

Committee on WIPO Standards (CWS)

Twelfth Session
Geneva, September 16 to 19, 2024

PROPOSAL FOR RECOMMENDATIONS ON DATA EXCHANGE FRAMEWORK AND PLATFORM

Document prepared by the International Bureau

SUMMARY

1. 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

2. 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](#)). 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](#)).

3. 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).

4. 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).

5. 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

6. 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”).

7. 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), Saudi 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.

8. 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.

9. 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.

10. 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

11. 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 be 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:

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

12. While the International Bureau already provides a series of global free-to-use IP databases, including [PATENTSCOPE](#), [Global Brand Database](#) and the [Global Design Database](#), 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.

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

14. According to the [CWS Special Rules of Procedure](#), 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. The contents of Annex II will be discussed by the corresponding Task Force if established.

15. 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.

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

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

17. 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.

18. 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).

19. *The CWS is invited to:*

(a) note the contents of this document and its Annexes;

(b) consider and approve the proposal concerning the creation of Task No. 67 for CWS work program, as referred to in paragraph 15 above; and

(c) consider and approve the proposed description of Task no. 67, as referred to in paragraph 16 above; and

(d) consider and approve the establishment of the new Task Force with designated Task Force co-leaders, as referred to in paragraph 17 above; and

(e) 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.

[Annex I follows]

IP DATA EXCHANGE SURVEY COLLATED RESULTS

Document prepared by the Secretariat

Questions

1. If your Office conducts data exchange with other Offices, can you indicate how many?

Response	Percent	Count
Less than 5 Offices	64.90%	24
5-10 Offices	8.10%	3
More than 10 Offices	27.00%	10

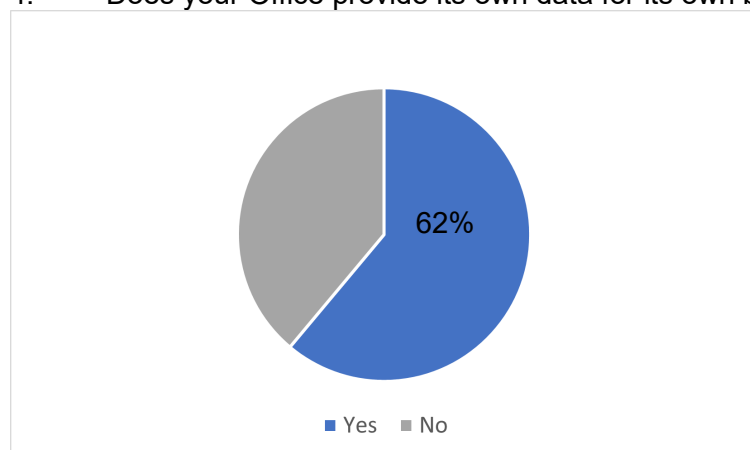
2. Does your Office want to extend data exchange with:

Response	Count
Big-sized Offices such as IP5?	28
Medium-sized Offices?	22
Small-sized Offices?	16

3. How does your Office utilize data received from another Office?
(Please choose all that apply)

Response	Count
Internal use (e.g., for examination)	36
Published for search purposes	18
To provide to the commercial data providers	6
Training data for AI models	13
Value add products such as patent analytics reports	15
Other	5

4. Does your Office provide its own data for its own bulk data download service?



5. If your Office has initiated bulk IP data exchange with another Office:
(Please choose all that apply)

Response	Count
Negotiate bilaterally	28
Using existing frameworks (e.g., IP5 Information Dissemination Policy)	13
Other	11

6. Does your Office obtain IP data for free or through a paid service?
(Please choose all that apply)

Response	Count
Data exchange with IP offices (free)	32
Data exchange with IP offices (paid)	4
Public DB (e.g., DOCDB) (free):	17
Public DB (e.g., DOCDB) (paid):	1
Private sector (free)	6
Private sector (paid)	14
Our Office does not obtain IP data of other offices	3

7. What kind of IP data would your Office like to exchange?
(Please choose all that apply)

Response	Count
IP gazette	22
Bibliographic data / Abstract	30
Full text data of claims and descriptions	26
Office actions	20
Legal status	26
Full IP right applications / grant or registration (PDF, XML etc.)	22
Other	4

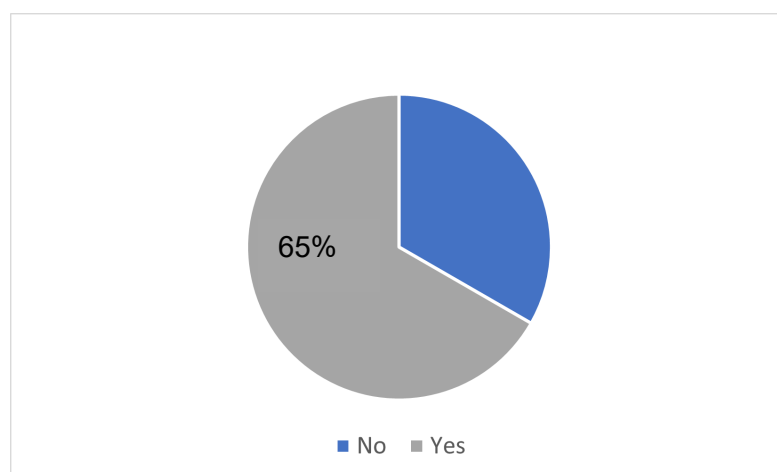
8. What kind of IP data would your Office rather NOT like to exchange?
(Please choose all that apply)

Response	Count
IP gazette	5
Bibliographic data / Abstract	1
Full text data of claims and descriptions	3
Office actions	9
Legal status	3
Full IP right applications / grant or registration (PDF, XML etc.)	6
Other	22

9. What kind of challenges does your Office currently face when exchanging data?
(Please choose all that apply)

Response	Count
Digitization or textualization of non-text based IP documentation, e.g., the partner Office does not have its gazette data in machine readable text form	21
Different data commercialization policy, e.g., the partner Office sells its gazette data to private companies while my Office makes gazette data free	9
Data format change without notification or with a short notice, e.g., the gazette data format provided by partner Office suddenly changed, and consequently it took a long time to build a dedicated program to systematically handle the changed data	12
Irregular provision of data, e.g., bulk data provided by partner Offices on a weekly basis was skipped without notice	10
Discontinuation of data provision without notice, e.g., gazette data provision from partner Offices was suddenly stopped, and it required considerable amount of time and effort to resume the data provision	7
Data quality, e.g., XML tags for gazette data provided by partner Offices were being provided incorrectly	13
Data correction and confirmation process, e.g., when the gazette data is corrected, it should be confirmed by the provided Office and all other recipient Offices which is very complicated	7
Non-standard data format or unfamiliar data format	12
Lack of human resources to support activities	18
Insufficient IT resourcing	20
Please provide other examples of challenges that your office has experienced with data exchange	6
No challenges	4

10. Does your Office have any national laws or regulations that regulate the transfer of IP data out of your jurisdiction?



11. What WIPO products does your Office currently contribute data to?
(Please choose all that apply)

Response	Count
PATENTSCOPE	24
Global Brand Database	20
Global Design Database	14
Other	11
None of the above	5

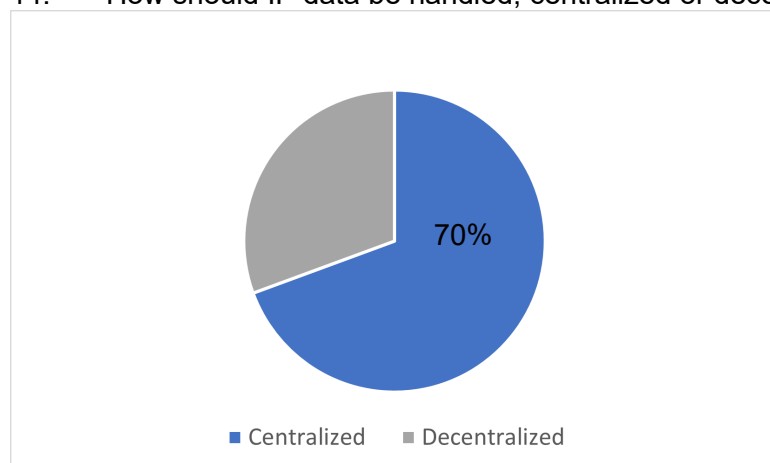
12. Which format does your Office use to exchange data?
(Please choose all that apply)

Response	Count
WIPO Standards	31
Other Standard	2
Hybrid - WIPO Standards and other standards	10

13. If an IP data exchange platform were to be established to support bulk download, who does your Office think should host the platform?

Response	Count
WIPO	24
Regional IPOs	1
Each IPO	7
Other	5

14. How should IP data be handled, centralized or decentralized?



15. What features would your Office like to implement in this platform?
(Please choose all that apply)

Response	Count
Bulk download	24
Support multi data format (e.g., data format converter)	20
Textualization by the platform administrator	13
Data cleaning by the platform administrator	11
Supporting IP enforcement	18
Against counterfeiting (e.g. block chain technology)	13
Access restriction to select users	16
Support documents in multiple languages	23
Localization of user interface and support materials	15
Help desk or other manuals	22
Other	7

16. What is your Office's concern on the platform?
(Please choose all that apply)

Response	Count
Security	29
Cost	29
Time	26
Other	5

17. Which of the following "Proposed Solutions" in the Consolidated Proposal would you consider important? (Please choose all that apply, and provide reasons if any)

Response	Count
To develop and operate a standard that prescribes recommended criteria at such level in providing IP data including data exchange by IPOs to the public and other IPOs	22
To establish a forum, such as a bulletin board, with appropriate access restrictions, where requests to the corrective authority for data cleaning and answers from the authority can be shared only by authorized persons, and to use this forum among the IPOs receiving the data provided by the country to which the authority belongs	16
To build and use a global data platform to be used as a hub for data exchange	25
To collect and share best practices for data exchange	23

18. Which of the following “Proposed Solutions” in the Consolidated Proposal concerns your Office? (Please choose all that apply, and provide reasons if any)

Response	Count
To develop and operate a standard that prescribes recommended criteria at such level in providing IP data including data exchange by IPOs to the public and other IPOs	17
To establish a forum, such as a bulletin board, with appropriate access restrictions, where requests to the corrective authority for data cleaning and answers from the authority can be shared only by authorized persons, and to use this forum among the IPOs receiving the data provided by the country to which the authority belongs	9
To build and use a global data platform to be used as a hub for data exchange	18
To collect and share best practices for data exchange	18

19. How does your Office prioritize the Tasks below for the Consolidated Proposal? (Please number in the descending order: “1” is the highest priority)

Solution	Overall rank
To collect share best practices on expansion and promotion of the efficiency, acceleration and use of IP data digitalization	1
To develop a draft standard that prescribes recommended criteria at such a level in providing IP data including data exchange by IPOs to public and other IPOs	2
To make concept planning for the global data platform to be used as a hub for data exchange	3
To consider a forum, such as a bulletin board, with appropriate access restrictions, where requests to the corrective authority for data cleaning and answers from the authority can be shared only by authorized persons	4

20. Does your Office have any other suggestions on the Consolidated Proposal? (Note: there were several suggestions, but those are not provided here.)

[Annex II follows]

PROJECT BRIEF ON IP DATA EXCHANGE FRAMEWORK AND PLATFORM

Document prepared by the Delegations of Japan and Saudi Arabia

1. Background

In recent years, government agencies in many WIPO Member States have been embracing the open data global trend by making their data available online. However, many still do not make bulk Intellectual Property (IP) data available publicly and, with an increasing interest in IP data, there is a need to streamline and make more accessible this type of data.

If WIPO Member States can improve how to exchange IP data such as data contained within patent gazettes, ideally in a machine-readable format, it will enable:

- (a) better quality IP office administration services such as examination
- (b) more focused technical research by users in each country, thereby stimulating innovation.

2. Problems to be addressed

Listed below are just some of the problems experienced by Offices in exchanging and processing IP data, including:

- (a) Bilateral negotiations to establish terms and conditions regarding data usage and redistribution rights requires a significant amount of time and resources;
- (b) Lack of interoperability between data distribution platforms and different functionalities offered;
- (c) Data either not accessible or not in a machine-readable text format;
- (d) Data provided in non-standardized formats or unfamiliar data formats;
- (e) Data quality, e.g., XML tags for gazette data provided by partner Offices were being provided incorrectly or data gaps exist;
- (f) Lack of communication regarding changes to data provision, e.g., data format being changed without notification or with a short notice, discontinuation of data provision without notice and skipped data provision without notice; and
- (g) Different data commercialization policy, e.g., some IP offices sell their data while others make their data available free.

3. Proposed Solutions

The following four solutions are proposed by the two Delegations as potential means in order to address the above-mentioned problems:

- Develop a new WIPO standard which prescribes recommended criteria, similar level to the "IP5 INFORMATION DISSEMINATION POLICY 2011", for providing IP data including data exchange by IP offices to the public and other IP offices;
- Provide a portal to enhance communications between IP offices, including data correction or cleaning processes, with appropriate access restrictions and authentication processes;
- Build a global data platform to be used as a hub for data exchange; or develop common interoperable tools to bridge different data dissemination platforms of IP offices; and
- To collect and share best practices for data exchange, especially the digitization and textualization of IP data.

These solutions would be investigated for viability by the Task Force once it is established by the CWS.

4. Objectives of the proposal

Although the need for the proposed solutions list above may not be clear or agreeable, the two Delegations believe that there is merit in assessing their usefulness. In this regard, it is important that the WIPO Member States are involved in these discussions to maximize their applicability for use through this proposal. Therefore, it is proposed that the CWS consider and approve the creation of a new Task and a corresponding Task Force to facilitate discussions on potential challenges for the exchange of IP data and the investigation for viability and further concretization of the proposed solutions described above. It is also proposed that this project be considered a priority for the CWS work program.

5. Expected benefits

In performing the Task Force conducting the new Task indicated above, the following benefits are expected:

- With advanced globalization, the benefits brought by IP rights system will be maximized by making IP data as accessible as possible by people all over the world. Accordingly, securing global access to IP data by improving data exchange between IP offices will inspire further global innovation and bring future development not only in each country and region but also in the entire world. Provision of IP data by data exchange also streamlines access since data-receiving IP offices may need to provide translation and analytical functions similar to the private sector in the countries or regions to which data-receiving IP offices belong. In addition, negotiation process will be more efficient among those IP offices which comply with the proposed WIPO

standard, since there has already been implicit agreement regarding the recommendations amongst WIPO Member States.

- The provision of a portal for communications between participating Offices can allow Offices to share experiences and can pave the way for streamlining the duplication of liaison works done among those Offices and more effective data cleaning processes.
- Through the global data platform as a centralized hub for data exchange would streamline the data exchange.
- Through collecting and sharing of best practices, the digitization and textualization of IP data will be made more efficient and accelerated, giving countries in the “digital divide” a chance to reap the benefits of data exchange sooner.
- Expanding and promoting the use of IP data to stimulate technology transfer from data-receiving countries to data-providing countries and to improve the quality of examination and processing in both countries.

6. Cost estimates

Not available at this stage.

7. Resource requirements

Experts from policy, legal, IT and IP data areas; and required financial resources, in particular the development of the portal and the common platform or common tools mentioned above should be evaluated in due course.

8. Risks

There are several risks in creating this new Task Force, including the fact that many Task Force struggle to have significant feedback from Task Force members.

In terms of the proposed solutions, it may be difficult to agree terms and conditions regarding third party use of IP data including its commercial use outside of the country which provided the data. The development of the portal and the common data platform is a large-scale project and will take many years before it will become effective.

[End of Annex and of document]