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**Committee on WIPO Standards (CWS)**

**Seventh Session**

**Geneva, July 1 to 5, 2019**

Revision of WIPO Standard ST.27

*Document prepared by the International Bureau*

## INTRODUCTION

1. At its sixth session held in 2018, the Committee on WIPO Standards (CWS) approved the revised WIPO Standard ST.27, version 1.1, and adopted the new ST.27 Annex V "Guidance Document" as provisional. Changes included modifying maintenance fee payment events and improving the descriptions of name change and ownership transfer events. Several other proposals were referred to the Legal Status Task Force for further consideration (see paragraphs 74 to 86 of document CWS/6/34).
2. At its sixth session, the Committee also revised the description of Task No. 47 as follows: “prepare a final proposal for the detailed events and a final proposal for the guidance document with regard to patent legal status data; prepare a final proposal for the guidance document with respect to industrial design legal status data; prepare a recommendation for the exchange of legal status data on trademarks by industrial property offices” (see paragraph 73 of document CWS/6/34).

## PROPOSED REVISION OF STANDARD ST.27

1. Within the framework of Task No. 47, the Legal Status Task Force (LSTF) prepared a proposal for the revised WIPO Standard ST.27, in particular updating the list of detailed events and adding a new annex with examples of common scenarios. The Task Force also discussed the proposals referred to it by the CWS in paragraph 1 above.

CHANGES TO THE EVENT LIST (ANNEX I OF WIPO ST.27)

1. In response to the proposal for a new event on "patents of addition", the Task Force considered that patents of addition are already covered by the existing events. Patents of addition are a type of patent provided by some Intellectual Property Offices (IPOs). The Task Force proposes updating the description of some ST.27 Categories to clarify the scope of application types and IP right types that are covered. The following modifications are proposed to Categories A and F, with other Categories referencing A or F as appropriate (track changes shown compared to the version 1.1 published in Nov 2018):

**A. Application filing:** This category is a group of events related to the filing of various types of ~~an~~ applications for an IP right. It includes, for example, when a national or regional IPO receives an application for the grant of an IP right, together with any additional documentation and fees necessary to obtain a filing date under national or regional law or convention or the Patent Cooperation Treaty (PCT) as applicable. Types of applications covered include patents for inventions, utility models, supplementary protection certificates, plant patents, design patents, inventors’ certificates, utility certificates, and patents of addition. This category also includes events related to the filing of a provisional application, divisional application, continuation, continuation in part, or an application for conversion. It also ~~includes~~ covers entry of an international application into the national or regional phase.

**F. IP right grant:** This category is a group of events which relate to the effective grant date of an IP right and/or entry of an IP right into the IPO's register. It includes, for example, when an IP right was granted following an examination, an appeal, pre-grant review or inadmissibility, rejection or withdrawal of a pre-grant review request. Types of IP rights covered include patents of invention, utility models, supplementary protection certificates, and any other IP rights that result from the types of applications covered by Category A. The events in this category may move an application from the examination stage or the pre-grant challenge stage into the grant stage.

1. Once the proposed revisions have been approved, it is proposed that Annex II of ST.27 be updated to reflect these changes accordingly.
2. On the proposal to add the phrase "to the applicant" to Events D14 and D15, the Task Force considered that not all IPOs provide the search and examination report to the applicant when it is completed. The Task Force proposes changing the description of those Events as follows:

D14. Search report ~~issued~~ completed (A prior art search report for an application was ~~issued~~ completed by the IPO.)

D15. Examination report ~~issued~~ completed (A substantive examination report was completed by the IPO ~~or a notification of the reason for refusal of the application was issued~~.)

1. The CWS approved a proposal to clarify Events R12 to R14 at its sixth session. The Task Force considered that further clarification would help users better understand the differences between these Events and proposes the following additional clarifying edits:

R12\*. Change to the name of applicant or owner or transfer of ownership recorded (A change to the applicant(s) or owner(s) of the application or IP right, or a transfer of ownership or an assignment, ~~including a change in name(s) or in composition,~~ was recorded by the IPO. This may be due to a name correction, a legal name change, a transfer of ownership, or an assignment ~~or a legal proceeding~~.) This detailed event is intended for use by IPOs which cannot distinguish between R13 and R14. If the distinction is possible, the use of R13 and R14 is highly recommended.

R13\*. Change to the name of applicant or owner recorded (A change to the name(s) of the applicant(s) or owner(s) of the application or IP right that does not indicate a transfer was recorded by the IPO. The most common reasons for this type of change are name corrections, spelling mistakes, or legal name changes such as a corporate merger.)

R14\*. Transfer of ownership recorded (A transfer of ownership~~,~~ or an assignment~~, or a change to the composition of applicant(s) or owner(s)~~ of the application or IP right was recorded by the IPO. This event indicates that the interest is given by one party to another, such as by a voluntary exchange, an assignment, or a contractual obligation.)

1. One Task Force member proposed a new event to record when a Supplementary Protection Certificate (SPC) enters into force. The Task Force considered that this event would be useful since a number of IPOs reported that they have a national event for this situation in their response to the survey of SPCs and Patent Term Extensions (PTEs) for Part 7 of the WIPO Handbook. The Task Force proposes the following new event for WIPO ST.27:

F17.IP right entered into force. (This event is for IP rights which enter into force at a later time after the grant, such as SPCs.  Offices do not need to use this event when the grant and entry into force occur at the same time, such as a patent grant.)

1. The Task Force proposes changing the name of Category S from "Licensing" to "Licensing and related transactions" to better reflect events in Category S which do not involve licensing, such as security interests or royalty agreements. The Task Force also considered reducing the number of events in Category S because some licensing event distinctions may be better recorded as supplementary data. More study is needed before a proposal can be made.

NEW ANNEX V TO WIPO ST.27

1. Following the decision at the sixth session of the CWS, the Task Force worked to prepare a final proposal for the Guidance Document. The Task Force prepared a new set of examples to assist IPOs and others with understanding how to use ST.27. The new examples were prepared around a set of common scenarios identified by the Task Force, with examples for each scenario provided by several Offices. The examples are intended to better show how to map national events to ST.27 events, and how to transform those mappings into an ST.27 data file for exchange with others.
2. Due to the length and somewhat different purpose of the new examples, it is proposed to place them in a new Annex to ST.27 rather than incorporate them into the existing guidance document in Annex V to ST.27. Under this proposal, the new examples will be placed in a new Annex V titled “Common Scenarios Guidance Document”. The existing Annex V Guidance Document will be renumbered as Annex VI titled “Category Based Guidance Document”.
3. The proposed new Annex V of ST.27 is presented as Annex I to the present document. The current Annex V of ST.27 will have no changes apart from renumbering and the new title. Therefore it is not presented for consideration by the CWS.

DISCUSSIONS ON EVENT ORGANIZATION

1. Using the mapping tables provided by IPOs, the International Bureau reviewed the events in ST.27 for consistency and usefulness. This analysis revealed some areas that could be improved in the event organization. Out of 168 events in version 1.1 of WIPO ST.27, 46 events (25%) are directly related to another event in the same category. For instance, A16 is for filing a divisional application, A17 is for rejection of a divisional application, and A18 is for acceptance of a divisional application. For A17 or A18 to occur, the event history should contain a previous A16 event.
2. However, these relationships are not reflected in the ST.27 event data that Offices exchange. The event codes A16, A17, and A18 do not indicate that those events depend on each other. Making the relationships between events more explicit in the data exchanged between offices can make ST.27 easier to understand, implement, and work with.
3. In consultation with Task Force members, the International Bureau made a proposal to the Task Force to expand the coding of ST.27 events with three additional characters reflecting the type of procedure the event contains. This proposal was intended to improve ST.27 by making some relationships between events more explicit and provide several other benefits as described below.
4. The proposal contained a list of 15 tags which can cover all 168 events in ST.27. These tags and their meaning are presented as Annex II to the present document for comment by the CWS.
5. For instance, using these tags :
* A16 could be changed to A16.fil since it concerns filing
* A17 could be changed to A17.rej since it concerns rejection
* A18 could be changed to A18.acc since it concerns acceptance
1. This system could be applied further to combine the codings of related events by using the same number and differentiating them with the tag. Using the examples above:
* A16 would be A16.fil, since it concerns filing
* A17 would be A16.rej, since it concerns rejection of an application filed under A16
* A18 would be A16.acc, since it concerns acceptance of an application filed under A16
1. This potential change offers a number of benefits. It makes the relationships between events more explicit. It systematizes the coding system, making ST.27 easier to learn and to implement. It provides flexibility for adding missing events when needed in the future: if the new event is related to an existing ST.27 event, then the numeric code of the existing event can be reused with a different procedure tag.
2. The system also allows IPOs to better reflect national events which are not currently implemented in ST.27. Unspecified ST.27 events such as D00 can be combined with an appropriate tag to better indicate the nature of the national event. Offices can experiment with these unspecified events according to their needs, and data on use of unspecified events can be collected and considered for inclusion as regular events in future ST.27 releases.
3. The proposal also has a number of potential drawbacks. Some Offices prefer the current event encodings because they are shorter or simpler. Some Offices want to maintain the current system to preserve their implementation investments or plans. Some Offices are not convinced that the potential benefits are worth the added complexity of the additional information. By contrast, some other Offices do not think the proposed changes go far enough, and that more extensive reorganizations of the event list and encodings may be needed.

CHANGES TO THE MAIN BODY OF ST.27

1. Because of these issues regarding event organization, the Task Force needs more time to consider this proposal. Some Task Force members were in favor of the proposal, some were reluctant to make changes, and others wanted to explore alternative ways of classifying ST.27 events. Because the proposal is still being revised by the Task Force, further information on the proposal will be presented by oral report at the seventh session of the CWS.
2. Finalizing the status event code format of ST.27 is desirable so that IPOs can proceed with assurance in implementing ST.27. The International Bureau therefore proposes reserving three additional characters to be added at the end of ST.27 event codings. The reserved characters will be fixed as 'xxx' in the version of ST.27 adopted by this session of the CWS. Many industry standards include such reserved fields for possible future use, as do several WIPO Standards such as ST.8. The Task Force will continue exploring potential uses of these reserved characters after the seventh session of the CWS, and will present a proposal for using the reserved characters to the eighth session of the CWS if the Task Force can agree. Until such a proposal is adopted by the CWS in the future, the reserved characters will be indicated as reserved for future use.
3. To reflect this proposal, the following edits are proposed to the main body of ST.27 (track changes shown compared to the version published in Nov 2018):
4. Key Event Code in paragraph 31:

31. The key events are formed by a combination of a single alphabetic letter followed by the number “10”, then a period and "xxx". The single alphabetic letter is assigned according to the categories. The three additional characters after the period are reserved for possible future use.

1. Detailed Event Code in paragraph 34:

34. The detailed events are formed by a combination of a single alphabetic letter followed by a two-digit number from 11 to 99, then a period and "xxx". The single alphabetic letter is assigned according to the categories. The codes for detailed events are contained in Annex I. The three additional characters after the period are reserved for possible future use.

1. The current text of the Editorial Note will be replaced with the following:

*Editorial Note by the International Bureau*

*IPOs may begin implementing ST.27 to exchange legal status data. The Legal Status Task Force will continue revising titles and descriptions for categories and events as needed while IPOs continue to improve their mappings.*

*The CWS has approved reserving three additional characters in the status event code for each event. These reserved characters are useful for future work on the standard, and are reserved now so that Offices can implement the existing standard with assurance. The Legal Status Task Force will further explore proposals for using the reserved characters after the seventh session of the CWS and report any agreed proposals to the eighth session of the CWS. If no proposals are agreed by the Task Force, the reserved characters will remain unused but in place for possible future uses.*

1. *The CWS is invited to:*

 *(a) note the content of the present document;*

 *(b) consider and approve the proposed revision of the Main Body of WIPO Standard ST.27, as referred to in paragraph 24 above;*

 *(c) consider and approve the proposed revision of Annex I, with corresponding updates to Annex II, of WIPO Standard ST.27, as referred to in paragraphs 4 to 8 above;*

 *(d) consider and approve the proposed new Common Scenarios Guidance Document as Annex V of WIPO Standard ST.27, as referred to in paragraphs 10 to 12 above, as reproduced in the Annex I to the present document, and change the current Annex V to Annex VI titled Category Based Guidance Document; and*

 *(e) provide comment on possible uses of the reserved field or the 15 procedure tags proposed by the International Bureau, as referred to in paragraphs 15 to 18 and 23 to 24 above.*

[Annex I follows (ST.27 Annex V)]