English Language
The upward curving lines of the World Intellectual Property Organization’s logo evoke human progress driven by innovation and creativity.

CWS/11/20 Rev.

ORIGINAL: ENGLISH

DATE: november 27, 2023

**Committee on WIPO Standards (CWS)**

**Eleventh Session**

**Geneva, December 4 to 8, 2023**

Proposal for a new WIPO standard on the data package format for the electronic exchange of priority documents and certified copies

*Document prepared by the Digital Transformation Task Force Leader*

## Summary

The Digital Transformation Task Force presents a final draft for a new WIPO standard on a certified priority document digital package, for consideration and adoption at the eleventh session of the Committee on WIPO Standards (CWS).

## Background

At its tenth session, the CWS approved the addition of Task No. 65, which was proposed after the Patent Cooperation Treaty (PCT) Working Group, at its fifteenth session, recommending that the CWS develop a new WIPO standard to enable the transmission of sequence listings in WIPO Standard ST.26 format, as part of priority documents and certified copies. This Task was assigned to the Digital Transformation Task Force and the description of the Task reads as follows:

“*To prepare a proposal for recommendations on the data package format for the electronic exchange of priority documents and certified copies for patents, marks and industrial designs.*”

The Digital Transformation Task Force in undertaking this Task has met online and conducted discussions on the Task Force wiki space. Further details on these Task Force preparatory activities are available in document CWS/11/11.

## proposal for a new standard

Intellectual Property Offices (IPOs) are currently looking for a means to transmit priority documents which include a sequence listing in the WIPO Standard ST.26 XML format, when requested, in its original format. Several solutions have been found since WIPO ST.26 came into force, including the use of stylesheets to produce a human-readable version, in PDF, of the XML document.

The proposed draft Standard, which is reproduced as the Annex to the present document, recommends a data package format for the electronic exchange of priority documents, but purposefully leaves out details regarding the means of transmission of the data package.

### Objectives

This Standard aims to provide recommendations on the data package format for the electronic exchange of certified priority documents and other related documents according to:

* Article 4D (3) of the Paris Convention for the Protection of Industrial Property which allows countries of the Union to require any person making a declaration of priority to produce a copy of the industrial property application previously filed; and
* The agreed understanding by the Assemblies of the Paris Union and the PCT Union in 2004[[1]](#footnote-2) which indicates inter alia that it is for the competent authority furnishing the priority document to determine what constitutes certification of a priority document and the date of filing, and how it will certify such a document.

This proposed Standard is intended to define the package format and structure, which contents are mandatory for the package, and the naming conventions for files included in the package. The main objectives of this Standard are to:

* Allow the efficient standardized exchange of certified priority documents and other related documents related to patent, trademark and industrial design applications;
* Support machine-to-machine communication of these priority documents and enable further automated processing of those documents; and
* Improve processing of documents by exchanging structured text formats such as sequence listings included in patent documents in XML format of WIPO Standard ST.26, and application body and bibliographic data in the formats of WIPO Standards ST.36, ST.96 and ST.97.

### Scope

The Standard is neutral in reference to the transmission mode used for exchange. Rather it defines the type of data and file formats to be included in the package, the structure of this package and naming conventions. Other than the components which are indicated as mandatory according to the recommendations, the certifying Office determines what is to be included within this data package.

The proposed Standard is structured as follows:

* Main Body: defines the data package structure and naming conventions;
* Annex I: provides a mock-up of a sample priority document data package in table format and in the Appendix to Annex I, the same information in tree structure format; and
* Annex II: provides the XML Schema Definition for the Priority Index file and in the Appendix to Annex II, an example XML instance.

The following name for the new WIPO Standard is proposed:

“WIPO Standard ST.92 - Recommendations on the data package format for the electronic exchange of priority documents and certified copies”

## Implementation of the new WIPO standard

Once the CWS adopts the proposed new WIPO standard, IPOs should consider the implementation of the Standard. The Task Force Leader and the International Bureau propose an incremental approach with a ‘sunset period’ by the end of 2025, allowing each IPO to complete implementation of the new Standard at its own pace. From the January 1, 2026, it is proposed that an IPO accept and provide priority documents only compliant with this Standard.

With regard to the implementation of the Standard within WIPO Digital Access Service (DAS), the International Bureau plans to accept and provide priority documents compliant with the new Standard from July 1, 2024, in parallel with the current format, but complete its transition by the end of 2025. From the January 1, 2026, WIPO DAS plans to accept and provide priority documents only compliant with this Standard considering the ‘sunset period’ suggested in paragraph 11 above. Further technical details on the implementation of the proposed Standard in WIPO DAS should be discussed separately among the WIPO DAS participating IPOs.

## Proposal for the revision of task no. 65

Once the proposed new Standard on certified priority document data package has been adopted by the CWS, Task No. 65 should be considered complete, and the Digital Transformation Task Force will have successfully concluded its work on this Task. In implementing the new Standard, IPOs may require some improvements to be made to WIPO Standard ST.92. Therefore, it is proposed that the description of Task No. 65 be revised as follows:

“Ensure the necessary revisions and updates of WIPO Standard ST.92 and support IP offices for their implementation of the Standard before the end of 2025"

*The CWS is invited to:*

1. *note the content of this document and the Annex to the present document;*
2. *consider and approve the name of the proposed Standard “WIPO Standard ST.92 -* Recommendations on the data package format for the electronic exchange of priority documents and certified copies*”, as indicated in paragraph 10 above;*
3. *consider and adopt the new WIPO Standard ST.92 as referred to in paragraphs 8 to 9 above and as reproduced in the Annex to the present document;*
4. *consider and agree on the implementation plan as referred to in paragraphs 11 and 12 above; and*
5. *consider and approve the revision of Task No. 65, as indicated in paragraph 13 above.*

[Annex follows]

1. See paragraph 9 of document [A/40/6](https://www.wipo.int/edocs/mdocs/govbody/en/a_40/a_40_6.pdf) [↑](#footnote-ref-2)