Committee on WIPO Standards (CWS)

Twelfth Session
Geneva, September 16 to 19, 2024

RECOMMENDATIONS ON ICT AND IP ADMINISTRATION

Document prepared by the ICT Strategy Task Force Co-Leaders

SUMMARY

1.   The ICT Strategy Task Force presents a set of revised draft recommendations on Information and Communication Technology (ICT) and Intellectual Property (IP) administration for consideration and adoption by the Committee on WIPO Standards (CWS). These recommendations should be considered for implementation by Intellectual Property Offices (IPOs).

BACKGROUND

2.   At its sixth session in 2018, the CWS noted the "40 Recommendations" prepared at the Meeting of Intellectual Property Offices on ICT Strategies and Artificial Intelligence (AI) for IP Administration, which the International Bureau convened to support the exchange of views and experiences in ICT and business management for effective IPO administration. The CWS noted the analysis of 40 Recommendations by the Secretariat and their relevancy to the activities of the CWS with three groups of Recommendations (see paragraphs 17 to 27 of document CWS/6/34).

3.   The ICT Strategy Task Force worked on the analysis of the relevancy of those 40 Recommendations to the CWS activities and their priority considering the results of the two surveys conducted firstly by Task Force and then also by Members of the CWS (see document CWS/11/21).

4.   Furthermore, the Task Force agreed to regrouping the 40 Recommendations in light of the CWS mandate, which was adopted in 2022, and in conjunction with the survey results. In addition, to improve the original 40 Recommendations, the Task Force agreed on the following points:

- add new Recommendations
- some were no longer valid;
- generalize some Recommendations;
- make some Recommendations more explicit or clearer;
- consider some Recommendations such as R17, R23, R32, and R33 achieved or conducted; and
- reduce the number of the Recommendations, so that the IPOs could focus on their implementations in a suggested timeframe.

5.   For consideration at the eleventh session of the CWS, the ICT Strategy Task Force prepared and presented a new set of 10 Recommendations on ICT and IP administration with corresponding Actions (see the Annex of document CWS/11/18).

6.   At its eleventh session, the CWS requested the Secretariat to issue a circular inviting its Members to comment on the 10 newly proposed Recommendations. The CWS also requested the ICT Strategy Task Force to report the results of responses to this circular at its twelfth session (See paragraphs 158 and 159 document CWS/11/28).

PROPOSAL FOR REVISED RECOMMENDATIONS

7.   In response to the Circular C.CWS 180, the following Member States responded: Australia, Germany, Lithuania, Mexico, Mozambique, Nigeria, and Norway.

8.   Considering the substantive feedback received in response to the Circular as well as the feedback at the eleventh session of the CWS, the Task Force prepared a final proposal for a set of recommendations on ICT and IP administration and presents it, which is reproduced in the Annex to the present document, for consideration and adoption.

9.   A summary of the changes made to the 10 draft Recommendations since the last session includes:

- Reordering of recommendations for improved flow;
- Removal of duplicative wording between Recommendation and Recommended Actions.
- Minor editorial changes to provide clarity and ensure consistency;
- Changes to Recommendation 1's Action to review procedures relevant to different IP rights and where possible, aligns them;
- Changes to Recommendation 2 to expand the scope of the forum to include ICT issues of common interest; and
- Changes to make Recommendation 10 more high-level and general to distinguish between Blockchain and Artificial Intelligence as different disciplines with different use case opportunities and scope.

10.   The Task Force proposes that these recommendations should be considered for implementation by IPOs. In this regard, it is suggested that those recommendations should be reported to WIPO General Assembly in 2025 once the CWS adopts them. Furthermore, it is also suggested that IPOs should be encouraged to implement the set of recommendations and share their plan or experience in implementing those recommendations.

11.   The CWS is invited to:

(a)   note the content of the present document and the Annex to the present document;

(b)   consider and adopt the set of recommendations, which is reproduced in the Annex to the present document;

(c)   agree to report the set of recommendations to WIPO General Assembly in 2025 as proposed in paragraph 10 above; and

(d)   encourage its Members to implement the set of recommendations and request its Members share their plan or experience in implementing those recommendations at the next session of the CWS as referred to in paragraph 10 above.

[Annex follows]

DRAFT RECOMMENDATIONS ON ICT AND IP ADMINISTRATION

Recommendations	Recommended Actions	Related 40 RECs[1]

<u>Recommendation 1:</u>
IP offices should optimize their current business models, legal frameworks and workflow processes to make them suitable for the digital age in collaboration with internal and external stakeholders at all stages.
	(a) IP offices should identify business problems, and possible and best digital solutions to address them, avoiding mere replication of outdated paper processes.
	(b) IP offices are encouraged to review the business processes of different IP rights and to consider adopting a uniform procedure across IP rights where possible.
	(c) IP offices should ensure a general common understanding of digital transformation at the organizational level, including the possible and appropriate use of emerging and rapidly evolving technologies.
	(d) IP offices should ensure that strategies to leverage API and the Cloud are in place, considering relevant domestic regulations and business policy, for modernization, automation and optimization of business processes.
	(e) IP offices should consider legal changes to support digital transformation, such as:
	    i. development of automated decision-making frameworks;
	    ii. use of qualified electronic signature in IP administration;
	    iii. optionally using a common global ID across IP offices; and
	    iv. exploring use of biometric identification technologies.
		R1, R2, R6, R36 and R39

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[1] 40 Recommendations from the Meeting on ICT Strategy and Artificial Intelligence (see document CWS/6/3)

Recommendations	Recommended Actions	Related 40 RECs[1]
Recommendation 2: IP offices should have an ICT strategy, either as a part of business strategic planning or independently, including measures for annual evaluation.	(a) IP offices are encouraged to develop an ICT strategy in line with their business strategy. (b) IP offices are encouraged to share their ICT strategy with other IP offices, in one of the WIPO languages, preferably in English, where possible. (c) The International Bureau should provide a forum to discuss ICT strategies and other ICT issues considered to be of common interest, including their evaluation and updates, among IP offices.	Not applicable as this is new
Recommendation 3: IP offices should ensure that a data governance framework is in place taking into account organizational policies and related legal framework, and regularly evaluated.	(a) IP offices should establish and maintain a data governance framework which includes data governance strategy, data management policy, and data protection policies and guidelines. (b) IP offices are encouraged to share their data governance framework or associated documents with other IP Offices, where possible.	R22 and R29
Recommendation 4: IP offices should ensure an information security policy is in place based on best practices, and regularly evaluated.	(a) IP offices should develop and maintain their information security policy. (b) IP offices are encouraged to share their information security policy and their experiences, including current challenges and solutions to address them, where possible.	R36 and R37
Recommendation 5: IP offices should ensure that IP data and documentation are available for publication and exchange with other IP offices in machine-readable, full text formats following relevant WIPO Standards.	(a) IP offices should digitize paper-based or image-based IP documents into machine-readable full text formats, where possible structured data formats either in XML or JSON following relevant WIPO Standards. (b) IP offices are encouraged to support other IP offices' digitalization, including sharing their experience and digitalization solutions. (c) IP offices are encouraged to cooperate on data exchange, where possible in XML or JSON following relevant WIPO Standards. (d) IP offices are encouraged to share and disseminate data and documentation, without any barriers and free-of-charge or at a marginal cost.	R3, R4, R13, R14, R16, R17 and R32

Recommendations	Recommended Actions	Related 40 RECs[1]
Recommendation 6: IP offices are encouraged to contribute to multilateral or international cooperative projects concerning IP data, global IP information systems and services, IP data dissemination, and IP documentation.	(a) IP offices are encouraged to actively participate in the cooperative projects[2] that the CWS approved or noted. (b) IP offices are encouraged to offer multilateral cooperative projects and to participate in the projects offered by other IP offices.	R8, R9, R11, R19, R23, R24, R35 and R40
Recommendation 7: IP offices should participate in developing WIPO Standards and implement them where possible.	(a) IP offices are encouraged to nominate their subject matter experts to the CWS Task Forces. (b) IP offices are encouraged to inform the International Bureau of their implementation status of WIPO Standards and to participate in the surveys of the CWS.	R20, R26, R27 and R33
Recommendation 8: IP offices are encouraged to cooperate in developing and using common ICT reference architectures for IP, including solutions and platforms to improve the quality and efficiency in business processes, and to share experience.	(a) IP offices are encouraged to share their current technology stacks and technology roadmaps, including decommissioning plans, with other IP offices, where possible; and (b) the International Bureau should provide a forum and a platform to share experiences and information as needed.	R10, R16, R21, R25, R28, R30, R31 and R34
Recommendation 9: IP offices are encouraged to share experience and information on planning, managing, delivering, and evaluating ICT projects.	(a) IP offices are encouraged to share experience and lessons learned relating to different ICT project delivery models, including: 　　i.　internally run; and 　　ii.　provided by external service providers if possible.	Not applicable as this is new

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[2] such as the Global Identifier project, Unified API Catalogue project and the provision of patent Authority Files in WIPO ST.37-compliant format considering PCT minimum documentation

Recommendations	Recommended Actions	Related 40 RECs[1]
Recommendation 10: IP offices should ensure that the adoption of use cases of emerging and rapidly evolving technologies (such as Blockchain and Artificial Intelligence) will be based on assessments of project risks, including with respect to relevant organizational policies and regulations, as well as potential implications of such solutions in business operations.	(a) IP offices are encouraged to explore and share the use cases of emerging and rapidly evolving technologies, such as blockchain and artificial intelligence technologies. (b) IP offices are encouraged to explore and share the use cases of AI- powered tools and services, including generative AI capabilities as they mature, for functions including image searching, semantic text searching, image and text classifications, translation, and customer support. (c) IP offices should consider ways in which the technologies can be shared and made available to smaller IP offices to improve the quality and efficiency in business processes.	R7, R12 and R15