|  |  |  |
| --- | --- | --- |
|  | WIPO-E | **E** |
| CWS/8/7 | | |
| ORIGINAL: English | | |
| DATE: October 23, 2020 | | |

**Committee on WIPO Standards (CWS)**

**Eighth Session**

**Geneva, November 30 to December 4, 2020**

Proposal for the revision of WIPO Standard ST.27

*Document prepared by the Legal Status Task Force Leader*

## BACKGROUND

At its fifth session held in 2017, the Committee on WIPO Standards (CWS) requested the Legal Status Task Force to consult with the XML4IP Task Force to develop eXtensible Markup Language (XML) schema components based on WIPO Standard ST.27 for the exchange of patent legal status data. The International Bureau is the Task Force Leader. (See paragraphs 50 and 53 of document CWS/5/22.)

This work falls under Task No. 47, whose description reads “prepare proposals for revisions to WIPO Standards ST.27 and ST.87 as needed; prepare a proposed guidance document for industrial design legal status data; prepare a recommendation for the exchange of legal status data on trademarks by industrial property offices; and support the XML4IP Task Force to develop XML components regarding legal status event data” (see paragraph 114 of document CWS/7/29).

## PROPOSED REVISIOn to WIPO Standard ST.27

During work on the XML schema components for patent legal status data, the XML4IP Task Force discovered that additional information needs to be stored in the ST.27 supplementary data fields. After discussion, the Legal Status Task Force recommends revisions to ST.27 Annex II to better reflect the new information and ensure alignment with the relevant ST.96 XML components, incorporated in the new version 4.0. The proposed modification to ST.27 Annex II is described in the Annex of this document.

The following types of additional supplementary data are proposed for the revision of ST.27 Annex II. As with the existing supplementary data fields, all supplementary data is optional. Each IPO may choose what supplementary data, if any, it provides. The new data elements are:

* A date for a prior event that is related to the event being recorded;
* A citation to a relevant rule, regulation, statute, legal provision, or other basis for a decision;
* A reason the application or IP right is not in force (e.g. withdrawn, abandoned, lapsed);
* An indicator that prior use rights are or may be attached to this application or IP right, if such data is available at the IPO;
* Data on publication, priority documents, or other related documents;
* Data on a review procedure that was conducted (e.g. opposition date, language, reference number);
* Data associated with the application: invention title, priority data, classification data;
* Data about the inventor (e.g. name, location, employer);
* Data on ownership transfers, such as assignment record number;
* Expanded license data including start and end dates; and
* Details on fee payments, such as year of payment and payment status (e.g. completed, processing, not started).

ST.27 only provides a general indication of the types of information stored as supplementary data. Complete details of the information to be stored are available in the ST.96 version 4.0 XML schema components published on the WIPO website.

Additionally, several improvements were made to existing supplementary data elements:

* Common data elements shared by all categories are listed in a separate cell at the start of the table, rather than repeated for every category;
* Information on names and/or contact information were generalized and combined. For instance, Name of Applicants became Applicant Data, Licensee Name and Licensee Country Code became Licensee Data, etc.;
* *Ex tunc* or *Ex nunc* Indicator was renamed to Legal Effect Start Time; and
* The title and description columns were merged, with the resulting table being easier to read and occupying 33% fewer pages than before.

The main body of ST.27 will be modified as follows to reflect these changes:

“49. The minimum supplementary event data related to a category is listed in Annex II. There are two groups of data: data in the first row of the table is common supplementary event data which an IPO may provide for any national / regional / international event regardless of the category it maps to; data in the row for a category is specific to that category.”

## Work Plan

If the CWS approves the proposed modification to Annex II of WIPO Standard ST.27, the Task Force suggests revising Annex II of ST.87 and Annex II of new standard on trademark legal status (see document CWS/8/8) in collaboration with the XML4IP Task Force for alignment.

*The CWS is invited to:*

*(a) note the content of this document;*

*(b) consider and approve the proposed revision to "WIPO Standard ST. 27: Exchange of Patent Legal Status Data", as explained in paragraphs 3 to 7 and reproduced in the Annex to this document; and*

*(c) consider and approve the suggestion by the Legal Status Task Force set out in paragraph 8 above.*

[Annex follows]