

Committee on WIPO Standards (CWS)

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PROPOSAL FOR THE REVISION OF WIPO STANDARD ST.27

Document prepared by the Legal Status Task Force Leader

BACKGROUND

1. At its seventh session in 2019, the Committee on WIPO Standards (CWS) approved a proposal to add three reserved characters to the encoding of WIPO Standard ST.27 patent legal status events. These characters were fixed as “xxx” and reserved for possible future use. The Legal Status Task Force planned to explore possible uses for reserved characters and prepare a proposal for consideration by the CWS. (See paragraphs 120 to 122 of document CWS/7/29.)

PROPOSED REVISION TO WIPO STANDARD ST.27

2. A group of Task Force members held discussions several times in 2020 and 2021 on a potential use of reserved characters. This group prepared a proposal called ‘procedure indicators’, which was presented to the Task Force in August 2021. The Task Force agreed to recommend the ‘procedure indicators’ proposal to ST.27 for consideration by the CWS, as described below.

3. The Task Force believes that the ‘procedure indicators’ would also be useful for industrial designs (ST.87) and trademarks (ST.61) legal status, and proposes working to adapt and incorporate the ‘procedure indicators’ for those Standards. If this work is approved, a proposal for revising the Standards will be presented at CWS/10.

4. During this work, the International Bureau suggested updating the terminology and presentation of reserved characters, in light of the Task Force’s further experience. The Task Force agreed to propose terminology updates, described below as ‘event indicators’. Because these updates are general in nature, the Task Force recommends applying the ‘event indicators’ proposal to all three legal status Standards. This will harmonize the three Standards by incorporating reserved characters into all three.

EVENT INDICATORS PROPOSAL

5. The 'event indicators' proposal contains new terminology for describing reserved characters. It is proposed for all three legal status Standards: ST.27 (patents), ST.61 (trademarks), and ST.87 (industrial designs).

6. Currently, all three Standards record event information basically in the same way. Relevant events at an Intellectual Property Office (IPO) are each recorded with a status event code, described in ST.27 as follows:

"27. The status event code below describes the structure of the code but does not necessarily represent the final visualization and representation in XML format.

[State – From (previous) stage – To (current) stage – Key event – Detailed event – National/regional/international event]"

7. In ST.61 and ST.87, an example status event code looks like this: N-0-6-B10-B11-R120. ST.27 uses the same format, but adds three reserved characters to the Key event and Detailed event fields, represented as three x's like this: N-0-6-B10xxx-B11xxx-R120.

8. While developing proposals for reserved characters, the Task Force concluded that attaching reserved characters to event codes is not desirable. Uses of reserved characters add extra information about an event beyond the existing event codes. Further, the extra information applies to the entire event represented by the status event code, not just to the Key event or Detailed event themselves.

9. Thus, the Task Force recommends creating a separate field within status event codes for possible uses of reserved characters. The new field will be called 'event indicators', and will be positioned immediately after Detailed event in the status event code. This presentation is clearer to end users. It arranges information in a clear hierarchy, from most general (Key event) to more specific (Detailed event) to even more specific ('event indicator') to most specific (national event). It separates the required information from optional information, so users can understand the status event code more readily.

PROPOSED REVISIONS TO ST.27

10. The description of status event code in paragraph 27 of ST.27 will be amended as follows:

"The status event code below describes the structure of the code but does not necessarily represent the final visualization and representation in XML format.

[State – From (previous) stage – To (current) stage – Key event – Detailed event – Event indicators – National/regional/international event]"

11. The definitions in paragraph 3 of ST.27 will be amended as follows:

- "key event" refers to a generic, broad, universally-termed event in a category
- "detailed event" refers to an event in a category, which is not the key event and is more specific in nature
- "event indicators" refers to extra information about a key and/or detailed event
- "national/regional event" refers to an event in the prosecution of an application or IP right according to national/regional law

12. The following new paragraphs are proposed to be inserted in WIPO ST.27:

After Detailed Events, as a new paragraph 25

“Event Indicators

25. Event indicators provide additional information about an event beyond what the key and/or detailed event codes provide. The list of event indicators is available in the Appendix to Annex I of this Standard”

A new section after paragraph 35 before the section “National/Regional Event Code”

“Event Indicator Code

xx. The event indicator codes consist of three characters. The recommended codes are available in Appendix to Annex I of this Standard. If an IPO chooses not to provide any event indicators, then the event indicators field should be represented as “xxx”.

13. With these changes, the term “reserved characters” is no longer needed in ST.27. Therefore, the following amendments are proposed:

Main body of ST.27

~~“31. The key events are formed by a combination of a single alphabetic letter followed by the number “10”, then a period and “xxx”. The single alphabetic letter is assigned according to the categories. The three additional characters after the period are reserved for possible future use.”~~

~~“34. The detailed events are formed by a combination of a single alphabetic letter followed by a two-digit number from 11 to 99, then a period and “xxx”. The single alphabetic letter is assigned according to the categories. The codes for detailed events are contained in Annex I. The three additional characters after the period are reserved for possible future use.”~~

Annex I of ST.27, removal of paragraph 3

~~“3. Three additional characters after the number are reserved for possible future use. These characters should be stored as ‘xxx’ in current implementations. The reserved characters are not shown in the list below.”~~

PROCEDURE INDICATORS PROPOSAL

14. Within the general framework of ‘event indicators’ described above, ‘procedure indicators’ are a specific type of ‘event indicators’. The Task Force proposes to include the ‘procedure indicators’ in ST.27 as the Appendix to Annex I. The proposed new Appendix is presented as the Annex to this document. If the proposed amendments to ST.27 are approved, relevant patent legal status XML components of WIPO Standard ST.96 should consequently be amended.

15. One limitation of current ST.27 status event codes is that they make it difficult to indicate which events are related. For instance, consider this sequence of events:

- D10 Search and/or examination requested or commenced
- E11 Pre-grant opposition filed
- P13 Application amended
- Q17 Modified document published

16. There is no clear indication what the last two events relate to: P13 could mean the application amended due to examination or due to the opposition procedure; and Q17 may indicate the document publication related to examination, opposition, or something else. Finding such relations between events may require consulting national event histories outside of ST.27. Perhaps this may be fine for a small number of applications, but such investigations become unmanageable when dealing with large portfolios or data from many IPOs.

17. Some Offices, such as the German Patent and Trade Mark Office and the European Patent Office, use codes within their own event systems to group related events into a procedure (such as Examination or Opposition). The 'procedure indicators' proposal takes a similar approach modeled on existing practices, generalized to the language of ST.27.

18. The 'procedure indicators' proposal lists 25 different high-level procedures that are common across many IPOs. Some indicators relate to major processing actions, such as search, examination, or opposition proceedings. Some relate to the way different types of applications are handled, such as national applications, regional applications, or provisional applications. Others relate to external processes that are recorded at the IPO, such as licenses or assignments.

19. An initial look at the list of procedures shows similarities to the list of Categories in Annex I of ST.27. However, procedures do not duplicate the same information because:

- Procedures are more granular than categories. For instance, category D "Search and Examination" corresponds with two different procedures, one for search and another for examination.
- Procedures apply in contexts where categories cannot be used. For instance, consider an event Q10 Document published. Suppose the document relates to examination. Because the "document published" event belongs to category Q, there is no way to also indicate category D as part of the event. However, adding the 'procedure indicator' for "examination procedure" shows that this Q10 event relates to examination.

20. The Task Force discussed several possible encodings for 'procedure indicators', using one, two, or three characters. After discussion, the Task Force preferred to use an encoding that was easier for end users to interpret. Therefore, the proposed 3-letter codes were chosen to bear some resemblance to the procedure term.

WORK PLAN

21. If the CWS approves the 'procedure indicators' proposal for ST.27, the Task Force proposes to study how to adapt 'procedure indicators' for ST.61 and ST.87, and to present a proposal for consideration at the tenth session of the CWS.

22. *The CWS is invited to:*

(a) note the content of this document and the Annex to this document;

(b) consider and approve the proposed revision “event indicators” for standards "ST. 27: Exchange of Patent Legal Status Data", as described in paragraphs 10 to 13 of this document;

(c) consider and approve the proposed new Appendix “List of event indicators” to Annex I of WIPO Standard ST.27, as described in paragraphs 14 to 20 and the Annex of this document; and

(d) consider and approve the work plan proposed by the Legal Status Task Force in paragraph 21 above.

[Annex follows]

APPENDIX TO ANNEX I

List of Event Indicators

Proposal by the Legal Status Task Force for consideration at CWS/9

1. This Appendix to Annex I includes the list of procedures and their encodings that comprise procedure indicators as a type of event indicators. Procedures are high-level groupings of events that represent common processing areas at Intellectual Property Offices (IPOs).
2. Encodings are provided for 25 procedure indicators, coded with three lowercase letters to distinguish them from Key and/or Detailed event codes defined in this Standard. Procedures are intended to provide general guidance only and may not precisely correspond with practices of all IPOs. The National event records mentioned in WIPO ST.27 may often provide more precise information.
3. The Table below shows the recommended procedure types and indicator codes. These are notional values for presenting a compact representation of status events to the users under this Standard. Other Standards for data representation may record the data somewhat differently, such as WIPO ST.96 for eXtensible Markup Language (XML).

Type of Procedure	3-character Code
Search procedure	srh
Examination procedure	exm
Opposition procedure	opp
Nullity/invalidation procedure	iva
Limitation procedure	lim
Revocation/surrender procedure	rvc
Re-examination procedure	rex
Re-issue procedure	ris
Supplementary protection certificate procedure	spc
Term extension procedure	tex
Term adjustment procedure	tad
National application procedure	nap
Regional application procedure	rap
International application procedure	iap
Procedure related to divisionals, continuations, or similar	div
Procedure related to continuations-in-part, patents of addition, or similar	cip
Procedure related to provisional applications	prv

Type of Procedure	3-character Code
Procedure related to conversions	cnv
Procedure related to licences	lic
Procedure related to pledges, mortgages, seizures or similar	sec
Assignments procedure	asn
Administrative appeal procedure	apl
Procedure related to court appeals	crt
Other procedure	oth
Unspecified	uns

[End of Annex and of document]