

Committee on WIPO Standards (CWS)

Eleventh Session
Geneva, December 4 to 8, 2023

REPORT BY THE PUBLIC ACCESS TO PATENT INFORMATION (PAPI)
TASK FORCE (TASK NO. 52)

Document prepared by the PAPI Task Force Leader

SUMMARY

1. The Public Access to Patent Information (PAPI) Task Force deals with Task No. 52 and proposes to transfer the work on updating WIPO Handbook Part 6 to the PAPI Task Force from the Digital Transformation Task Force. The Task Force also proposes to revise the description of Task No. 52 in line with the proposal.

BACKGROUND

2. The Committee on WIPO Standards (CWS), at its reconvened fourth session held in 2016, noted the request and information provided by the Patent Documentation Group (PDG) concerning the requirements for national and regional patent registers. The CWS agreed, in particular, to collect practices of Intellectual Property Offices (IPOs) on content, functionalities and future plans with respect to their patent registers (see Annex III to document CWS/4BIS/6).

3. In response to this request, at its fifth session in 2017, the Committee on WIPO Standards (CWS) created Task No. 52 whose description reads:

"Survey on content and functionalities of systems for providing access to publicly available patent information of industrial property offices, as well as future plans with respect to their publication practices; prepare recommendations for systems for providing access to publicly available patent information of industrial property offices."

The International Bureau is the Task Force Leader. (See paragraphs 94 to 100 of document CWS/5/22.)

4. At its seventh session in 2019, the CWS considered the questionnaire on the Public Access to Patent Information, presented by the PAPI Task Force. The questionnaire collects information from Industrial Property Offices (IPOs) on their content, practices, functionalities and future plans with respect to patent information available to the public. The CWS approved the first part questionnaire, but could not reach agreement on the second part questionnaire, which was referred back to the PAPI Task Force for further consideration. (See paragraphs 197 and 201 of document CWS/7/29.)

5. At its eighth session in 2020, the CWS noted the results of the survey on the content, practices, functionalities and future plans of IPOs with respect to patent information available to the public, of which 60 Offices responded to. Fifty three respondents (88 per cent) said their Office provides patent information online. The most common types of information provided online were priority data, legal status, published applications, granted applications, and their official gazette. A majority of respondents update their online patent information daily, weekly or bi-weekly (between 60 and 70 percent depending on the type of information), while monthly updates (15 to 20 percent) and real-time updates (10 to 15 percent) are also common. Fifty five Offices (92 percent) provide patent information in English, with most also providing it in one or more native languages. The CWS approved publication of the PAPI survey results, as reproduced in the Annex of document CWS/8/10. (See paragraphs 71 and 72 of document CWS/8/24.) It is now available on WIPO website as the Part 7.18.1: Survey on public access to patent information, part 1, at: https://www.wipo.int/standards/en/part_07.html#p7.18.

6. At the same session, the CWS also approved the revised questionnaire for Part 2 of the survey as presented by the PAPI Task Force. The CWS requested the Secretariat to issue a Circular inviting IPOs to participate in Part 2 of the survey. (See paragraphs 122 to 125 of document CWS/8/24.)

7. At its ninth session in 2021, the CWS noted the results of part 2 of the PAPI survey. Among the responses from 36 IPOs, over 85 per cent of respondents indicated that no fees were required to access their patent information. About two thirds of respondents provide updated patent documents online when amendments are made after publication. Nine IPOs plan to implement WIPO ST.27 for legal status events in the future, while nine of the 14 IPOs not planning to implement WIPO ST.27 at this time indicate insufficient resources as the main cause. IPOs that do not comply with WIPO ST.37 for their authority file indicate lack of resources or difficulty of technical requirements as the main causes. The CWS approved publication of the survey results and analysis in Part 7 of the WIPO Handbook, which is available at: https://www.wipo.int/standards/en/part_07.html#p7.18. At the same session, the CWS approved the revision to the description of Task No. 52, which reads: “*Prepare recommendations for systems for providing access to publicly available patent information of intellectual property offices.*” (See paragraphs 84 to 88 of document CWS/9/25.)

PROGRESS REPORT ON TASK NO. 52

Objectives

8. The objective of Task No. 52 is now to prepare recommendations for systems for providing access to publicly available patent information of IPOs as indicated in its description.

Relevant actions for 2023

9. The PAPI Task Force has explored the best way to prepare the recommendations and noted that similar recommendations are provided in WIPO Handbook Part 6.1 "Recommendations on minimum contents for intellectual property offices' websites". The Task Force also noted that review and revision of WIPO Handbook Part 6 is part of the Task No. 62, which is designated to the Digital Transformation Task Force. Therefore, the Task Force planned to prepare a draft proposal to update WIPO Handbook Part 6.1 in collaboration with the Digital Transformation Task Force, considering the results of the recent surveys: "PAPI part 1", "PAPI part 2, Digital Transformation", which are published under Part 7.18 and Part 7.19 of WIPO Handbook at: https://www.wipo.int/standards/en/part_07.html.

Potential Challenges or Dependencies

10. The Task Force identified several challenges or dependencies to conducting their work:
- The International Bureau is leading several CWS Tasks and CWS Task Forces, and it is experiencing staff resourcing issues to support and lead the related activities;
 - This Task may not be a high priority to some IPOs so there may not be active participation by Task Force members and other IPOs; and
 - Collaboration with the Digital Transformation Task Force may be difficult as this Task Force is busy with the other activities under its purview. This dependency may result in a lack of input from this Task Force.

Progress evaluation

11. Noting the challenges and dependencies indicated above, the Task Force discussed potential solutions to make progress on this work. In consultation with the Digital Transformation Task Force, it was agreed that this work on updating WIPO Handbook Part 6 should be transferred to the PAPI Task Force from the Digital Transformation Task Force. Currently the Digital Transformation Task Force is dealing with three Tasks: Task No. 62, Task No. 63 and Task No. 65 as well as the preparation of a common DOCX technical specification, so is relatively busy.

12. In this regard, the International Bureau, as the Task Force leader, proposes to revise the description of Task No. 52 instead of creating a new Task, considering the CWS workload and current prioritization effort for the CWS Tasks. The proposed revision to Task No. 52 is as follows:

"Prepare a proposal for the update of the WIPO Handbook Part 6.1 "Recommended minimum contents for intellectual property offices' websites"

WORK PLAN

13. With regards to the future activity of the PAPI Task Force, the PDG sent the letter to the CWS Secretary with some suggestions, which is reproduced as the Annex to the present document.

14. If the CWS approves the proposed transfer to update WIPO Handbook Part 6.1 to the PAPI Task Force and the proposed change to the description of Task No. 52, the Task Force should prepare its work plan taking into account the suggestions made by PDG. Once available, this work plan will be published on their wiki space.

15. *The CWS is invited to:*

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

(b) consider and approve the proposal for transfer the work to update WIPO Handbook Part 6.1 to the PAPI Task Force from the Digital Transformation Task Force, and the proposed change to the description of Task No. 52, as referred to in paragraphs 11 and 12 above.

[Annex follows]

PDG

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Subject: PAPI

Dear Woody,

Thank you for sending the invitations to the Eleventh Session of the Committee on WIPO Standards (CWS) in December and for the draft agenda. Out of the many items of interest, there is one in particular for which we feel there is some urgency to respond with our proposals - that is PAPI Public Access to Patent Information Task Force. As you know, for several years PDG IMPACT Working Group members have been actively engaged in helping to shape the progress of PAPI, for example through discussions with other interested parties on the WIPO Task Force Wiki. Two surveys were designed which had a good response rate from Intellectual Property Offices (IPOs) and generated a wealth of data. The aim of PAPI as set out in 2017 (CWS/5, Task No. 52) is to:

“Survey on content and functionalities of systems for providing access to publicly available patent information of industrial property offices, as well as future plans with respect to their publication practices; prepare recommendations for systems for providing access to publicly available patent information of industrial property offices”.

After the ninth CWS session in 2021 the International Bureau considered that the survey results would be useful to update Part 6.1 of the WIPO Handbook “Recommended minimum contents for intellectual property offices’ websites”.

PDG members fully agree with this as the existing document was produced more than 20 years ago. During that time the patent information landscape has changed considerably. There are excellent databases such as PATENTSCOPE, Espacenet and many commercial sources which aggregate patent data from all over the world, but none are complete (and probably never can be) in every respect.

In order to achieve legal certainty patent information users often need to consult patent office websites and the registers and databases they contain. The practical difficulties of finding relevant

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patent documents or comprehensive legal status in many countries through a variety of strange interfaces in various languages are familiar to many patent searchers, so up-to-date guidelines which help IPOs standardise the content and functionality of their online resources would be considered very beneficial in the long run and could help increasing the transparency of IP systems.

A list of possible recommendations that addresses each of the PAPI survey questions could in theory be very long, but the following consolidated and prioritised list reflecting the views of PDG members would comprise a relatively small number of basic principles:

- All bibliographic and lifecycle data for any IP right shall be accessible, as complete, and timely as possible.
- Access should be eased by providing an English-language user interface.
- Data itself should be available in English language (or at least in a machine-readable form to enable machine translation).
- A common task is locating patent family equivalent documents for patent authorities that are not covered by widely used family databases. Therefore, it is important that patent documents in IPO databases are correctly indexed according to priority date and searchable as such.
- Clear and up to date legal status information (preferably based on the WIPO ST.27 standard) accompanied by timely fee (annuities) payment information.
- Full text (preferably machine-readable) of the latest publication stage (or at its least claims).
- Information on the latest update of the data content of databases.

Beyond these essential items, the following items/functions would be desirable:

- Bibliographic search in English-language.
- All information through a single interface/portal.
- Functionality to follow pre- and post-grant events (alerting).
- Access to file wrappers / dossiers (at least machine-readable or readily machine translated).
- Ownership information updates.

After the most recent tenth CWS session in November last year (Item 21) it was announced that there would be a plan to present a proposal for updating Part 6 of the Handbook at CWS/11 in December. We are glad to see that PAPI is on the agenda for discussion in December. We sincerely hope that there can be progress in recommendations and that our collective PDG thoughts may be taken into account.

Best regards,



Bettina de Jong
PDG Secretary General

[End of Annex and of document]

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