

Committee on WIPO Standards (CWS)

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STATUS REPORT ON THE PREPARATION OF A PROPOSAL TO ESTABLISH A NEW WIPO STANDARD FOR THE EXCHANGE OF PATENT LEGAL STATUS DATA BY INDUSTRIAL PROPERTY OFFICES

Document prepared by the Secretariat

INTRODUCTION

1. At its third session held in April 2013, the Committee on WIPO Standards (CWS) discussed the importance of legal status data for the industrial property (IP) information community on the basis of proposals presented by the European Patent Office (EPO), the Patent Documentation Group (PDG) and the International Bureau (see documents CWS/3/7 and CWS/3/7 ADD).
2. As a result of the discussion, the CWS agreed to create Task No.47: “prepare a proposal to establish a new WIPO standard for the exchange of patent legal status data by industrial property offices. Once this task is completed, the corresponding proposal should be extended to trademarks and industrial designs.” The CWS also created the Legal Status Task Force to deal with the Task, with the International Bureau as Task Leader (see paragraphs 50 to 54 of document CWS/3/14).
3. On November 6, 2013, the International Bureau invited the CWS Members to nominate their representatives to the Legal Status Task Force (see the CWS Circular C.CWS40 available at: <http://www.wipo.int/cws/en/circulars>). As of March 2014, the representatives of 21 offices and organizations participate in the Task Force.

SCOPE OF NEW STANDARD AND WORKING PROCEDURE

4. The Legal Status Task Force started its discussion in December 2013 via its electronic forum on the basis of a draft proposal presented by the International Bureau in consultation with the EPO and the PDG. In the said proposal, the International Bureau

suggested that the new standard provide recommendations to promote efficient exchange of patent legal status data by industrial property offices (IPOs) in order to facilitate access to that data by IP information users, IPOs, IP data providers, the general public and other interested parties. For the exchange of patent legal status data in a harmonized manner, the International Bureau also proposed that the new standard specify:

- what legal status data should be exchanged; and
- how that data should be structured.

5. In addition, to carry on discussions of the Legal Status Task Force effectively, the International Bureau proposed the following three phases with specific topics:

- (a) Phase 1: global picture and the scope of the new standard;
- (b) Phase 2: legal status data to be exchanged, particularly, the list of event categories, core legal status events and a short description for each category and event; and
- (c) Phase 3: finally, structure of data in view of minimum data set; and codification of legal status data for the electronic data exchange.

6. The Legal Status Task Force agreed on the proposed scope of the new standard and three-phase working procedure for discussions. According to the agreement, Phase 1 was closed in January 2014.

LEGAL STATUS DATA TO BE EXCHANGED

7. As from the end of January 2014, the Legal Status Task Force commenced Phase 2 to discuss on what legal status data should be exchanged. The International Bureau suggested discussing the following items in Phase 2:

- (a) general approaches to define legal status data to be exchanged;
- (b) whether or not recommendations on non-core events as well as core events should be provided;
- (c) list of event categories;
- (d) list of legal status events; and
- (e) a short description for each category and event.

8. Moreover, in order to facilitate the discussion on event categories and events of legal status to be exchanged, the International Bureau proposed 18 event categories and 59 events.

9. Taking into account the complexity of defining a set of legal status data incorporating different practices across the CWS Members in common format, it is expected that several round discussions will be necessary in Phase 2. At the time of preparing this report, the Task Force is carrying on the first round discussion of Phase 2 in which the Task Force members are invited to comment on the items (a) and (b) referred to in paragraph 7 above in order to have a common understanding and goal for further work.

WORK PLAN

10. The Legal Status Task Force noted that it is premature to set a work plan with concrete schedule to prepare a final proposal for the new standard. The Task Force, therefore, will continue its discussion without a timeline for work until the Task Force agrees on the event categories and events of legal status data to be exchanged.

11. The International Bureau would like to encourage those CWS Members which have not yet participated in the Legal Status Task Force to nominate their representatives.

12. The CWS is invited to note the results of the work of the Legal Status Task Force and the report of the Task Force leader, as set out in this document.

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