



Internal Oversight Division

Reference: IOD-INV-2021-12

Management Implication Report

September 3, 2021

1. FACTS AND ISSUES

1. In April 2021, the Internal Oversight Division (IOD) of the World Intellectual Property Organization (WIPO) received information concerning a user dispute over the accuracy of certain national phase data in Patentscope.¹

2. IOD inquiries into the matter revealed the following possible issues:

(a) The terminology “Also published as” is utilized in Patentscope’s patent search pages to denote applications that have entered the national phase. However, the scope/details of the national applications can sometimes be broader or narrower than the corresponding international ones.² In addition, there may be national phase entries listed despite their having yet to be published;

(b) Patent family algorithms are devised, computed and applied based on ground data provided by the national patent offices, which inform WIPO of national application numbers and corresponding international application numbers. The Patent Cooperation Treaty Information System (PCTIS) processes this data through machine programs that automatically upload it to Patentscope. Some national applications referenced in Patentscope contain links while others do not, and this is based largely on their publication status.³ It is difficult for WIPO to verify the accuracy of data received in national phase applications prior to the actual publication; and

(c) If a user or a national patent office identifies an error, a request may be made to WIPO for correction of the data. Although uncommon, such errors do exist at times, and a level of understanding should be assumed that the data reflected in Patentscope is imperfect; however, some users may not be aware of this fact.

3. IOD shared the above issues with the Global Database Division on July 29, 2021 for comments. With respect to each of them, IOD obtained the following information:

(a) While awaiting the Global Database Division’s response, IOD noticed that the Global Database Division had subsequently modified the term “Also published as” to “Also available as” sometime in August 2021. IOD notes that, while this alleviates the confusion concerning yet-to-be-published national phase entries to a certain extent, it is necessary for the terminology to be revised further to sufficiently address the issue of national applications having broader or narrower scope/details than the corresponding international ones;

(b) On August 23, 2021, the Global Database Division informed IOD that it had added a new tooltip, which allows for a text box to appear when hovering the mouse pointer over applications listed in the “Also published as” section of Patentscope. The text box language read: “This application is not viewable in PATENTSCOPE because the national phase entry has not been published yet or the national entry is issued from a country that does not share data with WIPO or there is a formatting issue or an unavailability of the application.” IOD notes that this tool sufficiently addresses the issue set out at above paragraph 2(b); and

¹ WIPO’s free public database that provides access to international PCT applications and patent documents of participating national and regional patent offices.

² Applications can also be split when entering the national phase. The European Patent Office (EPO) now uses the terminology “Published as” instead.

³ In some cases, national phase applications listed under the “Also published as” section of Patentscope may yet to be published.

(c) The Global Database Division directed IOD's attention to a disclaimer included in section 4.1 and 4.2 of the Patentscope "Terms of Use"⁴, which states, in part, "The data contained in the PATENTSCOPE Database is provided on a strictly 'as is' basis and the User is fully and solely responsible for the use of the data and for any results and consequences of this use. In particular, the User acknowledges that the data appearing under the tabs of 'Description' and 'Claims' are obtained by applying automatic Optical Character Recognition procedures (OCR) to the scanned images of the documents and are therefore prone to error" and "WIPO publishes in the PATENTSCOPE Database the national/regional data as provided by the IPOs concerned. Any required update of said data is made by WIPO upon receipt of the relevant information from the IPO concerned." IOD notes that this disclaimer sufficiently addresses the issue set out at above paragraph 2(c) of this Management Implication Report.

RECOMMENDATIONS

4. Accordingly, IOD recommends the following:

Recommendations

1. The Global Database Division, in consultation with the PCT Legal and International Affairs Department, should explore an alternative terminology for the "Also published as" (or "Also available as") used in Patentscope application pages. (Importance: Medium)

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Approved by: Mr. Rajesh Singh, Director, IOD.

⁴ Available at https://www.wipo.int/patentscope/en/data/terms_patentscope.html. The header includes a mention that the text was last updated in August 2020.

TABLE OF RECOMMENDATIONS

No.	Recommendation	Priority	Person(s) responsible	Contributor(s)	Management comment and action plan	Deadline for implementation
1	The Global Database Division, in consultation with the PCT Legal and International Affairs Department, should explore an alternative terminology for the “Also published as” (or “Also available as”) used in Patentscope application pages. (Importance: Medium)	Medium	Mr. Mazenc	PCT Legal and International Affairs Department	Accepted.	September 30, 2021