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

*Document prepared by the Digital Transformation Task Force Leader*

## Summary

 The Digital Transformation Task Force presents a proposal for a new WIPO standard on the data package format for the electronic exchange of priority documents, for consideration and adoption at the twelfth session of the Committee on WIPO Standards (CWS).

## Background

 At its tenth session, the CWS established Task No. 65, considering a proposal by the fifteenth session of the Patent Cooperation Treaty (PCT) Working Group. The PCT Working Group proposed that the CWS develop a new WIPO standard to enable the transmission of a sequence listing in WIPO Standard ST.26 format as part of a priority document. 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.*”

 At its eleventh session, the CWS noted a proposed draft standard and the naming of the draft standard as “WIPO Standard ST.92 - Recommendations on the data package format for the electronic exchange of priority documents and certified copies”, which were presented by the Digital Transformation Task Force. However, the CWS considered that further work on the draft standard was needed before adoption. In addition, several delegations expressed concern about the proposed implementation plan, based on a “sunset period”, which may not give Intellectual Property Offices (IPOs) an adequate time for implementation of the new Standard (see paragraphs 102 to 109 of document CWS/11/28).

 The Digital Transformation Task Force in undertaking this Task has met online monthly since the last session of the CWS and conducted discussions on the Task Force wiki space. Further engagement by Task Force participants resulted in an improved draft standard which addresses previous concerns including:

(a) extending the implementation period to account for the IT systems upgrades that would be required;

(b) clarifying the scope which priority documents are mandatory or supplementary; and

(c) confirming that that the manner in which priority documents are certified by IPOs is outside the scope of the Standard.

Further details on these Task Force preparatory activities are available in document CWS/12/13.

## proposal for a new standard

 Prior to the introduction of the WIPO Standard ST.26, IPOs were only able to transmit patent priority documents in PDF format. Since WIPO ST.26 came into force on July 1, 2022, IPOs have not agreed on the means to transmit sequence listings which were provided in WIPO ST.26 format. Several solutions have been found since WIPO ST.26 came into force, including the use of stylesheets to render the XML instance in a human-readable version, such as PDF. IPOs are seeking a means to transmit priority documents which include a sequence listing, in its original format, when requested.

 The proposed draft standard, which is reproduced as Annexes to the present document, recommends a data package format for the electronic exchange of priority documents independent of the means of transmission, herein after referred to as the Priority Document Data Package (PDDP).

### Objectives

 This Standard aims to provide recommendations on the PDDP format for the electronic exchange of 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, certified as correct by the authority which received such application; and
* The agreed understanding by the Assemblies of the Paris Union and the PCT Union in 2004[[1]](#footnote-2) indicates 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 PDDP format and structure, identifies which contents are mandatory for the package, and specifies the naming conventions for files included in the package. The main objectives of this Standard are to:

* Allow the efficient standardized exchange of 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 proposed 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 providing Office determines what is to be included within this data package.

 At this stage, the Standard provides details only for the exchange of patent priority documents although future revisions of this Standard, once adopted, will be expanded to trademark and industrial design priority documents.

 The proposed Standard is structured as follows:

* Main Body: defines the data package structure and naming conventions;
* Annex I - XML schema definition (XSD) for priority document Index XML files;
	+ Appendix to Annex I - example XML instance for PDDP index file;
* Annex II - PPDP structure examples: provides a mock-up of a sample priority document data package in table format;
	+ Appendix to Annex II – Annex II reproduced in an alternative tree format;
* Annex III - example of hashing of PDDP sent directly to applicants to ensure the integrity and non-repudiation of the package.

 The Main Body of the proposed Standard is included as Annex I to the present document. The Index file XSD is included as Annex II and the example XML instance for the PDDP index file is included as Annex III to the present document.

 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”

## Implementation of the new WIPO standard

 Once the CWS has adopted the proposed new WIPO standard, IPOs should consider their implementation plans for the Standard. The Task Force Leader and the International Bureau propose an incremental approach with a ‘sunset period’ concluded by July 1, 2027, allowing each IPO to complete implementation of the new Standard at its own pace. Offices may also wish to wait for recommendations on trademark and industrial design priority documents before implementing the new Standard, which will be presented at the next session of the CWS.

 The International Bureau plans to update the WIPO Digital Access Service (DAS), to accept and provide priority documents compliant with the new Standard. The timeline for completion of this update will likely require six months. The update will enable WIPO DAS to accept and provide priority documents compliant with the new Standard, in parallel with the current format, until the end of the transition period on June 30, 2027. From the July 1, 2027, WIPO DAS plans to accept and provide priority documents only compliant with this Standard. Further technical details on the implementation of the proposed Standard in WIPO DAS should be discussed separately among the Offices of WIPO DAS.

## Proposal for the revision of task no. 65

 Once the proposed new standard on the priority document data package has been adopted by the CWS, Task No. 65 could be considered complete partly. The Task Force will commence collaboration on implementation of the Standard. Concurrently, the Task Force will revise the Standard to incorporate recommendations on trademark and industrial design priority documents. In implementing the new Standard, furthermore, 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 July 1, 2027.*”

 *The CWS is invited to:*

1. *note the content of this document and Annexes to the present document;*
2. *consider and approve the revision of the name of the proposed Standard “WIPO Standard ST.92”, as indicated in paragraph 13 above;*
3. *consider and adopt the new WIPO Standard ST.92 as described in paragraphs 5 to 12 above and reproduced in Annexes to the present document;*
4. *consider and agree on the implementation plan as described in paragraphs 14 and 15 above; and*
5. *consider and approve the revision of Task No. 65, as indicated in paragraph 16 above.*

[Annex I 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)