“49. The minimum supplementary event data related to a category is listed in Annex II. There are two groups of data: data in the first row of the table is common supplementary event data which an IPO may provide for any national / regional / international event regardless of the category it maps to; data in the row for a category is specific to that category.”

#### WORK PLAN

8. If the CWS approves the proposed modification to Annex II of WIPO Standard ST.27, the Task Force suggests revising Annex II of ST.87 and Annex II of new standard on trademark legal status (see document CWS/8/8) in collaboration with the XML4IP Task Force for alignment.

9. *The CWS is invited to:*

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

(b) *consider and approve the proposed revision to "WIPO Standard ST. 27: Exchange of Patent Legal Status Data", as explained in paragraphs 3 to 7 and reproduced in the Annex to this document; and*

(c) *consider and approve the suggestion by the Legal Status Task Force set out in paragraph 8 above.*

[Annex follows]

## ANNEX II

## SUPPLEMENTARY EVENT DATA

*Proposal by the Legal Status Task Force for consideration at CWS/8*

1. Each status event code may be accompanied by supplementary event data. There is supplementary event data that is specific to events in a particular category and there is common supplementary event data which is common to all events. The common supplementary event data includes: (1) the effective country or region, (2) the gazette issue number, and (3) comment (i.e. free text); (4) a prior relevant event date and (5) a relevant rule. The "effective country or region", is the country or region where the event has legal effect, which is particularly relevant for regional IPOs where the effect of an event, such as discontinuation due to non-payment of renewal fees, only has effect in some of the countries where the IP right is active. The "gazette issue number" is the issue of the national/regional gazette where the particulars of the national/regional event are made public. IPOs will be able to provide additional associated data which is not specified in the "comment" entry. The "prior relevant event date" is the date of a prior event which is relevant to the current event, such as the start of a fee payment time period which has expired. The "relevant rule" is an Office-specific rule, regulation, law, or other principle which was applied to reach the event outcome.

2. The Table below shows what supplementary data fields may be used for different categories. The first row shows common elements that may be used in any category, and subsequent rows show the data elements specific to each category. Note that the supplementary data elements indicated in this Standard are general descriptions of the types of data that may be provided. The particular formats and allowed values for supplementary data are defined in data representation standards, such as WIPO ST.96 for eXtensible Markup Language (XML).

Category Code	Category Title & Description	Supplementary event data
n/a	<p>All categories</p> <p>This shows common data elements that may be used in any category.</p>	<ol style="list-style-type: none"> <li>Effective country or region</li> <li>Gazette issue number</li> <li>Comment (i.e. free text)</li> <li>Prior Relevant Event Date</li> <li>Relevant Rule (e.g. rule number)</li> </ol>
A	<p>Application filing</p> <p>This category is a group of events related to the filing of various types of applications for an IP right. It includes, for example, when a national or regional IPO receives an application for the grant of an IP right, together with any additional documentation and fees necessary to obtain a filing date under national or regional law or convention or the Patent Cooperation Treaty (PCT) as applicable. Types of applications covered include patents for inventions, utility models, supplementary protection certificates, plant patents, design patents, inventors' certificates, utility certificates, and patents of addition. This category also includes events related to the filing of a provisional application, divisional application, continuation, continuation in part, or an application for conversion. It also covers entry of an international application into the national or regional phase.</p>	<ol style="list-style-type: none"> <li>Effective Country or Region</li> <li>Gazette Issue Number</li> <li>Invention Title</li> <li>Comment (i.e. free text) (Related Document Identification (e.g. parent document ID))</li> <li>Priority Date</li> <li>International or Regional Application Filing Date</li> <li>Regional Filing Date</li> <li>Name of Applicants</li> <li>Applicant Data (e.g. name, contact info)</li> <li>Divided Applications</li> </ol>

Category Code	Category Title & Description	Supplementary event data
B	<p>Application discontinuation</p> <p>This category is a group of events related to the discontinuation of an application of any type covered by Category A. It includes, for example, when an application has been voluntarily withdrawn by the applicant, was deemed to be withdrawn, abandoned or lapsed or was refused by the IPO. The events in this category may move an application from the filing stage, examination stage or pre-grant challenge stage into the termination likely/termination stage.</p>	<p>1. <del>Effective Country or Region</del></p> <p>2. <del>Gazette Issue Number</del></p> <p>1. <del>Comment (i.e. free text)</del> Reason Not In Force</p>
C	<p>Application revival</p> <p>This category is a group of events related to the revival, reinstatement or restoration of any application covered by Category A after it has been discontinued. It includes, for example, when an application was revived following a request for application revival after payment of an outstanding fee, responding to an outstanding action or decision which had resulted in the application being discontinued, or following an appeal. The events in this category may move an application from the termination likely/termination stage into the filing stage, examination stage or pre-grant challenge stage.</p>	<p>1. <del>Effective Country or Region</del></p> <p>2. <del>Gazette Issue Number</del></p> <p>3. <del>Comment (i.e. free text)</del></p> <p>1. Discontinuation Date</p> <p>2. Reason Not In Force</p> <p>3. Prior Use Rights Indicator</p>
D	<p>Search and examination</p> <p>This category is a group of events related to the examination proceeding and prior art searches for any application covered by Category A. It includes, for example, a formality examination or a substantive examination. It also includes a request for a prior art search and an announcement of the intention of the IPO to grant an IP right. The events in this category may move an application from the filing stage or the pre-grant challenge stage into the examination stage.</p>	<p>1. <del>Effective Country or Region</del></p> <p>2. <del>Gazette Issue Number</del></p> <p>3. <del>Comment (i.e. free text)</del></p> <p>1. Search Origin Category (e.g., first, further invention, additional search due to shift in scope of claims)</p> <p>2. Requester of Search (e.g., applicant, third party, or independently by the IPO)</p> <p>3. Requester of Examination (e.g., applicant, third party, or independently by the IPO)</p> <p>4. Publication Data</p> <p>5. Priority Data</p> <p>6. Related Documents Data (e.g. regional filing data, international filing data)</p> <p>7. Applicant Data</p>

Category Code	Category Title & Description	Supplementary event data
E	<p>Pre-grant review request</p> <p>This category is a group of events related to the request for a pre-grant review for any application covered by Category A. It includes, for example, a request for a pre-grant opposition, pre-grant re-examination, or pre-grant limitation. It also includes when such a request was inadmissible, rejected or withdrawn. The events in this category may move an application from the examination stage or the termination likely/termination stage into the pre-grant challenge stage.</p>	<p>1. <u>Effective Country or Region</u></p> <p>2. <u>Gazette Issue Number</u></p> <p>3. <u>Comment (i.e. free text)</u></p> <p>1. Details of Court/Tribunal (e.g., name of court, tribunal, IPO body)</p> <p>2. Party Name(s)</p> <p>3. Representative's <u>Name(s) &amp; Contact Details (e.g.name(s) &amp; contact information)</u></p> <p>4. <u>Review Procedure Data (e.g. opposition date, reference, language)</u></p> <p>5. <u>Prior Use Rights Indicator</u></p>
F	<p>IP right grant</p> <p>This category is a group of events which relate to the effective grant date of an IP right and/or entry of an IP right into the IPO's register. It includes, for example, when an IP right was granted following an examination, an appeal, pre-grant review or inadmissibility, rejection or withdrawal of a pre-grant review request. Types of IP rights covered include patents of invention, utility models, supplementary protection certificates, and any other IP rights that result from the types of applications covered by Category A. The events in this category may move an application from the examination stage or the pre-grant challenge stage into the grant stage.</p>	<p>1. <u>Effective Country or Region</u></p> <p>2. <u>Gazette Issue Number</u></p> <p>3. <u>Comment (i.e. free text)</u></p> <p>1. <u>Invention Title</u></p> <p>2. Name of Registered Owner</p> <p>3. <u>Reference to Pre-grant Review Decision (e.g., court or tribunal order following pre-grant review)</u></p> <p>4. <u>Priority Data</u></p> <p>5. <u>PCT Data</u></p> <p>6. <u>Inventor Data</u></p> <p>7. <u>Classification Data</u></p>
G	<p>Protection beyond IP right term</p> <p>This category is a group of events related to the protection of an IP right beyond its term for any type of IP right covered by Category F. It includes, for example, a request for a patent term adjustment (PTA), patent term extension (PTE) or a supplementary protection certificate (SPC) extension and also includes related events that occur subsequent to such a request. The events in this category occur during the grant stage.</p>	<p>1. <u>Effective Country or Region</u></p> <p>2. <u>Gazette Issue Number</u></p> <p>3. <u>Comment (i.e. free text)</u></p> <p>1. Extension Expiry Date (e.g., end date of PTA, PTE, or SPC extension)</p> <p>2. Active ingredient (generic and brand name)</p> <p>3. Medical indication (disease state)</p>

Category Code	Category Title & Description	Supplementary event data
H	<p>IP right cessation</p> <p>This category is a group of events related to the cessation of an IP right for any type of IP right covered by Category F. It includes, for example, the cessation of an IP right following an IP right review, an appeal, a refusal to reinstate, or a lapse or expiry. The events in this category may move an IP right from the grant stage or the post-grant challenge stage into the termination likely/termination stage.</p>	<p><del>1. Effective Country or Region</del></p> <p><del>2. Gazette Issue Number</del></p> <p><del>3. Comment (i.e. free text)</del></p> <p><del>4. Ex-tunc or Ex-nunc Indicator</del></p> <p>1. <u>Legal Effect Start Time</u></p> <p>2. Decision Authority Category (e.g., national court, tribunal, IPO)</p> <p>3. <u>Reason Not In Force</u></p>
K	<p>IP right revival</p> <p>This category is a group of events related to the revival, reinstatement or restoration of an IP right after its cessation for any type of IP right covered by Category F. It includes, for example, the request for the revival and the decision to revive an IP right, including by way of an appeal. The events in this category may move an IP right from the termination likely/termination stage into the grant stage or the post-grant challenge stage.</p>	<p><del>1. Effective Country or Region</del></p> <p><del>2. Gazette Issue Number</del></p> <p><del>3. Comment (i.e. free text)</del></p> <p>1. Reinstatement Reason Category (e.g., following payment of fee)</p> <p>2. Cessation Date</p> <p>3. Expiry Date</p>
L	<p>IP right review request</p> <p>This category is a group of events related to a request for a review of an IP right after its grant for any type of IP right covered by Category F. It includes, for example, a request for a post-grant opposition, re-examination, limitation, reissue, surrender, or invalidation. It also includes when such a request was inadmissible, rejected or withdrawn. The events in this category may move an IP right from the grant stage or the termination likely/termination stage into the post-grant challenge stage.</p>	<p><del>1. Effective Country or Region</del></p> <p><del>2. Gazette Issue Number</del></p> <p><del>3. Comment (i.e. free text)</del></p> <p>1. Party Name(s)</p> <p>2. <u>Representative's Name(s) &amp; Contact Details (e.g. name(s) &amp; contact information)</u></p> <p>3. <u>Review Procedure Details (e.g. opposition date, reference, language)</u></p>
M	<p>IP right maintenance</p> <p>This category is a group of events related to the maintenance of a granted IP right in full or amended form as the outcome of a post-grant challenge for any type of IP right covered by Category F. It includes, for example, an IP right being maintained in full or amended form following an appeal, an IP right review or the inadmissibility, rejection or withdrawal of a request for an IP right review. The events in this category may move an IP right from the post-grant challenge stage into the grant stage.</p>	<p><del>1. Effective Country or Region</del></p> <p><del>2. Gazette Issue Number</del></p> <p><del>3. Comment (i.e. free text)</del></p> <p>1. IP Right Review Details (i.e. information about the IP right review, including court order details for example)</p> <p>2. Decision Authority Category e.g., court, tribunal, IPO)</p>
N	<p>Termination</p> <p>This category is a group of events related to the termination of an application of any type covered by Category A or an IP right of any type covered by Category F without a possibility of its revival. It includes, for example, when an application or IP right was terminated by the IPO or a court. The events in this category are not available to all IPOs.</p>	<p><del>1. Effective Country or Region</del></p> <p><del>2. Gazette Issue Number</del></p> <p>1. <u>Comment (i.e. free text) Reason Not In Force</u></p>

Category Code	Category Title & Description	Supplementary event data
P	<p>Document modification</p> <p>This category is a group of events related to modifications of an application, IP right document or other document, which occur outside the context of a pre-grant review or IP right review. It includes, for example, amendments and corrections of errors in applications and IP right documents. Documents may relate to any type of application in Category A or any type of IP right in Category F. The events in this category may occur during any stage.</p>	<p>1. <del>Effective Country or Region</del></p> <p>2. <del>Gazette Issue Number</del></p> <p>3. <del>Comment (i.e. free text)</del></p> <p>1. Publication identification</p> <p>2. Modified Part of Document Category (e.g., bibliographic information, priority claim, specification, claims, drawings)</p> <p>3. Modification Category (e.g., amendment or correction)</p> <p>4. Previously Published (erroneous) Content</p> <p>5. New (corrected) Content</p>
Q	<p>Document publication</p> <p>This category is a group of events related to document publication by the IPO. It includes, for example, publication of an application, IP right document or bibliographic information by the IPO. Documents may relate to any type of application in Category A or any type of IP right in Category F. The events in this category may occur during any stage.</p>	<p>1. <del>Effective Country or Region</del></p> <p>2. <del>Gazette Issue Number</del></p> <p>3. <del>Comment (i.e. free text)</del></p> <p>1. Patent Document Category (ST.16 <u>kind code</u>)</p> <p>2. Publication Identification</p>
R	<p>Party data change</p> <p>This category is a group of events related to the IPO recording changes in party data. It includes, for example, when the IPO records changes to a party concerned with the application or IP right, e.g., the applicant(s), owner(s), inventor(s) or representative(s). It also includes events related to the recording of changes in party contact information. The data change may relate to any type of application in Category A or any type of IP right in Category F. The events in this category may occur during any stage.</p>	<p>1. <del>Effective Country or Region</del></p> <p>2. <del>Gazette Issue Number</del></p> <p>3. <del>Comment (i.e. free text)</del></p> <p>1. Party Data Change Category (e.g., owner change, inventor change, representative change, owner contact information change, inventor contact information change, representative contact information change)</p> <p>2. <del>Previous Party Name/Contact Information</del></p> <p>3. <del>Previous Party Country Code</del></p> <p>2. <u>Details (e.g. name, contact information, country code)</u> <del>New Party Name/Contact Information</del> <u>Details (e.g. name, contact information, country code)</u></p> <p>2. <del>New Party Country Code</del></p> <p>3. <del>Assignment Document Number (e.g., number associated with transfer of IP right)</del></p> <p>3. <u>Ownership Transfer Date</u> <u>Data (including assignment document number)</u></p> <p>4. Legal Proceedings Details (if applicable)</p>

Category Code	Category Title & Description	Supplementary event data
S	<p>Licensing and related matters</p> <p>This category is a group of events related to the IPO recording licensing information and amendments to such records. It includes, for example, when an IPO records that a license, pledge or security interest has been agreed to, amended, cancelled or transferred. The licensing information may relate to any type of application in Category A or any type of IP right in Category F. The events in this category may occur during any stage.</p>	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.e. free text)</p> <p>4. License Registration Number</p> <p>1. License Record Category, Data (e.g., initial, registration number, record, amendment, cancellation type, status, start and end dates)</p> <p>2. License Status (e.g., active, inactive, terminated)</p> <p>3. License Start Date</p> <p>4. Term of License (i.e. duration of license) / License End Date</p> <p>2. Name of Licensor(s) Data (e.g. name, contact information, country code)</p> <p>2. Country Code of Licensor</p> <p>3. Name of Licensee(s) Data (e.g. name, contact information, country code)</p> <p>4. Country Code of Licensee</p> <p>4. Licensing Information Amendment Category (i.e. which terms were amended)</p> <p>5. Territory of License Validity</p> <p>6. Legal Proceeding Details (if applicable)</p>
T	<p>Administrative procedure adjustment</p> <p>This category is a group of events related to the adjustment of an administrative procedure conducted by the IPO. It includes, for example, granting an extension of an administrative time limit or continued processing of a necessary procedure. It also includes a suspension, stay or interruption of an administrative procedure, or the resumption of a suspended, stayed or interrupted administrative procedure. The adjustment may relate to any type of application in Category A or any type of IP right in Category F. The events in this category may occur during any stage.</p>	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.e. free text)</p> <p>1. Adjustment Category (e.g., time extension, suspension, stay, resumption, interruption, delay in communication services, as-of-right extension granted, IPO disruption, IPO irregularity)</p> <p>2. Reason for Adjustment (e.g., natural disaster, IPO delay, court delay, applicant/patentee delay)</p> <p>3. Start and End Date (e.g., date at which the adjustment starts and date at which the adjustment ends)</p> <p>4. Prior Use Rights Indicator</p>

Category Code	Category Title & Description	Supplementary event data
U	<p>Payment</p> <p>This category is a group of events related to the payment of fees. It includes, for example, payment of a renewal, maintenance or other designation fee. The payment may relate to any type of application in Category A or any type of IP right in Category F. The events in this category may occur during any stage.</p>	<p>1. <del>Effective Country or Region</del></p> <p>2. <del>Gazette Issue Number</del></p> <p>3. <del>Comment (i.e. free text)</del></p> <p>1. Fee Category (e.g., registration fee, maintenance fee, renewal fee, designation fee)</p> <p>1. <del>Paid to Date (i.e. the date up to which the fees have been paid, e.g., no renewal fees will be required until that date)</del></p> <p>2. <del>Next Fee Due Date (i.e. date at which the next fee becomes due)</del></p> <p>3. <del>Year of Fee Payment</del></p> <p>2. <b>Payment Details (e.g. payment status, year of fee payment, .)</b></p> <p>3. Renewal Details (e.g., length of renewal, scope changes, <b>next fee due date</b>)</p>
V	<p>Appeal</p> <p>This category is a group of events related to an appeal of a decision made during the prosecution of an IP right. It includes, for example, a request by the applicant, IP right owner, or third party for an administrative or court appeal of any decision made during the prosecution of an IP right and the procedural outcome of such an appeal. The substantive outcome of the appeal may be mapped to an event in another category, for example, application discontinued, application revived, IP right granted, IP right ceased, or IP right maintained. The appeal may relate to any type of application in Category A or any type of IP right in Category F. The events in this category may occur during any stage.</p>	<p>1. <del>Effective Country or Region</del></p> <p>2. <del>Gazette Issue Number</del></p> <p>3. <del>Comment (i.e. free text)</del></p> <p>1. Appellate body</p> <p>2. Decision Being Appealed</p> <p>3. Appellate Decision Details</p> <p>4. Decision Citation</p>
W	<p>Other</p> <p>This category covers events which cannot be categorized under any other Category. It is recommended to use this category as a last resort for unusual cases, where a liberal interpretation of the description of all other Categories would fail to adequately describe the national/regional event (e.g., legacy events or interim/internal events).</p>	<p>1. <del>Effective Country or Region</del></p> <p>2. <del>Gazette Issue Number</del></p> <p>3. <del>Comment (i.e. free text)</del></p> <p>1. National/regional Event Description</p>

Category Code	Category Title & Description	Supplementary event data
Y	<p>Correction and deletion of event information</p> <p>This category is a group of events related to the correction or deletion of erroneous event information that the IPO previously provided. It includes, for example, correction in the status event code of an application or IP right provided under this Standard or the correction or deletion of an event that was announced erroneously in a gazette, IP register or other published documentation. The event information may relate to any type of application in Category A or any type of IP right in Category F. The events in this category may occur during any stage.</p>	<p><del>1. Effective Country or Region</del></p> <p><del>2. Gazette Issue Number</del></p> <p><del>3. Comment (i.e. free text)</del></p> <ol style="list-style-type: none"> <li>1. Status Event Identification (Status Event Code and Date; or Unique Identifier)</li> <li>2. Previously Published Erroneous Content</li> <li>3. New Corrected Content</li> </ol>

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