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Proposal for recommendations on data exchange framework and platform

*Document prepared by the International Bureau*

## Summary

 After the outcomes of the eleventh session of the Committee on WIPO Standards (CWS), the Delegations of Japan and Saudi Arabia submit a consolidated project brief relating to the exchange of Intellectual Property (IP) data. In light of the submitted proposal, the International Bureau proposes to add a new Task to the CWS work program and to establish a corresponding Task Force.

## Background

### Data Exchange proposals at CWS/11

 At the eleventh session of the CWS, Delegations of Japan and Saudi Arabia presented separate proposals relating to resolving issues they have been experiencing in establishing IP data exchange with other Offices. To find solutions, the two Delegations proposed to add two Tasks to the CWS work program respectively. The Delegation of Japan proposed the creation of a framework which establishes guidance on IP data exchange policies, authorization for third party use, providing quality data at source through appropriate digitalization and data structure and format for exchange, preferably through use of WIPO Standards (see document [CWS/11/16](https://www.wipo.int/edocs/mdocs/cws/en/cws_11/cws_11_16.pdf)). The Delegation of Saudi Arabia proposed to create a global data exchange platform, under the supervision of WIPO, which aims to harmonize and standardize IP data provided by disparate sources (see document [CWS/11/25](https://www.wipo.int/edocs/mdocs/cws/en/cws_11/cws_11_25.pdf)).

 At its eleventh session, the CWS noted that many delegations considered the two proposals were interlinked and suggested that the two proponents work together to prepare a consolidated proposal with more concrete and achievable goals in near future (see paragraph 175 of document CWS/11/28).

 At the same session, taking into account the feedback from the delegations, the two Delegations proposed a combined Task and one Task Force with the following description for the combined Task:

“*Analyze practices and challenges of IP offices in exchanging their data; explore technical solutions; and prepare recommendations on IP data exchange*”

The CWS noted that several delegations explicitly supported the new Task description as well as the Delegations of Japan and Saudi Arabia volunteered to co-lead the combined Task Force, with the International Bureau, once it had been created. However, there was no consensus on the creation of this Task or Task Force (see paragraphs 176 and 177 of document CWS/11/28).

 At its eleventh session, the CWS requested the Secretariat to issue a circular inviting its Members with the purpose of gathering necessary information so that an improved consolidated proposal could be prepared by the Delegations of Japan and Saudi Arabia, and presented at the twelfth session of the Committee. On the basis of the consolidated proposal, the CWS will consider the establishment of the new Task and the Task Force at its twelfth session (see paragraphs 178 and 179 of document CWS/11/28).

### Survey on IP Data Exchange

 As a follow-up of the decisions made at the eleventh session of the CWS, the Secretariat invited, in May 2024, the CWS Members to participate in a survey which requested information from Offices regarding problems they may be experiencing exchanging intellectual property data and potential solutions (hereafter referred to as the “IP Data Exchange survey”).

 Thirty-seven complete survey responses were received from the Offices in the following Member States: Armenia (AM), Austria (AT), Australia (AU), Azerbaijan (AZ), Bulgaria (BG), Bahrain (BH), Canada (CA), China (CN), Germany (DE), Egypt (EG), Spain (ES), Ethiopia (ET), Gambia (GM), Equatorial Guinea (GQ), Honduras (HN), Croatia (HR), Hungary (HU), Italy (IT), Japan (JP), Kenya (KE), Kyrgyzstan (KG), Republic of Korea (KR), Liberia (LR), Mongolia (MN), Nigeria (NG), Poland (PL), Serbia (RS), Russian Federation (RU), Saudia Arabia (SA), Sweden (SE), Singapore (SG), Syrian Arab Republic (SY), United States of America (US) and Uruguay (UY); and the following regional Offices: Eurasian Patent Office (EA), European Patent Office (EP) and European Union Intellectual Property Office (EM). The survey results received are reproduced in Annex I to the present document, with individual free text responses censored.

 The International Bureau notes that many of the respondents were from smaller Offices, indicating their enthusiasm to expand the network of Offices with whom they exchange data. In particular, 28 Offices (76 per cent) indicated that they would like to exchange data with larger Offices such as the “Five IP Offices” (IP5). The survey results indicated that the biggest problems experienced by Offices, regardless of size, are that IP gazette data is not available in a machine-readable format and that there is insufficient resourcing, both in terms of staff skill gaps and IT resourcing, to support these activities. The majority of Offices use WIPO Standards (84 per cent) to exchange data.

 With regards to the provision of a bulk data download service, 23 Offices (62 per cent) responded that they provide one while 14 Offices indicated that they do not. In terms of the proposed solutions, 16 Offices were interested in the implementation of a forum such as a bulletin board where they could collect and share best practices for data exchange. CWS Task Forces share a similar aim and could be one means of implementing this particular solution.

 It should be noted that the majority of Offices (65 per cent) exchange data with less than five Offices. However, it is clear from the survey respondents that IP Offices would like to expand the number of IP offices they exchange data with but there are some hurdles which they should first overcome.

The CWS is a forum which brings together Member Offices to discuss best practices for data dissemination and documentation, and as such should investigate how best to support Offices in enhancing IP information sharing.

## Proposal For a new Task on IP Data Exchange

 Considering the analysis of the survey responses above, as a first step in establishing data exchange between two IP Offices, a bilateral agreement must be negotiated which establishes how the data will be provided and the conditions under which it can used. The International Bureau would like to note that there are common issues which are experienced by Offices, including itself, in the process of IP data exchange arrangement with their partner Offices, which include:

1. Data quality: the quality of data at source is poor and data gaps exist;
2. Financial incentives: some Offices consider their data as a potential income stream; and
3. Ownership: Offices are typically unwilling to allow access to their data unless they maintain ownership of it with restrictions on how it is used.

 While the International Bureau already provides a series of global free-to-use IP databases, including [Patentscope](https://patentscope.wipo.int/search/en/search.jsf), [Global Brand Database](https://branddb.wipo.int/en/similarname?sort=score%20desc&start=0&rows=30&asStructure=%7B%22boolean%22:%22AND%22,%22bricks%22:%5B%5D%7D&_=1721202727811) and the [Global Design Database](https://www.wipo.int/reference/en/designdb/), bulk download from these platforms is not available as data is provided by Offices under the agreement that data is provided for search purposes only and not redistributed further. In addition, these global databases are public search systems and so were not designed as platforms to exchange IP data in bulk between Offices. Therefore, a new WIPO platform will likely need to be developed to facilitate IP data exchange between IP offices, if WIPO Member States indicate a need.

 There are commercial providers which provide access to global IP data, but at a cost which developing countries may not be able to afford.

 According to the [CWS Special Rules of Procedure](https://www.wipo.int/cws/en/cws-rules-procedure.html), each proposal to create a new CWS Task must be accompanied by a project brief which provides a clear description of the problem, objectives of the Task, a series of options which may form the solution and any expected benefits. The consolidated project brief submitted by Delegations of Japan and Saudi Arabia is provided as Annex II to the present document.

 Considering the consolidated project brief submitted by the two Delegations and the results of the survey, the International Bureau, in consultation with Japan Patent Office (JPO) and Saudi Authority for Intellectual Property (SAIP), proposes to add a new Task, i.e., Task No. 67, to the CWS work program. This will initially allow Offices to commence discussions on their experience of issues when exchanging IP data. Under the framework of this Task, different proposed solutions to resolving data exchange issues experienced by IP Offices will be assessed, including the development of a data exchange framework and a global IP data exchange platform.

 The proposed description for Task No. 67 is as follows:

 “*Analyze existing practices and challenges experienced by IP offices in conducting IP data exchange with a view to explore solutions to improve access to global IP data”*

 The International Bureau also proposes the creation of a new corresponding Task Force to manage this Task, with the name “IP Data Exchange Task Force”. The proposed Co-Leaders of this Task Force will be JPO, SAIP and the International Bureau.

 If the CWS approves the creation of the new Task and the corresponding Task Force, it is suggested that the CWS request the Secretariat to issue a circular, inviting its Members to nominate their subject matter experts from the areas which are defined in the project brief (see Annex II of the present document).

 *The CWS is invited to:*

1. *note the contents of this document and its Annexes;*
2. *consider and approve the proposal concerning the creation of Task No. 67 for CWS work program, as referred to in paragraph 15 above, and in Annex II; and*
3. *consider and approve the proposed description of Task no. 67, as referred to in paragraph 16 above; and*
4. *consider and approve the establishment of the new Task Force with designated Task Force co-leaders, as referred to in paragraph 17 above, and in Annex II to the present document; and*
5. *request the Secretariat to issue a circular, inviting its Members to nominate their subject matter experts to the new Task Force, as referred to in paragraph 18 above, and in Annex II to the present document.*

[Annex I follows]