|  |  |  |
| --- | --- | --- |
|  | WIPO-E | **E** |
| CWS/4BIS/6 | | |
| ORIGINAL: English | | |
| DATE: February 22, 2016 | | |

**Committee on WIPO Standards (CWS)**

**Reconvened Fourth Session**

**Geneva, March 21 to 24, 2016**

MAINTENANCE AND UPDATE OF SURVEYS PUBLISHED IN THE WIPO HANDBOOK ON INDUSTRIAL PROPERTY INFORMATION AND DOCUMENTATION

*Document prepared by the Secretariat*

## INTRODUCTION

1. Part 7 of the WIPO *Handbook on Industrial Property Information and Documentation* (WIPO Handbook) contains 19 surveys related to different aspects of industrial property office (IPO) practices. These surveys have been conducted and published upon request by the Committee on WIPO Standards (CWS) and its predecessor bodies. Part 7 of the WIPO Handbook constitutes an important source of information on, for example, application and publication numbering systems, kinds of patent documents issued by IPOs, formats of dates, optical character recognition practices, codes used by IPOs internally, and correction and citation practices, as well as other matters related to patent, trademark and industrial design information.
2. The purpose of conducting a survey has been, in general, to respond to the need of having concrete examples and information about IPO practices that the CWS or its predecessor bodies considered of interest to the users of industrial property (IP) information. These materials could also provide a basis for the preparation of proposals for new standards, or for the revision of existing Standards, as well as for explaining how a particular Standard is implemented in different IPOs. It should be noted that there are also surveys not directly related to any particular WIPO Standard (e.g. Part 7.7 of the WIPO Handbook “Supplementary Protection Certificates (SPCs)”).
3. Once a survey has been completed and published, the question of subsequent maintenance and update is usually left open and is addressed differently for different surveys. At present, there is no uniform approach to ensuring the maintenance and update of surveys published in Part 7 of the WIPO Handbook.
4. In order to avoid possible inconsistencies and to ensure that the information contained in Part 7 of the WIPO Handbook is relevant, up-to-date and not repetitive, the International Bureau proposes to address the question of maintenance of surveys in its integrity and invites the CWS to consider the proposals presented in paragraphs 10 to 14, below.

## CURRENT SITUATION

1. Survey results, as initially published, provide complete and accurate reflection of IPO practices as they were in place at the moment of conducting the survey. However, several years after its publication, the survey might become outdated or incomplete, as a result of changes in IPO practices.
2. If the update of the information is required for supporting ongoing work of the Committee, the CWS either initiates the complete update of the corresponding survey (sometimes amending the questionnaire in order to focus on issues relevant for the current discussion), or requests the International Bureau to conduct a new survey to replace the outdated one. Such complete updates are not so common and, although having the advantage of being comprehensive, are rather time consuming, work-intensive and usually require contributions from all IPOs involved even if their practices have not changed.
3. If, at a certain moment, the International Bureau becomes aware of changes in practice of an IPO that are relevant to a specific survey, it carries out a partial *ad hoc* update upon request and in collaboration with interested IPOs (e.g. updates of Part 7.3 “Examples and Kinds of Patent Documents” in 2011 and 2014). Updates of this type take considerably less time than the one described in the previous paragraph, but their result is not comprehensive, i.e., while some entries are brought up-to-date, others are not. It leads to a situation where a survey, in particular its publication date, might be confusing since it is not clear whether the entries which were not covered by the update are still accurate, or that some of them should also have been amended, but they were not.
4. A possible response to this situation is to carry out regular updates of these surveys inviting all IPOs to revise corresponding entries and inform the International Bureau on the changes to be reflected, if any. This approach would ensure a better level of reliability of information and timely publication of the accurate information. The International Bureau would propose that this procedure apply, for example, to Part 7.3, Part 7.2.6 and other surveys of Part 7 of the WIPO Handbook (see Annex I for further details).
5. There are a number of surveys for which the approach described in paragraph 8, above, cannot be applied. These surveys contain qualitative and statistical analysis of the responses provided by IPOs, and present the summary of the situation at a given time, which makes a partial update almost impossible and very time consuming. (See, for example, Part 7.2.5 “Survey on application numbering systems”.)

## PROPOSAL

1. Having the above considerations in mind, the International Bureau has reviewed all surveys published in Part 7 of the WIPO Handbook in order to present a proposal for their maintenance and update. Details concerning each survey and issues relevant for their respective updates are available in Annex I to the present document. Summarizing the results of the exercise, from the maintenance point of view, all surveys could be grouped as follows:
   1. recent surveys which contain up-to-date information and do not require updates so far; such surveys should be kept in the WIPO Handbook and eventually updated completely upon request by the CWS. The corresponding questionnaire may also be amended if the CWS so decides;
   2. surveys requiring regular checking and subsequent updates (see paragraph 8, above);
   3. surveys which contain relevant information, but whose subject matter is covered by more recent surveys; relevant information should be transferred to related (recent) surveys, wherever possible; and
   4. surveys related to a specific issue which was a matter of discussion in the past, but which have not been updated and are no longer relevant; such surveys should be moved to the Archive.
2. In order to better reflect the actual IPO practices, an important volume of information should be updated and, for some surveys, it would be necessary to amend the corresponding questionnaire. To ensure the continuous maintenance and update of all surveys published in Part 7, the International Bureau proposes to create a new task to ensure the necessary maintenance and update of surveys published in Part 7 of the WIPO Handbook.
3. If the new task is created, the International Bureau is ready to lead it, i.e., to continue being responsible for the maintenance and publication of surveys in Part 7 of the WIPO Handbook. The new task should be considered of a continuous nature and the International Bureau should report to the CWS at every session on the work done.
4. A tentative work plan for updating Part 7 of the WIPO Handbook, including proposed detailed actions for the next year (the year following CWS/4BIS), is provided in Annex II to the present document. The execution of this plan will depend on the availability of resources and the definition of priorities in line with future decisions of the CWS.
5. In order to ensure the necessary involvement of IPOs in this activity, the International Bureau proposes to create a Task Force (Part 7 Task Force) for discussing issues related to the task, including the preparation of proposals for consideration by the CWS, and for carrying out eventual consultations that the Task Force leader may need.

## Progress since May 2014

### Updates of Part 7.3

1. The International Bureau issued Circular C.CWS 50 of December 9, 2014, informing Member States about the partial update of Part 7.3 “Examples and Kinds of Patent Documents” carried out in 2014. The following entries were amended during this update: Cuba, Republic of Moldova, Russian Federation, Soviet Union, Spain and United Kingdom; also, the former Part 7.3.3 of the WIPO Handbook was incorporated in Part 7.3.2 in order to facilitate access to corresponding samples of first pages.
2. Circular C.CWS 50 also invited all CWS members and observers to check whether the corresponding entries were accurate and up-to-date and send the feedback to the International Bureau. As a result, the following three entries were amended: Australia, Spain and Sweden. The current version of Part 7.3 was published in the WIPO Handbook in May 2015.

### New entry in Part 7.2.6

1. In January 2015, Part 7.2.6 of the WIPO Handbook “Numbering of applications and priority applications – current practices” was updated to include the information about application numbering practices of the European Patent Office.

### New online survey tool

1. In order to optimize costs and resource allocation, the International Bureau has decided to replace online survey tool “Interview”, which was used for collecting information for Part 7 of the WIPO Handbook in 2012 (Part 7.11) and 2013 (Part 7.2.5), by “Opinio”. “Opinio” is an online survey tool, which has been successfully used by various divisions in WIPO and other organizations; it was tested and proved to be suitable for the needs of CWS surveys. The International Bureau plans to conduct the next survey “Numbering of applications and priority applications – former practices” using “Opinio”.

## Requirements for National registers

1. The International Bureau was informed by the Patent Documentation Group (PDG) that its members were facing certain difficulties when accessing patent information via national patent registers. The letter from the PDG is reproduced in Annex III to the present document.
2. The PDG drafted general recommendations, from the perspective of the user community, on content and features of national and regional patent registers and requested WIPO to share these recommendations with IPOs (see Annex III).
3. In addition to that, the PDG proposed to survey national and regional patent offices on content, functionalities and offices’ plans with respect to patent registers. The survey (not only the result) can be relevant for the work of the Legal Status Task Force and, in the future, may provide basis for developing recommendations on the content and functionality of national (regional) patent registers (see Annex III for further details).
4. *The CWS is invited to:*

*(a) note the information contained in Annex I to the present document;*

*(b) consider and approve the specific proposal(s) for each survey that are stated in Annex I to the present document, and, in particular, provide guidance with respect to Parts 7.6 and 7.7 of the WIPO Handbook;*

*(c) note the tentative work plan for updating Part 7 of the WIPO Handbook, in particular, the actions to be carried out following the reconvened fourth session of the CWS, as provided in Annex II to the present document;*

*(d) consider and approve the creation of the following new task “Ensure the necessary maintenance and update of surveys published in Part 7 of the WIPO Handbook on Industrial Property Information and Documentation”, as referred to in paragraph 11, above;*

*(e) consider and approve the establishment of a new Task Force, as referred to in paragraph 14, above;*

*(f) designate the International Bureau as the Task Force leader;*

*(g) if it is decided to keep Part 7.7 in the WIPO Handbook   
(see paragraph 22 (b), above) and to establish a new Part 7 Task Force (see paragraph 22 (e), above), agree on the scope of the survey   
(see Annex I, Part 7.7) and request the Task Force to review the questionnaire and present the proposal at the next session of the CWS;*

*(h) note the progress in maintenance of Part 7 of the WIPO Handbook since May 2014 (see paragraphs 15 to 18, above);*

*(i) note the request and information provided by PDG concerning the requirements for national and regional patent registers (see paragraphs 19 to 21, above) and consider whether this issue should be included in the Work Program of the CWS; and*

*(j) request the International Bureau to report on the progress with the update of Part 7 of the WIPO Handbook at the next session of the CWS.*

[Annex I follows]