

WIPO



SCIT/SDWG/9/4

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

STANDING COMMITTEE ON INFORMATION TECHNOLOGIES

STANDARDS AND DOCUMENTATION WORKING GROUP

Ninth Session

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REQUEST FOR THE REVISION OF WIPO STANDARD ST.9

Document prepared by the Secretariat

1. In the course of preparing the implementation of the revised European Patent Convention (EPC 2000), the European Patent Office (EPO) found that the Internationally agreed Numbers for the Identification of (bibliographic) Data (INID codes) provided by WIPO Standard ST.9 were not sufficient for all of the needs resulting from the intended practice under the EPC 2000.
2. On November 19, 2007, the EPO sent a document to the International Bureau requesting the revision of the list of INID codes under WIPO Standard ST.9, which is reproduced as Annex I to this document. The said Annex contains background information along with specific proposals for the two requested changes, namely the inclusion of a new INID code (27) and the revision of the current definition of code (34). In the said document, the EPO also refers to the subsequent changes to WIPO Standard ST.36 that the ST.36 Task Force should consider as a consequence of the revision of WIPO Standard ST.9.
3. In the framework of Task No.33 (“Ongoing revision of non-electronic WIPO Standards”) and in accordance with the request by the EPO, the International Bureau has prepared a draft revised version of WIPO Standard ST.9 (main part and Appendix 1), which is reproduced as Annex II to this document, for consideration and approval by the Standards and Documentation Working Group (SDWG) of the Standing Committee on Information Technologies (SCIT). The two changes proposed by the EPO are highlighted in the said draft text for revision of WIPO Standard ST.9.

4. As the EPC 2000 entered into force on December 13, 2007, it is requested that comments and questions concerning this proposal for the revision of WIPO Standard ST.9 be submitted in writing to the International Bureau in advance of the SDWG meeting, which is to be held in February 2008, in order to allow for the preparation of the discussions during the meeting. Comments should be sent to the International Bureau, by e-mail, to *scit.mail@wipo.int*, by February 11, 2008.

5. *The SDWG is invited:*

(a) *to note the request by the European Patent Office for the revision of WIPO Standard ST.9 as given in Annex I to this document;*

(b) *to consider and adopt the proposal concerning the revision of WIPO Standard ST.9 reproduced on pages 5 and 6 of Annex II to this document; and*

(c) *to request the ST.36 Task Force to consider the corresponding changes to WIPO Standard ST.36 as result of the revision of WIPO Standard ST.9, as referred to in paragraph 13 of Annex I to this document.*

[Annexes follow]

ANNEX I

REQUEST FOR THE REVISION OF WIPO STANDARD ST.9

Document prepared by the European Patent Office

Overview

1. The European Patent Convention has been comprehensively revised at a Diplomatic Conference of the EPC contracting states held in Munich from November 20 to 29, 2000. The revised text of the Convention will enter into force on December 13, 2007.
2. The European Patent Office (EPO) is now preparing the implementation of the EPC 2000.
3. The intended practice of the EPO under the EPC 2000 will have an impact on the use of INID code “(30)” and “(34)”. Moreover, the introduction of a new INID code “(27)” (not yet existing under WIPO Standard ST.9) is proposed, with associated additions to the WIPO Standard ST.36.

Brief on the addition of INID code (27) and associated XML tags

Intended practice of the European Patent Office (EPO) under the revised European Patent Convention (EPC 2000) as regards INID codes “(27)”, “(30)” and “(34)”

4. The European Patent Convention has been comprehensively revised at a Diplomatic Conference of the EPC contracting states held in Munich from November 20 to 29, 2000. The revised text of the Convention will enter into force on December 13, 2007.
5. The EPO is now preparing the implementation of the EPC 2000. The intended practice of the EPO under the EPC 2000 will have an impact on the use of INID code “(30)”. Moreover, the introduction of a new INID code “(27)” (not yet existing under WIPO Standard ST.9) is suggested.

INID code (30)

6. Under Article 87(1) EPC 2000, the EPO will recognize priority rights for first filings made in or for a member of the World Trade Organization (WTO) that is not party to the Paris Convention. As from the entry into force of EPC 2000, the EPO will indicate such “WTO-priorities” also under INID code (30).

INID code (34)

7. In view of the above it could be considered to adapt the current wording of the description for INID code (34) contained in WIPO Standard ST.9. The new description for INID (34) would then read:

“For priority filings under regional or international arrangements, the WIPO Standard ST.3 code identifying at least one country party to the Paris Convention or member of the World Trade Organization for which the regional or international application was made.”

INID code (27)

8. According to Article 80 in conjunction with Rule 40(1) and (2) EPC 2000, the EPO will accept for the purposes of the filing date a reference to a previously filed application instead of a description. Such “reference filing” is provided in Article 5(7) and Rule 2(5)(a) of the Patent Law Treaty (PLT).

9. The EPO intends to indicate in its publications the filing date and number of the previously filed application and the office with which it was filed.

10. The above data of the previously filed application could be sorted in category (20) of the INID codes foreseen for:

“Data concerning the application for a patent or SPC.”

11. However, in view of the fact that the existing codes (21)-(26) do not address the “reference-filing” foreseen in Article 5(7) PLT, we propose to introduce a new code “(27)” (not yet existing under WIPO Standard ST.9) for previously filed applications referred to in accordance with Article 5(7) PLT.

12. The specific description for INID (27) is expected to be as follows:

"Reference to a previously filed application."

Impact to ST.36 Standard

13. The implementation of the new INID code (27) will require changes to WIPO Standard ST.36 as follows:

XML/DTD:

```
<!ELEMENT B270 (dnum, anum, date, ctry, kind?, dtxt*) >
```

```
<!ATTLIST B270  
                  id ID #IMPLIED >
```

Natural language tags	B-tags
<previously-filed-application>	B270
<document-id>	dnum
<country>	anum
<doc-number>	date
<kind>	ctry
<name>	dtxt
<date>	

Example:

```
<B270>  
<dnum><anum>2000131865</anum></dnum>  
<date>20040228</date>  
<ctry>JP</ctry>  
</B270>
```

Printed:

(27) Previously filed application:
28.02.2004 JP 2000131865

[Annex II follows]

ANNEX II

STANDARD ST.9

RECOMMENDATION CONCERNING BIBLIOGRAPHIC DATA ON
AND RELATING TO PATENTS AND SPCS

Editorial Note prepared by the International Bureau

Users of patent documents and Patent Gazettes often encounter difficulties in identifying the bibliographic data on or concerning patent documents. The aim of this Recommendation is to overcome these difficulties. The Recommendation covers a list of approximately 60 distinct bibliographic data widely used on the first page of patent documents or in Patent Gazettes. They are identified through code numbers, the so-called "INID Codes" or "INID Numbers." ("INID" is an acronym for "Internationally agreed Numbers for the Identification of (bibliographic) Data.")

The bibliographic data covered in the Recommendation range from data for the document identification, filing data, priority data, publication data, data concerning technical information to data related to International Patent Conventions.

STANDARD ST.9

RECOMMENDATION CONCERNING BIBLIOGRAPHIC DATA ON AND RELATING TO PATENTS AND SPCS

(Identification and Minimum requirements)

Revision proposed by the European Patent Office
Note: Proposals for revision are highlighted

INTRODUCTION

1. This Recommendation is aimed at improving the access to information relating to patents and SPCs in general and to the bibliographic content of Patent Gazettes and patent documents in particular.
2. This Recommendation provides for codes whereby the various bibliographic data appearing on the first page of a patent document and/or in an entry in a Patent Gazette can be identified without knowledge of the language used and the industrial property laws, conventions or treaties applied.
3. This Recommendation further indicates the bibliographic data which as a *minimum* should be printed on the first page of a patent document and be published as part of an entry in a Patent Gazette.

DEFINITIONS

4. For the purposes of this Recommendation, the expression:
 - (a) "patents" includes such industrial property rights as patents for inventions, plant patents, design patents, inventors' certificates, utility certificates, utility models, patents of addition, inventors' certificates of addition and utility certificates of addition;
 - (b) "SPCs" stands for supplementary protection certificates. The SPC takes effect at the end of the term of a patent which protects the product as such, a process to obtain the product or an application of the product. For a detailed definition of an SPC, please refer to the Glossary of Terms Concerning Industrial Property Information and Documentation, which is published in Volume IV, Part 10, of the WIPO *Handbook on Industrial Property Information and Documentation*;
 - (c) "patent documents" means documents containing bibliographic data and other information with respect to such industrial property rights as patents for inventions, plant patents, design patents, inventors' certificates, utility certificates, utility models, patents of addition, inventors' certificates of addition, utility certificates of addition, and published applications therefor;
 - (d) "Patent Gazette" means a journal containing announcements with respect to patents and SPCs made in accordance with requirements under national industrial property laws or regional or international industrial property conventions or treaties;
 - (e) "entry in a Patent Gazette" means a comprehensive announcement including bibliographic data made in a Patent Gazette regarding patents and SPCs or applications therefor;
 - (f) "making available to the public" means:
 - (i) publishing multiple copies of a patent document produced on, or by, any medium (e.g., paper, film, magnetic tape or disc, optical disc, online database, computer network, etc.) or
 - (ii) laying open for public inspection and supplying a copy on request;
 - (g) "examined" and "unexamined" refer to an examination made as to substance, as distinct from the preparation of a documentary search report or an examination made as to form which latter examination is ordinarily made by an industrial property office immediately upon receipt of an application;
 - (h) "INID" is an acronym for "Internationally agreed Numbers for the Identification of (bibliographic) Data."

5. References to the following Standards are of relevance to this Recommendation:

WIPO Standard ST.2	Standard Manner for Designating Calendar Dates by Using the Gregorian Calendar;
WIPO Standard ST.3	Recommended Standard on Two-Letter Codes for the Representation of States, Other Entities and Intergovernmental Organizations;
WIPO Standard ST.10/B	Layout of Bibliographic Data Components;
WIPO Standard ST.10/C	Presentation of Bibliographic Data Components;
WIPO Standard ST.14	Recommendation for the Inclusion of References Cited in Patent Documents;
WIPO Standard ST.16	Recommended Standard Code for the Identification of Different Kinds of Patent Documents;
WIPO Standard ST.18	Recommendation Concerning Patent Gazettes and Other Patent Announcement Journals;
WIPO Standard ST.34	Recommendation Concerning the Recording of Application Numbers in Electronic Form for the Exchange of Bibliographic Data;
WIPO Standard ST.50	Guidelines for Issuing Corrections, Alterations and Supplements relating to Patent Information

International Standard ISO 639:1988 "Code for the Representation of Names of Languages."

IDENTIFICATION OF BIBLIOGRAPHIC DATA AND MINIMUM REQUIREMENTS

6. The list of definitions of bibliographic data with their corresponding INID codes is given in Appendix 1 to this Recommendation and entitled "INID codes and minimum requirements for the identification of bibliographic data elements." To assist industrial property offices and users of industrial property documentation, Appendix 2 to this Recommendation contains those INID codes, with their definitions and/or notes, which were used at a certain period of time but have either ceased to be available for use or have been amended.

7. The INID codes which are preceded by a single asterisk (*) relate to those data elements which are considered to be the minimum elements which should appear on the first page of a patent document and in an entry in a Patent Gazette. In this Standard, no minimum data elements are defined relating to SPCs.

8. The INID codes which are preceded by a double asterisk (**) relate to those data elements which are considered to be minimum elements in circumstances specified in the accompanying notes.

APPLICATION OF CODES

9. The INID codes should be associated with the corresponding bibliographic data in so far as these data normally appear on the first page of a patent document or in an entry in a Patent Gazette.

10. Provided the presentation of bibliographic data in entries in a Patent Gazette is uniform, INID codes may be applied to the bibliographic data in a representative specimen entry in each gazette issued, instead of being included in each entry.

11. The INID codes should be printed in Arabic numerals, preferably within small circles or if this is not possible, in parentheses, immediately *before* the corresponding bibliographic data element.

12. If bibliographic data to which INID codes are assigned in accordance with this Recommendation do not appear on the first page of a patent document or in an entry in a Patent Gazette—because they are not applicable (e.g., when no priority is claimed) or for some other reason—it is not necessary to call attention to the non-existence of such elements (e.g., by leaving a space or by providing the relevant INID code followed by a dash).

13. Two or more INID codes may be assigned to a single bibliographic data when necessary.

14. The list of bibliographic data has been organized into categories to facilitate grouping of related data. Each category has several subdivisions to each of which an INID code has been assigned. Category codes, ending in "0," can themselves be used in one, or both, of the following situations:

(a) where several individual bibliographic data items of the same category are present and it is desired to present those individual data items together without using individual INID codes;

(b) where INID codes are not provided for specific bibliographic data items.

Industrial property offices should clearly define the use by them of category codes in each of the above situations.

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15. The presentation of calendar dates identified by any of the INID codes concerned should be in the sequence and format as recommended in WIPO Standard [ST.2](#).

16. In order that the users of patent documents and Patent Gazettes may be enabled to make maximum use of the INID codes, it is recommended that a list of the codes be published in Patent Gazettes at regular intervals (see WIPO Standard [ST.18](#)).

IMPLEMENTATION

17. Industrial property offices can start using this Recommendation at any time. It is recommended that when implementing the INID codes an announcement in the sense of paragraph 16 be made and the International Bureau of WIPO be informed, e.g., by forwarding a sample of the Patent Gazette.

[Appendix 1 follows]

APPENDIX 1

INID CODES AND MINIMUM REQUIREMENTS FOR THE IDENTIFICATION OF BIBLIOGRAPHIC DATA ELEMENTS

(10) *Identification of the patent, SPC or patent document*

- * (11) Number of the patent, SPC or patent document
- * (12) Plain language designation of the kind of document
- * (13) Kind-of-document code according to WIPO Standard [ST.16](#)
- (15) Patent correction information
- ** (19) WIPO Standard [ST.3](#) code, or other identification, of the office or organization publishing the document

- Notes:
- (i) For an SPC, data regarding the basic patent should be coded by using code (68).
 - (ii) ** Minimum data element for patent documents only.
 - (iii) With the proviso that when data coded (11) and (13), or (19), (11) and (13), are used together and on a single line, category (10) can be used, if so desired.
 - (iv) Data to be given under code (15) should be presented in accordance with the provisions set out in WIPO Standard [ST.50](#).

(20) *Data concerning the application for a patent or SPC*

- * (21) Number(s) assigned to the application(s), e.g., “Numéro d’enregistrement national,” “Aktenzeichen”
- * (22) Date(s) of filing the application(s)
- * (23) Other date(s), including date of filing complete specification following provisional specification and date of exhibition
- (24) Date from which industrial property rights may have effect
- (25) Language in which the published application was originally filed
- (26) Language in which the application is published

(27) Reference to a previously filed application

- Notes:
- (i) Attention is drawn to Appendix 3 which contains information on the term of protection and on the date from which industrial property rights referred to under code (24) may have effect.
 - (ii) The languages under codes (25) and (26) should be indicated by using the two-letter language symbols according to International Standard ISO 639:1988.

(30) *Data relating to priority under the Paris Convention*

- * (31) Number(s) assigned to priority application(s)
- * (32) Date(s) of filing of priority application(s)
- * (33) WIPO Standard [ST.3](#) code identifying the national industrial property office allotting the priority application number or the organization allotting the regional priority application number; for international applications filed under the PCT, the code “WO” is to be used
- (34) For priority filings under regional or international arrangements, the WIPO Standard [ST.3](#) code identifying at least one country party to the Paris Convention **or member of the World Trade Organization** for which the regional or international application was made

* For the meaning of the asterisk, see paragraph [7](#) or [8](#) of this Recommendation.

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- Notes: (i) With the proviso that when data coded (31), (32) and (33) are presented together, category (30) can be used, if so desired. If an [ST.3](#) code identifying a country for which a regional or international application was made is published, it should be identified as such using code (34) and should be presented separately from elements coded (31), (32) and (33) or (30).
- (ii) The presentation of priority application numbers should be as recommended in WIPO Standards [ST.10/C](#) and in [ST.34](#).

(40) *Date(s) of making available to the public*

- ** (41) Date of making available to the public by viewing, or copying on request, an unexamined patent document, on which no grant has taken place on or before the said date
- ** (42) Date of making available to the public by viewing, or copying on request, an examined patent document, on which no grant has taken place on or before the said date
- ** (43) Date of making available to the public by printing or similar process of an unexamined patent document, on which no grant has taken place on or before the said date
- ** (44) Date of making available to the public by printing or similar process of an examined patent document, on which no grant or only a provisional grant has taken place on or before the said date
- ** (45) Date of making available to the public by printing or similar process of a patent document on which grant has taken place on or before the said date
- (46) Date of making available to the public the claim(s) only of a patent document
- ** (47) Date of making available to the public by viewing, or copying on request, a patent document on which grant has taken place on or before the said date
- * (48) Date of issuance of a corrected patent document

Note: ** Minimum data element for patent documents only, the minimum data requirement being met by indicating the date of making available to the public the patent document concerned.

(50) *Technical information*

- * (51) International Patent Classification or, in the case of a design patent, as referred to in subparagraph 4(c) of this Recommendation, International Classification for Industrial Designs
- (52) Domestic or national classification
- * (54) Title of the invention
- (56) List of prior art documents, if separate from descriptive text
- (57) Abstract or claim
- (58) Field of search

- Notes: (i) The presentation of the classification symbols of the International Classification for Industrial Designs should be made in accordance with paragraph 4 of WIPO Standard [ST.10/C](#).
- (ii) With regard to code (56) attention is drawn to WIPO Standard [ST.14](#) in connection with the citation of references on the first page of patent documents and in search reports attached to patent documents.

(60) *References to other legally or procedurally related domestic or previously domestic patent documents including unpublished applications therefor*

- * (61) Number and, if possible, filing date of the earlier application, or number of the earlier publication, or number of earlier granted patent, inventor's certificate, utility model or the like to which the present patent document is an addition
- * (62) Number and, if possible, filing date of the earlier application from which the present patent document has been divided up
- * (63) Number and filing date of the earlier application of which the present patent document is a continuation
- * (64) Number of the earlier publication which is "reissued"

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- (65) Number of a previously published patent document concerning the same application
- (66) Number and filing date of the earlier application of which the present patent document is a substitute, i.e., a later application filed after the abandonment of an earlier application for the same invention
- (67) Number and filing date of a patent application, or number of a granted patent, on which the present utility model application or registration (or a similar industrial property right, such as a utility certificate or utility innovation) is based
- (68) For an SPC, number of the basic patent and/or, where appropriate, the publication number of the patent document

- Notes:
- (i) Priority data should be coded in category (30).
 - (ii) Code (65) is intended primarily for use by countries in which the national laws require that re-publication occur at various procedural stages under different publication numbers and these numbers differ from the basic application numbers.
 - (iii) Category code (60) should be used by countries which were previously part of another entity for identifying bibliographic data elements relating to applications or grants of patents which data had initially been announced by the industrial property office of that entity.

(70) *Identification of parties concerned with the patent or SPC*

- ** (71) Name(s) of applicant(s)
- (72) Name(s) of inventor(s) if known to be such
- ** (73) Name(s) of grantee(s), holder(s), assignee(s) or owner(s)
- (74) Name(s) of attorney(s) or agent(s)
- ** (75) Name(s) of inventor(s) who is (are) also applicant(s)
- ** (76) Name(s) of inventor(s) who is (are) also applicant(s) and grantee(s)

- Notes:
- (i) ** For patent documents for which grant has taken place on or before the date of making available to the public, and gazette entries relating thereto, the minimum data requirement is met by indicating the grantee, and for other documents by indication of the applicant.
 - (ii) Codes (75) and (76) are intended primarily for use by countries in which the national laws require that the inventor and applicant be normally the same. In other cases codes (71) or (72) or (71), (72) and (73) should generally be used.

(80) (90) *Identification of data related to International Conventions other than the Paris Convention, and to legislation with respect to SPCs*

- (81) Designated State(s) according to the PCT
- (83) Information concerning the deposit of microorganisms, e.g., under the Budapest Treaty
- (84) Designated Contracting States under regional patent conventions
- (85) Date of commencement of the national phase pursuant to PCT Article 23(1) or 40(1)
- (86) Filing data of the PCT international application, i.e., international filing date, international application number, and, optionally, the language in which the published international application was originally filed; or, in the case of design patents, registration data of the Hague Agreement international application, i.e., international registration date and international registration number
- (87) Publication data of the PCT international application, i.e., international publication date, international publication number, and, optionally, the language in which the international application is published
- (88) Date of deferred publication of the search report
- (91) Date on which an international application filed under the PCT no longer has an effect in one or several designated or elected States due to failure to enter the national or regional phase or the date on which it has been determined that it had failed to enter the national or regional phase
- (92) For an SPC, number and date of the first national authorization to place the product on the market as a medicinal product

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- (93) For an SPC, number, date and, where applicable, country of origin, of the first authorization to place the product on the market as a medicinal product within a regional economic community
- (94) Calculated date of expiry of the SPC or the duration of the SPC
- (95) Name of the product protected by the basic patent and in respect of which the SPC has been applied for or granted
- (96) Filing data of the regional application, i.e., application filing date, application number, and, optionally, the language in which the published application was originally filed
- (97) Publication data of the regional application (or of the regional patent, if already granted), i.e., publication date, publication number, and, optionally, the language in which the application (or, where applicable, the patent) is published

- Notes:
- (i) With regard to patents for invention, the codes (86), (87), (96) and (97) are intended to be used:
 - on national documents when identifying one or more of the relevant filing data or publication data of the PCT international application or of the regional application (or of the regional patent, if already granted), or
 - on regional documents when identifying one or more of the relevant filing data or publication data of the PCT international application or of another regional application (or the regional patent, if already granted).
 - (ii) All data in codes (86), (87), (96) or (97) should be presented together and preferably on a single line. The application number or publication number should comprise the three basic elements as shown in the examples in paragraph 17 of WIPO Standard [ST.10/B](#).
 - (iii) When data to be referenced by codes (86), (87), (96) or (97) refer to two or more PCT international applications and/or regional applications (or regional patents, if already granted), each set of relevant filing or publication data of each such application (or granted patent) should be displayed so as to be clearly distinguishable from other sets of relevant data, e.g., by presenting each set on a single line or by presenting the data of each set grouped together on adjacent lines in a column with a blank line between each set.
 - (iv) The languages under codes (86), (87), (96) and (97) should be indicated by using the two-letter language symbols according to International Standard ISO 639:1988.
 - (v) The country of origin in code (93), if mentioned, should be indicated by using the two-letter code according to WIPO Standard [ST.3](#).
 - (vi) Attention is drawn to Appendix 3 which contains information on the term of protection and on the date from which SPCs referred to under code (94) may have effect.

[End of Annex II and of document]