

## **WIPO General Assembly**

**Forty-Seventh (22<sup>nd</sup> Ordinary) Session**  
**Geneva, October 5 to 14, 2015**

### **MATTERS CONCERNING THE COMMITTEE ON WIPO STANDARDS (CWS)**

*Document prepared by the Secretariat*

#### **INTRODUCTION**

1. The present document contains information about informal consultations on pending matters of the Committee on WIPO Standards (“CWS”). It also contains a brief report of activities undertaken by the Secretariat in relation to WIPO Standards.

#### **CONSULTATIONS FOR RECONVENING THE FOURTH SESSION OF THE CWS**

2. It is recalled that the CWS held its fourth session from May 12 to 16, 2014. In view of the absence of consensus on the draft agenda (in particular Agenda Item 4), the CWS agreed to adjourn the session on the last day after having completed informal discussions on almost all agenda items essentially related to technical work. The Chair of the session requested the Secretariat to organize informal consultations on pending matters until there was agreement on the draft agenda, such that the meeting could be reconvened in order to formally adopt the agenda and continue as prescribed by formal procedures (see document WO/GA/46/7 Rev., paragraphs 25 to 27 of Annex I).

3. At the WIPO General Assembly meeting in September 2014, all the delegations which took the floor agreed to make additional efforts in order to overcome the difficulties in resuming the CWS meeting with a view to formalizing the conclusions on technical work reached at the fourth session of the CWS in May 2014 in informal discussions. The General Assembly took note of the report on the work of the CWS as contained in document WO/GA/46/7 Rev. (see document WO/GA/46/12, paragraphs 215 to 230).

4. During the period under consideration, regional group coordinators and other interested delegations held informal consultations, including two open-ended meetings in November 2014 and in February 2015 facilitated by the Ambassador of Panama, H.E. Mr. Alfredo Suescum (the "Facilitator" and also Vice-Chair of the CWS) in order to reach agreement on the draft agenda of the fourth session of the CWS such as to allow its reconvening.

5. Several proposals for a new agenda item or revision of Agenda Item 4 were considered during the informal consultations, but, despite the efforts of the Facilitator and the active participation of regional coordinators and individual delegations, it was not possible to achieve consensus.

6. At the open-ended informal consultation meeting held on February 13, 2015, the participants discussed the proposal by the Facilitator for the revision of Agenda Item 4 and the resuming of the fourth session of the CWS in June 2015, which would have allowed continuation of the work of the CWS. Subsequently, the participants reiterated their opinions expressed at the fourth session of the CWS in May 2014 with respect to the relevance of Development Agenda (DA) recommendations to the mandate of the CWS, which prevented reaching a consensus.

7. The Facilitator organized numerous individual meetings with each regional coordinator and several delegations throughout the period from November 2014 to March 2015. The Secretariat and the Facilitator were kept informed by regional coordinators about their meetings with interested delegations in an attempt to find a solution.

8. As a result of the lack of consensus on the agenda occurring early enough before the scheduled session of the CWS, Member States were informed that the reconvening of the fourth session of the CWS was postponed until Member States could resolve the pending matters (see Circular C.CWS 52 of March 24, 2015).

9. On April 22, 2015, the Facilitator confirmed with Regional Groups their wish to pause the consultations on the matter of the agenda of the fourth session of the CWS and informed regional coordinators that the consultations were therefore suspended until a request was made by any regional coordinator to take up this matter again.

#### THE PRESENT STATUS OF TECHNICAL WORK

10. During the period under consideration, the following CWS Task Forces (TFs) continued their work by using electronic fora and holding physical meetings: XML4IP TF, Legal Status TF, Sequence Listing TF, ST.14 TF and Trademark Standardization TF.

11. Furthermore, a revision of Standard ST.3 (two letter codes of country names) was proposed and subsequently approved by the CWS members by correspondence (electronic means) in accordance with the established procedure. In addition, the revision of Standard ST.96 was approved by the XML4IP TF through its electronic forum.

12. In the absence of a regular session of the CWS, the results of the preparatory work of the above-mentioned TFs, though mature and overdue for decision by the CWS, cannot be formalized, and consequently, the relevant Standards cannot be fixed by publication; for example, Annexes V and VI of ST.96 and the new Standard ST.26 are ready for adoption.

13. The finalization of work for the following Standards is of utmost importance and urgency for formal adoption, without which the implementation of the standards by IPOs, the PCT and the Madrid System will be delayed:

- Standard ST.26; and
- Standard ST.60 (bibliographic data relating to marks).

14. In addition to the above, the following tasks of the CWS or new tasks proposed by some intellectual property offices (IPOs) cannot be implemented or discussed:

- conducting surveys on IPOs' practices in relation to WIPO Standards;
- creation of a new standard for patent color drawing following a request by a Member State;
- standardization on names of legal entities and natural persons in intellectual property (IP) data; and
- a study of the feasibility and where possible, preparation of a proposal for inclusion of the copyright orphan works in Standard ST.96.

#### NEED TO FORMALIZE INFORMALLY AGREED CONCLUSIONS

15. The prolonged interruption of the meetings of the CWS jeopardizes the accomplishment of the expected results of Program 12. WIPO Standards are used by IPOs and by the Secretariat of WIPO in its essential role in WIPO global protection systems, e.g. PCT, Madrid, and the Hague Systems. They are used in several WIPO products, e.g. the Industrial Property Automation System (IPAS), which in turn, are used in an increasing number of small and medium IPOs, in particular, in developing countries. Delay in approval and implementation of WIPO Standards creates problems in the exchange of IP data and documentation among IPOs and the Secretariat. The lack of timely updates of technical standards would make WIPO activities and information resources in this area obsolete and also make it difficult to provide pertinent advice to IPOs of developing countries in assisting their modernization projects. Member States would lose an opportunity to participate in a multilateral interactive process for taking well-informed decisions on matters in relation to the mandate of the CWS.

16. In order to fulfill the expected results of Program 12, the Secretariat will continue to assist the Facilitator and the CWS members in the organization of informal consultations between regional coordinators and other interested delegations in order to achieve consensus on the pending issues that would allow reconvening of the physical meeting of the CWS. It is necessary to avoid too long an interval between sessions of the CWS (the last conclusive session, the third session, was held in April 2013) in order to formalize conclusions in a timely manner. While hoping that Member States reach consensus on the pending matters in good time before convening the adjourned fourth session as early as in the first quarter of 2016, in the event of no agreement, it would be necessary for the Secretariat to proceed to an alternative formalization process in which, by correspondence or electronic means, the CWS members would be invited to adopt conclusions which have already been informally agreed. The alternative formalization process could not replace the physical meeting of the CWS. However, as an emergency measure, it would allow the CWS members to adopt new or revised WIPO Standards that are overdue, to exchange opinions, information and technical inputs for advancing CWS tasks, and to facilitate the provision of technical assistance to IPOs by the Secretariat in the area of technical standards.

## ACTIVITIES REGARDING TECHNICAL ADVICE AND ASSISTANCE

17. It is recalled that, at the General Assembly held in October 2011, Member States clarified the mandate of the CWS and further agreed that, “upon request from Member States, the Secretariat will endeavor to provide technical advice and assistance for capacity building to IPOs by undertaking projects regarding dissemination of IP standards information”, and that “the Secretariat will provide regular written reports to the CWS on the details of such activities, as well as any other technical assistance and capacity-building activities that it undertakes in connection with the mandate, and provide the same to the General Assembly” (see document WO/GA/40/19, paragraph 190). The following paragraphs contain a report of activities undertaken by the Secretariat for technical advice and assistance in relation to WIPO Standards, which would have been presented, had the CWS meeting been convened during the reporting period.

18. Upon requests from Association of Southeast Asian Nations (ASEAN) countries, the Secretariat delivered presentations on the implementation of WIPO Standards in the framework of the training program on the “Promotion of Utilization of IP Information”, organized in October 2014 by the IP Academy Singapore for IPOs of ASEAN countries. In November 2014, at the request of and in collaboration with the Intellectual Property Corporation of Malaysia (MyIPO), the Secretariat organized the “Seminar on WIPO Standards” in Kuala Lumpur, Malaysia. The seminar focused on awareness building of WIPO Standards among IPO officials and should be followed by workshops for practical training in the future.

19. In concerted efforts with the program of Technology and Innovation Support Centers (TISCs), the Secretariat took advantage of TISCs onsite training events, online e-tutorials and webinars to provide users in developing countries and least developed countries (LDCs) with basics of WIPO Standards and its use in IP information.

20. The Secretariat also took the opportunity to present the basics of related WIPO Standards at the following training courses and seminars organized upon request by the respective IPOs for their officials and examiners:

- Regional Workshop on Trademark Classification Systems held in Brunei Darussalam with the participation of ASEAN countries; and
- National Training Workshops on International Classification Systems in Algeria, Brunei Darussalam, and Myanmar.

*21. The WIPO General Assembly is invited to take note of the “Matters Concerning the Committee on WIPO Standards” (document WO/GA/47/13).*

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