STANDARD ST.14

MAY 2016 CHANGES

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STANDARD ST.14

RECOMMENDATION FOR THE INCLUSION OF REFERENCES CITED IN PATENT DOCUMENTS

Editorial Note prepared by the International Bureau

Articles published in scientific and technical journals often contain a certain number of references to earlier publications. Patent applications also very often contain (e.g., in the descriptions of the inventions) references to earlier patents or patent applications, or other industrial property rights. In the course of the procedure for obtaining a patent, patent examiners cite one or several patent documents or other documents which describe similar or closely related technical solutions to the one described in a patent application being examined, in order to illustrate the prior art.

Some industrial property offices, but not all of them, bring these cited references to the attention of the general public, by including them in a published patent document. The present Recommendation is intended to generalize the inclusion in patent documents of “reference(s) cited” during the patent examination procedure, to standardize the way in which the said references should be presented in the patent document and to recommend a preferred place, where the “reference(s) cited” should appear.
INTRODUCTION

1. Articles published in scientific and technical journals often contain a certain number of references to earlier publications. Patent applications also very often contain (e.g., in the descriptions of the inventions) references to earlier patents or patent applications, or other industrial property rights. In the course of the procedure for obtaining a patent, patent examiners cite one or several patent documents or other documents which describe similar or closely related technical solutions to the one described in a patent application being examined, in order to illustrate the prior art.

2. Applications for patents are examined by a governmental authority or intergovernmental authority which, as a rule, is an industrial property office. A patent for invention is granted if the application complies with the formal requirements and, depending on whether and to what extent an "examination as to substance" is carried out, if the invention fulfills the substantive requirements of the respective patent law.

3. When patent applications are examined or search reports are established therefor, a certain number of patent documents and other documents might be cited as references to illustrate the prior art by the industrial property office (including a regional Office, and an International Searching Authority under the PCT).

4. Some industrial property offices, but not all of them, bring these cited references to the attention of the general public, by including them in a published patent document. The present Recommendation is intended to generalize the inclusion in patent documents of “reference(s) cited” during the patent examination procedure, to standardize the way in which the said references should be presented in the patent document and to recommend a preferred place, where the “reference(s) cited” should appear.

DEFINITIONS

5. For the purposes of this Recommendation, the term “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.

6. For the purposes of this Recommendation, the expression “patent applications” or “applications for patents” includes applications for 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.

7. For the purposes of this Recommendation, the expression “patent documents” includes 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.
REFERENCES

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

- WIPO Standard ST.1 Recommendation Concerning the Minimum Data Elements Required to Uniquely Identify a Patent Document;
- 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.9 Recommendation Concerning Bibliographic Data on and Relating to Patents and SPCs;
- WIPO Standard ST.13 Recommendation for the Numbering of Applications for Industrial Property Rights (IPRs);
- WIPO Standard ST.20 Recommendations for the Preparation of Name Indexes to Patent Documents;

RECOMMENDATION

9. It is recommended that industrial property offices should include in their granted patents and in their published patent applications all relevant references cited in the course of a search or examination procedure.

10. It is recommended that the “List of references cited” be identified by INID code (56).

11. It is recommended that the “List of references cited” appear either

   (a) on the first page of the patent document or
   (b) in a search report attached to the patent document.

12. It is recommended that if the “List of references cited” appears in a search report attached to the patent document, (e.g., under the PCT procedure) this should be indicated on the first page of the patent document.

13. It is recommended that the documents in the “List of references cited” be organized in a sequence suitable to the users’ needs, this sequence being clearly illustrated in the presentation of the said list. The following is an example of a sequence of documents cited:

   (a) domestic patent documents;
   (b) foreign patent documents;
   (c) non-patent literature.

In search reports, however, the documents may be cited in the order of their pertinence.
14. Identification of any document or announcement cited, and available in paper form or in a page-oriented presentation mode (e.g., facsimile, microform, etc.) shall be made by indicating the following elements in the order in which they are listed:

(a) In the case of a patent document:

(i) the industrial property office that issued the document, by the two-letter code (WIPO Standard ST.3);

(ii) the number of the document as given to it by the industrial property office that issued it (for Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document);

(iii) the kind of document, by the appropriate symbols as indicated on the document under WIPO Standard ST.16 or, if not indicated on that document, as provided in that Standard, if possible;

(iv) (i) the name of the patentee or applicant (in capital letters and, where appropriate, abbreviated);

(v) (i) the date of publication of the cited patent document (using four digits for a year designation according to the Gregorian Calendar) or, in case of a corrected patent document, the date of issuance of the corrected patent document as referred to under INID code (48) of WIPO Standard ST.9 and, if provided on the document, the supplementary correction code as referred to under INID code (15);

(vi) (i) where multiple renderings of the same document are published (e.g., PDF and HTML), an indication of the location and format (e.g., PDF) of the cited document;

(vii) (i) paragraph numbers, sentence numbers and line numbers to describe the specific location of the cited material within a document if they are available;

(viii) (i) claim numbers, figure numbers, chemical formula numbers, mathematical formula numbers, table heading numbers, gene sequence numbers, and computer program listing numbers if available;

(ix) (i) if no paragraph numbers exist, or if the paragraph is long, use page numbers, column numbers, and line numbers (if available) to describe the specific location of the cited material within a document;

(x) (i) specific headings within the document structure such as Best Mode of Performing the Invention or Industrial Applicability can be indicated if page, paragraph, and line numbers are not available;

(xi) (i) specific passages of the text can be indicated if the format of the document includes pagination or an equivalent internal referencing system, or by the first and last words.

The following examples illustrate the citation of a patent document according to paragraph (a), above:


Example 5: ES 2156718 A1 (AGQ SL) 1 July 2001, the whole document.


(b) In the case of a published intellectual property office document or announcement, e.g., registered industrial design, registered trademark, published pending trademark and registered copyright documents, not specifically provided for elsewhere under paragraph 15.
(i) the intellectual property office that issued the document or announcement, by the two-letter code (WIPO Standard ST.3);

(ii) the serial number of the application or registration or the number of the document or announcement as given to it by the intellectual property office that issued it;

(iii) the type of intellectual property office document or announcement (e.g., registered industrial design, trademark registration, trademark application, copyright registration, etc.);

(iv) the name of the applicant or owner (in capital letters and, where appropriate, abbreviated);

(v) where applicable, the title of the gazette in which the application or registration was announced and the issue designation of the gazette;

(vi) the date of publication using four digits for the year designation (where year, month and day are available, the provisions of WIPO Standard ST.2 should be applied);

(vii) where applicable, the location of relevant passages or figures within the document or announcement;

(viii) if considered necessary, the standard identifier and the number assigned to the item, e.g., ISSN 0250-7730.

The following examples illustrate the citation of a document or announcement according to paragraph (b), above:


Example 4: ES M 0279288, trademark registration (SUDNIF SA) 2001-05-16.

(c) In the case of a monograph or parts thereof, e.g., contributions to conference proceedings, etc.:

(i) the name of the author (in capital letters); in the case of a contribution, the name of the author of the contribution. In case of multiple authors, preferably, all names should be entered, alternatively the name of the first author should be entered followed by "et al."

(ii) in the case of a contribution, the title of the contribution followed by "In:";

(iii) the title of the monograph; in the case of a contribution, the designation of the editorship;

(iv) in the case of conference proceedings, the conference title, date, number, place (if available);

(v) the number of the edition;

(vi) the place of publication and the name of the publisher (where only the location of the publisher appears on the monograph, then that location shall be indicated as the place of publication; in the case of company publications, the name and postal address of the company);

(vii) the year of publication, by four digits;

(viii) if applicable, the standard identifier and number assigned to the item, e.g., ISBN 2-7654-0537-9, ISSN 1045-1064. It should be noted that these numbers may differ for the same title in the print and electronic versions;

(ix) the location within the monograph by indicating the pages, columns, lines or paragraph numbers where the relevant passages appear, or the relevant figures of the drawings (if where applicable).
The following examples illustrate the citation of a monograph (Example 1), as well as of published conference proceedings (Example 2), according to paragraph (c), above:

Example 1: 

Example 2: 

(d) In the case of an article published in a periodical or other serial publication:
(i) the name of the author (in capital letters)
(ii) the title of the article (where appropriate, abbreviated or truncated) in the periodical or other serial publication;
(iii) the title of the periodical or other serial publication (abbreviations conforming to generally recognized international practice may be used; see "PCT Minimum Documentation - List of Periodicals", Part 4);
(iv) the location within the periodical or other serial publication by indicating date of issue by four digits for the year designation, issue designation, pagination of the article (where year, month and day are available, the provisions of WIPO Standard ST.2 should be applied);
(v) where applicable, the standard identifier and number assigned to the item, e.g., ISBN 2-7654-0537-9, ISSN 1045-1064. It should be noted that these numbers may differ for the same title in the printed and electronic versions;
(vi) where applicable, the relevant passages of the article and/or the relevant figures of the drawings.

The following example illustrates the citation of an article published in a periodical or other serial publication according to paragraph (d), above:

Example: 

(e) In the case of an abstract not published together with the full text document which serves as its basis:
the identification of the document containing the abstract, the abstract and the full text document shall be made on the basis of the bibliographic data available in respect thereof.

The following examples illustrate the citation of an abstract according to paragraph (e), above:

Example 1: 

Example 2: 

Example 3: 

(f) In the case of a document produced by a Standards Defining Organization (SDO), e.g., ISO, ITU, ETSI:
(i) if available, the name(s) of the author (in capital letters)
(ii) if available, the title.
(iii) the full name, or alternatively, the well-known acronym of the SDO in capital letters, including, if available, the relevant working group;

(iv) the unique standard reference number as used by the SDO, potentially including the id, the version, etc.;

(v) the date of publication using four digits for the year designation (where year, month and day are available, the provisions of WIPO Standard ST.2 should be applied);

(vi) if available, the standard identifier and number assigned to the item, e.g., ISSN 2017-1721. It should be noted that these numbers may differ for the same title in the printed and electronic versions;

(vii) where applicable, the location of relevant paragraphs, passages or figures within the document.

Depending on the publication procedures applied by the SDO, it may not be possible to follow the order of elements listed above.

The following examples illustrate the citation of documents produced by SDOs, according to paragraph (f), above:

Example 1: IP Multimedia Call Control Protocol based on Session Initiation Protocol (SIP) and Session Description Protocol (SDP) Stage 3, 3rd GENERATION PARTNERSHIP PROJECT. TS 24.403 V1.8.1; 2007-12-01

Alternatively: IP Multimedia Call Control Protocol based on Session Initiation Protocol (SIP) and Session Description Protocol (SDP) Stage 3. 3GPP TS24.403 V1.8.1; 2007-12-01

Example 2: SPENCER, M et al. IAX: Inter-Asterisk eXchange. Version 2. INTERNET ENGINEERING TASK FORCE. RFC 5456; 2010-02-27; ISSN: 2070-1721

Alternatively: SPENCER, M et al. IAX: Inter-Asterisk eXchange. Version 2. IETF RFC 5456; 2010-02-27; ISSN: 2070-1721


Example 4: GILADI, Alex et al. Segment Integrity and Authenticity for DASH; INTERNATIONAL ORGANISATION FOR STANDARDISATION. ISO/IEC JTC1/SC29/WG11 MPEG2012/m24716; 2012-05-03

Example 5: HING-KAM LAM, ALCATEL-LUCENT. G8052 Virtual Meeting #66; INTERNATIONAL TELECOMMUNICATION UNION. ITU Study Group 15, Working Party 3, Question(s): 14/15; 201-07-062

15. Identification of an electronic document, e.g., retrieved from a CD-ROM, the Internet or from an online database accessible outside the Internet, shall be made in the manner indicated in subparagraphs (a), (b), (c), (d), (e) and (f), above, as far as possible and completed, as suggested in the items below.

Attention is drawn to the following items which are modeled after guidelines provided by the International Organization for Standardization's established Standard ISO 690-2 “Information and documentation – Bibliographic references – Part 2: Electronic documents or parts thereof”. These items should be provided in the locations indicated:

(i) type of medium in square brackets [ ] after the title of the publication or the designation of the host document, e.g., [online] [CD-ROM] [disk] [magnetic tape]. If desired, the type of publication (e.g., monograph, serial, database, electronic mail, computer program, bulletin board) may also be specified in the type of medium designator;

(ii) format of publication content in square brackets [ ] after the type of medium, e.g., [text] [audio] [video] [multimedia]. This element may be omitted for text publications as they constitute the majority of documents cited. [Text] is, therefore, considered to be the default format;

(iii) date when the document was retrieved from the electronic media in square brackets [ ], following the date of publication [retrieved on 1998-03-04];
Identification of the source of the document (e.g., name of internet platform, online database, CD-ROM series) using the preceded by words “Retrieved from”, followed by the identifier (e.g., internet address, access number in an online database, or number of the document within a CD-ROM) allowing retrieval of this document from the source. This identifier is optional if the citation contains other elements that already specify the location of the document in the source. Similarly, for documents retrieved from the Internet, the identification of the source is optional, provided the location identifier already specifies the source. Both source and identifier should be enclosed in a single pair of triangular brackets <…>. This item will precede the citation of the relevant passages;

reference to the unique Digital Object Identifier (DOI) number, or other unique identification number, in triangular brackets, e.g., <doi:10.1006/jmbi.1998.2354>, if known available;

if available and considered necessary, the standard identifier and number assigned to the item, e.g., ISBN 2-7654-0537-9, ISSN 1045-1064. It should be noted that these numbers may differ for the same title in the printed and electronic versions;

where multiple renderings of the same document are published (e.g., PDF and HTML), an indication of the format (e.g., paper, PDF) and the location of the cited document;

use paragraph numbers, sentence numbers and line numbers (if available) to describe the specific location of the cited material within an electronic document;

claim numbers, figure numbers, chemical formula numbers, mathematical formula numbers, table heading numbers, gene sequence numbers, and computer program listing numbers if available;

specific headings within the document structure such as Best Mode of Performing the Invention or Industrial Applicability can be indicated if page, paragraph, and line numbers are not available in a cited patent document in electronic format;

specific passages of the text can be indicated if the format of the document includes pagination or an equivalent internal referencing system, or by their first and last words.

Office copies of an electronic document should be retained if the same document may not be available for retrieval in the future. This is especially important for sources such as the Internet and online databases.

If an electronic document is also available in paper form or in a page-oriented presentation mode (see paragraph 1214, above) it does not need to be identified as an electronic document, unless it is considered desirable or useful to do so.

The following examples illustrate citations of electronic documents:

**Examples 1-4:** Documents retrieved from online databases outside the Internet


**Example 4:** JP 3002404 A (Tamura Toru) 1991-03-13 (abstract). [online] [retrieved on 1998-09-02]. Retreived from <EPOQUE PAJ Database>.
Examples 5-17:

Documents retrieved from the Internet

Example 5: (Electronic patent document – not page based) – two examples


5.2. GB 2,432,062 A (GE INSPECTION TECHNOLOGY LP) 2007.05.09, Detailed Description, third paragraph beginning ‘Referring to Figure 2’.

Example 6: (Electronically registered Intellectual Property – other than patent documents)


Example 7: (Entire Work – Book or Report)


Example 8: (Part of Work – chapter or equivalent designation)


Example 9: (Electronic Serial – articles or other contributions)


Example 10: (Electronic bulletin boards, message systems, and discussion lists – Entire System)


Example 11: (Electronic bulletin boards, message systems, and discussion lists – Contributions)


Example 12: (Electronic bulletin boards, message systems, and discussion lists – Entire System)

Example 13: (Electronic mail)


Example 14: (Product Manual/Catalogue or other information obtained from a Web-site)


Example 15: (Video)


Example 16: (Audio)


Example 17: (Multimedia)


Examples 185 and 196: Documents retrieved from CD-ROM products


16. For non-patent literature citations in a language other than English, the original (non-English) reference should be included, whenever technically possible, followed by and official translation into English, if one exists and it is available, in round brackets after the original (non-English) reference. For the purposes of this Standard, an "official translation" means an existing rendering of the original language name or title in English coming from the same source as the citation and useful for identifying and retrieving the relevant document.

17. In case an official translation into English is not available for some elements of the original citation, an informal translation into English for those elements may optionally be provided after all elements of any official translation. Any informal translation should be preceded by the text "non-official translation".

18. In order to facilitate locating a copy of the cited non-patent document by foreign users and possible translations of the reference, it is recommended that, where possible, the elements of the citation be presented in a language-neutral way (for example, representation of calendar dates should follow recommendations of ST.2).

19. For citing non-patent literature documents in a language other than the language of the search report, it is recommended to include the reference in the original language of the document followed by a translation into English as per paragraphs 16 and 17, above, if English is not the original language of the document. Further translation of the reference into the language of the search report, where the search report is not in English, may optionally be included in square brackets after the translation into English.
The following examples illustrate citations according to paragraphs 16 to 19 above:

Example 1:  
There was an existing official English translation of at least the title available online which can be used to retrieve the original document and possibly a full translation of the original document.


Example 2:  
There was an official translation of the name of the journal, but the journal did not provide an English rendering of the title of the article; an informal translation of the article title is provided for information purposes to help the reader understand the nature of the document.


Example 3:  
Citing a document in a language other than the language of the search report. This example illustrates the citation of the document in Korean in the search report prepared in Japanese. As there is no translation available, no English information has been added. A Japanese translation (prepared by the examiner) has been added in square brackets.

엄성인 외 5명. 데이터베이스를 이용한 가스산업시설의 안전관리정보시스템 구축. 한국가스학회지. 1998-06, 2(2), pp. 48-54. ISSN: 1226-8402. [데이터베이스를 이용한 가스산업시설의 안전관리정보시스템 구축]

Example 4:  
Citing a document in a language other than the language of the search report, for which the official English translation is available, with optional translation into the language of the search report. This example illustrates the citation of the document in Korean in the search report prepared in Japanese.


20. It is recommended that any document (reference) referred to in paragraph 24, above, and cited in the search report should be indicated by the following letters or a sign to be placed next to the citation of the said document (reference):

(a) Categories indicating cited documents (references) of particular relevance:

Category “X”: The claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone;

Category “Y”: The claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

(b) Categories indicating cited documents (references) of other relevant prior art:

Category “A”: Document defining the general state of the art which is not considered to be of particular relevance;

Category “D”: Document cited by the applicant in the application and which document (reference) was referred to in the course of the search procedure. Code “D” should always be accompanied by one of the categories indicating the relevance of the cited document;

Category “E”: Earlier patent document as defined in Rule 33.1(c) of the Regulations under the PCT. Code “E” may be accompanied by one of the categories “X”, “Y” or “A”.
Category “L”: Document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (the reason for citing the document shall be given);
Category “O”: Document referring to an oral disclosure, use, exhibition or other means. Code “O” should always be accompanied by one of the categories “X”, “Y” or “A”.
Category “P”: Document published prior to the filing date (in the case of the PCT, the international filing date) but not on or after the priority date claimed in the application. Code “P” should always be accompanied by one of the categories “X”, “Y” or “A”;
Category “T”: Later document published after the filing date (in the case of the PCT, the international filing date) or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention;
Category “&”: Document being a member of the same patent family or document whose contents have not been verified by the search examiner but are believed to be substantially identical to those of another document which the search examiner has inspected.

21. The list of cited documents (references) given in the search report should indicate, conforming to the generally recognized practice of the International Searching Authorities under the Patent Cooperation Treaty, the respective claim(s) of the patent application to which the citation is considered to be relevant.

22. The category codes referred to in paragraph 20, above, are intended primarily for use in the context of search reports accompanying published patent applications. However, if industrial property offices wish to indicate the relevance of cited documents (references) listed on the first page of a published patent application, they should print the category codes in parentheses, immediately after each citation.

Note: Further detailed information on definitions of terms used in this Standard or on the inclusion of references cited can be found in International Standard ISO 690:1987, “Documentation – Bibliographic References – Content, Form and Structure”. Guidance for the abbreviation of titles of articles can be obtained through International Standard ISO 4:1997, “Information and Documentation – Rules for the Abbreviation of Title Words and Titles of Publications”.

(1) These elements are to be indicated only in a search report.
(2) The elements of item (v), having relevance to a corrected patent document, should be indicated together with the other data referred to under subparagraph 14(a)(ii) to (iii).
(3) Where a surname can be identified, forenames or initials should follow the surname. Such surnames and initials should be given in capital letters.
(4) When the year of publication coincides with the year of the application or of the priority claim, the month and, if necessary, the day of publication of a monograph or parts thereof should be indicated in accordance with the provisions set out in WIPO Standard ST.2.
(5) It should be noted that while an Internet address citation resulting from a search by a search engine may no longer be an active (i.e., usable) Internet address (e.g., Example 8), it may contain information which could be of use in locating the cited document or web page. For example, the home page where the document was found or the contents of the search statement may be located within the Internet address and can provide valuable information especially when considered along with the other information contained in the citation (e.g., title, author, publication date, standard identifier, etc.). Queries to the Webmaster or other staff of the relevant Internet home page may also be helpful.
(6) The Digital Object Identifier (DOI) is a system for identifying content objects in the digital environment. DOIs are names assigned to any entity, such as a scientific article, for use on digital networks. DOIs are used to provide current information, including where they can be found on the Internet. Information about a digital object may change over time, including where to find it, but the DOI number will not change. Refer to http://www.doi.org/index.html.

[End of Standard]