

FRAMEWORK PROVISIONS FOR THE CENTRALIZED ACCESS TO SEARCH AND EXAMINATION (CASE)

established on March 1, 2013

World Intellectual Property Organization Centralized Access to Search and Examination (WIPO CASE)

1. These provisions are jointly determined by the International Bureau and the current participating offices (Australia, Canada, United Kingdom) of the World Intellectual Property Organization system for Centralized Access to Search and Examination (“WIPO CASE”).
2. These provisions come into effect on March 1, 2013.
3. WIPO CASE operates in accordance with these provisions.
4. The aim of WIPO CASE is to provide participating offices with a simple and secure platform to share search and examination information to eliminate unnecessary rework and duplication in prosecuting applications and contribute to a more effective approach to work sharing.
5. Words and expressions used in these provisions are to be understood with reference to paragraph 28.

Depositing Offices

6. An Office acting as a “Depositing Office” will share with all participating offices its search and examination related data and documents that will be made available via WIPO CASE in accordance with these provisions, including patent family data and desirably citation data. The exact nature of the data and documents to be shared will be determined by the Depositing Office.

Accessing Offices

7. An Office acting as an “Accessing Office” will provide its patent family data to the WIPO CASE system, and will be permitted to access WIPO CASE to retrieve all available search and examination related data and documents.
8. Offices may participate in WIPO CASE as Depositing and Accessing Offices or only as Accessing Offices.
9. In the future, the Consultative Group may resolve, with at least 12 months public notice prior to commencement and under conditions determined by the Consultative Group, to permit members of the public to access WIPO CASE to retrieve information which is open to public inspection at the respective offices and/or to permit applicants and their agents, with appropriate authentication, to retrieve information related to their own applications.

Search and Examination Related Data and Documents Becoming Available Via WIPO CASE

10. Search and examination documents available via WIPO CASE are available only to the participating Offices and to the International Bureau.
11. Search and examination documents available via WIPO CASE may only be used for the purpose of facilitating search and examination processes within the participating offices.
12. The data and/or documents that an office retrieves from other offices via WIPO CASE may not be transferred to any person or entity who is not a participant in WIPO CASE, subject to any overriding national legal obligations to transfer them.
13. The use of the data and documents retrieved via WIPO CASE is the responsibility of each office. Participating offices and the International Bureau will not be liable for any damages or losses resulting from the use of data and documents made available via WIPO CASE. The International Bureau bears no responsibility for the content of documents made available via WIPO CASE. The International Bureau does not check or endorse the accuracy of the content of such documents.

Translations of search and examination documents

14. If not originally in English, the Depositing Offices will endeavor to make available English translations of the search and examination related data and documents made available under WIPO CASE.

Publication of Information

15. The International Bureau publishes on WIPO's website information relating to WIPO CASE, including:
 - (i) the establishment of these provisions and any subsequent modifications of them;
 - (ii) the commencement of practical operations of WIPO CASE;
 - (iii) information about participating Depositing and Accessing Offices, including the nature of documents made available from the offices and other technical details;
 - (iv) operating procedures, including scheduled maintenance windows, and technical requirements related to the operation of WIPO CASE.

Consultative Group

16. The Consultative Group consists of all Depositing Offices.
17. The Consultative Group reviews and approves technical specifications of WIPO CASE, reviews and approves changes to the Framework Provisions, conducts a technical review of proposed participating offices, and decides on the participation of new offices.
18. Decisions of the Consultative Group should be made by consensus. Where consensus is not achieved, decisions may be put to a vote, with a simple majority required for all

decisions except for changes to the Framework Provisions, in which case a 75% majority is required.

19. The proceedings of the Consultative Group take place primarily through correspondence and an electronic forum on WIPO's website.

Operating Procedures and Technical Requirements

20. The International Bureau will, after consultation with and approval by the Consultative Group, establish and modify operating procedures and technical requirements useful for the operation of WIPO CASE. Such operating procedures may include the establishment of service level agreements to be adhered to by the International Bureau and by Depositing and Accessing Offices.

Procedure for Joining WIPO CASE

21. WIPO CASE is open to offices of all WIPO member states. An Office wishing to participate in WIPO CASE, or to modify or withdraw its participation, will send a notification to the International Bureau at least six weeks before the expected date of commencement of participation, modification or withdrawal of that office.
22. The notification of participation or modification will specify whether the office wishes to act as a Depositing or Accessing Office, and will contain technical details including:
 - (i) the nature of the documents that will be made available from the office;
 - (ii) technical details, such as the mechanism by which data and documents will be made available through WIPO CASE, and the relevant data formats;
 - (iii) one or two contact points for the management of access to WIPO CASE for the Office's examiners.
23. The notification will constitute acceptance of the present framework provisions.
24. The Consultative Group and the International Bureau conduct a technical review and the Consultative Group decides on the participation of Offices in WIPO CASE. For the participation as a Depositing Office, it is necessary that practical operation is jointly and fully tested by the Office and by the International Bureau.

Settlement of Disputes

25. Any dispute between the International Bureau and Offices, or between Offices, arising out of or relating to the use of WIPO CASE will be settled amicably through negotiations between the parties concerned.

Modification

26. These provisions may be modified in accordance with paragraph 18, and published by the International Bureau, after consultation and approval by the members of the Consultative Group.

Languages

27. These provisions are established in the Arabic, Chinese, English, French, Russian and Spanish languages, all texts being equally authentic. The working language of the Consultative Group will be English.

Meanings of Words and Expressions

28. In these provisions:

- (i) "Consultative Group" means the Consultative Group referred to in paragraph 16;
- (ii) "International Bureau" means the International Bureau of WIPO; /...
- (iii) "Office" means an authority entrusted with the granting of patents or utility models, the granting or registration of trademarks or industrial designs or the processing of patent applications, trademark applications, industrial design applications or utility model applications by a State that is party to the Paris Convention or is a member of WIPO or by an intergovernmental organization at least one of whose member States is party to the Paris Convention or a member of WIPO;
- (iv) "Search and Examination related data and documents" includes patent family data, examination reports, search reports, search strategies, examination responses and amendments, and specifications;
- (v) "Patent Family Data" means the application numbers, priority numbers, priority countries and application/priority dates for all relevant patent applications received at the Office.
- (vi) "WIPO" means the World Intellectual Property Organization.

Explanatory Notes

1. These explanatory notes are provided for information purposes, to aid with the interpretation of the framework provisions. They do not form part of the framework provisions.
2. Patent family data will be provided by each office for all applications received and processed by the office, in order to enable the WIPO CASE system to create patent families so that users can retrieve information about parallel applications in other offices. Each participating office would determine the technical mechanism for supplying its patent family data. It is expected that each office will determine a date from which patent family data will be provided. This date will probably be before the commencement of participation of that office in WIPO CASE, and should be chosen to cover the period of active applications of that office.
3. The data and/or documents that an office retrieves from other offices via WIPO CASE may not be transferred to any person or entity who is not a participant in WIPO CASE. This paragraph is intended to restrict the transfer of documents to other offices, the public, applicants and any other 3rd parties. It is intended that the information retrieved from WIPO CASE should be used by the participating offices only, for reference only. If the information retrieved from WIPO CASE becomes part of the application file of an accessing office, appropriate restrictions should be put in place to ensure that it does not become open for public inspection at the accessing office before it becomes open for public inspection at the depositing office. An exception is made for cases where there is an overriding legal obligation to provide the information, in the context of a court proceeding, for example.
4. Many offices work in national languages. To assist with the usability of the information, English translations should be made available, if possible, by the depositing offices. This may be done by machine translation, for example. If the office is unable to provide translations, the IB may provide machine translations of the documents available in WIPO CASE.

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