

Committee on WIPO Standards (CWS)

Eleventh Session
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REPORT BY THE LEGAL STATUS TASK FORCE (TASK NO. 47)

Document prepared by the Legal Status Task Force Leader

SUMMARY

1. The Legal Status Task Force is responsible for the development and revisions to the legal status related WIPO Standards ST.27, ST.61 and ST.87. Since the last session of the Committee on WIPO Standards (CWS), among other works, the Legal Status Task Force has been collaborating with the XML4IP Task Force to produce XML schemas to capture trademark legal status data.

BACKGROUND

2. At its third session in 2013, the CWS created 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 established the Legal Status Task Force and designated the International Bureau as the Task Leader. (See paragraphs 50 to 54 of document CWS/3/14.)

3. At its fifth session in 2017, the CWS adopted WIPO Standard ST.27 “Recommendation for the exchange of patent legal status data” (see paragraphs 50 and 51 of document CWS/5/22). At its sixth session in 2018, the CWS adopted WIPO Standard ST.87 “Recommendation for the exchange of industrial design legal status data” (see paragraphs 102 to 105 of document CWS/6/34).

4. At its eighth session in 2020, the CWS adopted new WIPO Standard ST.61 "Recommendation for the exchange of trademark legal status data" (see paragraphs 26 to 28 of document CWS/8/24). At its same session, the CWS revised Task No. 47 whose updated description read:

"Ensure the necessary revisions and updates of WIPO Standards ST.27, ST.87, and ST.61; prepare supporting materials to assist the use of those Standards in IP community; analyze the potential of merging the three standards ST.27, ST.87, and ST.61; and support the XML4IP Task Force to develop XML components for legal status event data."

(See paragraphs 114 to 117 of document CWS/8/24.)

5. At its ninth session in 2021, the CWS noted the progress of the Legal Status Task Force on analyzing a potential merger of legal status related WIPO Standards ST.27, ST.87, and ST.61; and requested the Task Force to consider whether this work should continue and make a recommendation at the tenth session, including updates to Task No. 47, if needed. The CWS approved a revision to WIPO ST.27 for 'event indicators'. The CWS also requested the Legal Status Task Force to study how to adapt 'event indicators' and 'procedure indicators' for WIPO ST.61 and WIPO ST.87, with the goal of presenting a proposal. (See paragraphs 45 to 53 of document CWS/9/25.)

6. At its tenth session in 2022, the CWS noted the suggestion by the Legal Status Task Force to discontinue the merger work and approved the resulting revision of Task No. 47 whose updated description now reads:

"Ensure the necessary revisions and updates of WIPO Standards ST.27, ST.87, and ST.61; prepare supporting materials to assist the use of those Standards in the IP community; and support the XML4IP Task Force to develop XML components for legal status event data."

(see paragraphs 75 and 76 of document CWS/10/22).

PROGRESS REPORT ON TASK No. 47

Objectives

7. Within the framework of Task No. 47, which was revised at the tenth session of the CWS, the Legal Status Task Force indicated its aims as to:

- Improve WIPO Standards ST.27, ST.87 and ST.61 as needed;
- Encourage and support IPOs to implement WIPO Standards ST.27, ST.87 and ST.61;
- Keep the mapping tables of IPOs' legal status events to the events of Standards ST.27, ST.61 and ST.87, which are published in WIPO Handbook at: https://www.wipo.int/standards/en/part_07.html#p7.13, up-to-date;
- Collaborate with the XML4IP Task Force to develop XML schemas to capture trademark and industrial design legal status data;
- Monitor IPOs' needs to add 'event indicators' to Standard ST.27 to ST.61 and ST.87; and
- Consider the pending proposals in the Task Force for event and category revisions in Standard ST.27.

Relevant actions for 2023

8. The Legal Status Task Force planned in 2023 to:
- Continue discussions to revise WIPO ST.27, including possible new events and potential recategorization of events;
 - Provide training on legal status Standards as requested and dependent upon available resources;
 - Share implementation experiences or plans among Task Force IPOs;
 - Encourage IPOs to update their mapping tables of Standards ST.27, ST.61 and ST.87
 - Prepare proposal(s) for revising WIPO Standards ST.27, ST.61 and ST.87 as needed; and
 - Collaborate with the XML4IP Task Force to develop XML components which capture legal status event data, in particular by:
 - Participating in joint Task Force meetings with the XML4IP Task Force; and
 - Nominating Office business or legal experts and coordinating their feedback regarding further necessary supplementary data defined in Standards ST.61 and ST.87.

Potential Challenges or Dependencies

9. The Task Force identified several challenges or dependencies which will impact their ability to conduct this work:
- Active participation and contribution of IPOs who are members of respective Task Forces;
 - Business cases and priority of implementation of legal status related WIPO Standards by IPOs;
 - Lack of staff in the Secretariat team who leads these discussions;
 - Sharing the experience and challenges in implementing those Standards among IPOs;
 - Provision of XML schemas to capture trademark and industrial design legal status data in time to support the implementation of Standards ST.61 and ST.87;
 - Need of close collaboration with the XML4IP Task Force; and
 - Engaging IP information users of legal status data, including official CWS observers, in the implementation and revision process of these Standards.

Progress evaluation

10. The Legal Status and the XML4IP Task Forces met in April and July 2023 and mainly discussed:
- Development of XML schema components for trademark and industrial design legal status event; and
 - Sharing of implementation plans for WIPO Standards ST.27, ST.61 and ST.87 and support for their implementation; and

- The priority of work conducted in collaboration between the two Task Forces.

11. Both Task Forces noted the need for XML schema components to support the implementation of WIPO Standards ST.61 and ST.87 similar to when `PatentLegalStatus` components were added to WIPO Standard ST.96 in version 4.0. Several IPOs informed the International Bureau of their plan to implement the two Standards. Due to limited resourcing, the two Task Forces agreed to concentrate on develop trademark legal status XML components based on Standard ST.61, first, and in particular review WIPO ST.61 Annex II- Supplementary Event Data.

12. The members of the two Task Forces were invited to nominate their trademark business or legal experts in order to review and update ST.61 Annex II as needed. Several Offices nominated their experts and proposed to update Annex II on the basis of their practices. After several rounds of discussion, the Legal Status Task Force presented a proposal to revise ST.61 Annex II for consideration at this session of the CWS (see document CWS/11/ 9). The XML4IP Task Force has then used this feedback to further develop trademark legal status XML components on this basis.

13. Several IPOs informed the International Bureau that they have started mapping their national events to the events specified in either WIPO ST.61 or WIPO ST.87.

14. The Legal Status Task Force has no other progress on the other planned actions indicated above to report.

WORK PLAN

15. The Legal Status Task Force will continue to work together with the XML4IP Task Force to develop XML components for trademark and industrial design legal status events on the basis of WIPO Standards ST.61 and ST.87 respectively.

16. The Legal Status Task Force encourages IPOs to provide their mapping table or update their mapping table published in WIPO Handbook at: https://www.wipo.int/standards/en/part_07.html#p7.13. The Task Force will continue to work on other planned actions mentioned above.

17. The CWS is invited to note the content of this document.

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