

产权组织标准委员会（CWS）

第八届会议

2020 年 11 月 30 日至 12 月 4 日，日内瓦

关于修订产权组织标准 ST. 27 的提案

法律状态工作队牵头人编拟的文件

背景

1. 产权组织标准委员会（CWS）在 2017 年举行的第五届会议上，要求法律状态工作队与 XML4IP 工作队协商，根据产权组织标准 ST. 27 开发可扩展标记语言（XML）架构组件，以供交换专利法律状态数据。国际局是工作队牵头人。（见文件 CWS/5/22 第 50 段和第 53 段。）
2. 该项工作属于第 47 号任务，任务说明为“编写关于产权组织标准 ST. 27 和 ST. 87 所需修订的提案；编写用于工业品外观设计法律状态数据的拟议指导文件；编写供工业产权局交换商标法律状态数据的建议；以及支持 XML4IP 工作队开发法律状态事件数据的 XML 组件”（见文件 CWS/7/29 第 114 段）。

对产权组织标准 ST. 27 的拟议修订

3. 在关于专利法律状态数据 XML 架构组件的工作中，XML4IP 工作队发现，需要在 ST. 27 补充数据字段中存储更多信息。经过讨论，法律状态工作队建议对 ST. 27 附件二进行修订，以更好地反映新信息，并确保与新版 4.0 中纳入的相关 ST. 96 XML 组件保持一致。本文件附件中说明了拟对 ST. 27 附件二进行的修改。

4. 建议增加以下类型的补充数据，对 ST. 27 附件二进行修订。与现有的补充数据字段一样，所有补充数据都是可选的。每家工业产权局都可选择提供哪些补充数据（如果有的话）。新的数据要素包括：

- 与被记录的事件有关的在先事件的日期；
- 对相关细则、条例、法律、法律规定或某项决定的其他依据的引用；
- 申请或知识产权权利无效的理由（如已撤销、已放弃、已终止）；
- 该项申请或知识产权权利附有或可能附有在先使用权的指示（如果工业产权局有此类数据）；
- 关于公布、优先权文件或其他相关文件的数据；
- 关于所进行的复审程序的数据（如异议日期、语言、文号）；
- 与申请有关的数据：发明名称、优先权数据、分类数据；
- 关于发明人的数据（例如姓名、地点、雇主）；
- 关于所有权转让的数据，例如转让登记号；
- 扩展后的许可数据（包括起始日期）；以及
- 缴费的详细信息，例如付款年份和缴费状况（如已完成、处理中、尚未开始）。

5. ST. 27 仅提供了作为补充数据存储的信息类型的一般说明。要存储的信息的完整详情可见产权组织网站上发布的“ST. 96 版本 4.0 XML 架构组件”。

6. 此外，还对现有的补充数据要素做了一些改进：

- 所有类别都可使用的通用数据要素在表起始的单独单元格中列出，而不是每类都重复列出；
- 对关于姓名和/或联系信息的信息进行了概括和组合。例如，申请人姓名变为申请人数据，被许可人姓名和被许可人国家代码变为被许可人数据等；
- 自始（Ex tunc）或自现在起（Ex nunc）指标更名为法律效力开始时间；以及
- 将标题和说明栏合并，由此生成的表格更容易阅读，所占页数比以前减少 33%。

7. ST. 27 的主体部分将作以下修改，以反映这些变化：

“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.”

工作计划

8. 如果标准委员会批准对产权组织标准 ST. 27 附件二的拟议修改，工作队建议与 XML4IP 工作队合作，修订 ST. 87 的附件二和关于商标法律状态的新标准的附件二（见文件 CWS/8/8），以实现一致。

9. 请标准委员会：

- (a) 注意本文件的内容；
- (b) 审议并批准上文第 3 段至第 7 段所解释并转录于本文件附件的对“产权组织

标准 ST. 27: 专利法律状态数据交换”的
拟议修订; 并

(c) 审议并批准上文第8段中所载的法律
状态工作队提出的建议。

[后接附件]

ANNEX II

SUPPLEMENTARY EVENT DATA

Proposal by the Legal Status Task Force for consideration at CWS/8

1. Each status event code may be accompanied by supplementary event data. There is supplementary event data that is specific to events in a particular category and there is common supplementary event data which is common to all events. The common supplementary event data includes: (1) the effective country or region, (2) the gazette issue number, and (3) comment (i.e. free text); (4) a prior relevant event date and (5) a relevant rule. The "effective country or region", is the country or region where the event has legal effect, which is particularly relevant for regional IPOs where the effect of an event, such as discontinuation due to non-payment of renewal fees, only has effect in some of the countries where the IP right is active. The "gazette issue number" is the issue of the national/regional gazette where the particulars of the national/regional event are made public. IPOs will be able to provide additional associated data which is not specified in the "comment" entry. The "prior relevant event date" is the date of a prior event which is relevant to the current event, such as the start of a fee payment time period which has expired. The "relevant rule" is an Office-specific rule, regulation, law, or other principle which was applied to reach the event outcome.

2. The Table below shows what supplementary data fields may be used for different categories. The first row shows common elements that may be used in any category, and subsequent rows show the data elements specific to each category. Note that the supplementary data elements indicated in this Standard are general descriptions of the types of data that may be provided. The particular formats and allowed values for supplementary data are defined in data representation standards, such as WIPO ST.96 for eXtensible Markup Language (XML).

Category Code	Category Title & Description	Supplementary event data
n/a	All categories This shows common data elements that may be used in any category.	<ol style="list-style-type: none"> Effective country or region Gazette issue number Comment (i.e. free text) Prior Relevant Event Date Relevant Rule (e.g. rule number)
A	Application filing This category is a group of events related to the filing of various types of applications for an IP right. It includes, for example, when a national or regional IPO receives an application for the grant of an IP right, together with any additional documentation and fees necessary to obtain a filing date under national or regional law or convention or the Patent Cooperation Treaty (PCT) as applicable. Types of applications covered include patents for inventions, utility models, supplementary protection certificates, plant patents, design patents, inventors' certificates, utility certificates, and patents of addition. This category also includes events related to the filing of a provisional application, divisional application, continuation, continuation in part, or an application for conversion. It also covers entry of an international application into the national or regional phase.	<ol style="list-style-type: none"> Effective Country or Region Gazette Issue Number Invention Title Comment (i.e. free text) (Related Document Identification (e.g. parent document ID)) Priority Date International or Regional Application Filing Date Regional Filing Date Name of Applicants Applicant Data (e.g. name, contact info) Divided Applications

Category Code	Category Title & Description	Supplementary event data
B	<p>Application discontinuation</p> <p>This category is a group of events related to the discontinuation of an application of any type covered by Category A. It includes, for example, when an application has been voluntarily withdrawn by the applicant, was deemed to be withdrawn, abandoned or lapsed or was refused by the IPO. The events in this category may move an application from the filing stage, examination stage or pre-grant challenge stage into the termination likely/termination stage.</p>	<p>1. <u>Effective Country or Region</u></p> <p>2. <u>Gazette Issue Number</u></p> <p>1. <u>Comment (i.e. free text)</u> <u>Reason Not In Force</u></p>
C	<p>Application revival</p> <p>This category is a group of events related to the revival, reinstatement or restoration of any application covered by Category A after it has been discontinued. It includes, for example, when an application was revived following a request for application revival after payment of an outstanding fee, responding to an outstanding action or decision which had resulted in the application being discontinued, or following an appeal. The events in this category may move an application from the termination likely/termination stage into the filing stage, examination stage or pre-grant challenge stage.</p>	<p>1. <u>Effective Country or Region</u></p> <p>2. <u>Gazette Issue Number</u></p> <p>3. <u>Comment (i.e. free text)</u></p> <p>1. <u>Discontinuation Date</u></p> <p>2. <u>Reason Not In Force</u></p> <p>3. <u>Prior Use Rights Indicator</u></p>
D	<p>Search and examination</p> <p>This category is a group of events related to the examination proceeding and prior art searches for any application covered by Category A. It includes, for example, a formality examination or a substantive examination. It also includes a request for a prior art search and an announcement of the intention of the IPO to grant an IP right. The events in this category may move an application from the filing stage or the pre-grant challenge stage into the examination stage.</p>	<p>1. <u>Effective Country or Region</u></p> <p>2. <u>Gazette Issue Number</u></p> <p>3. <u>Comment (i.e. free text)</u></p> <p>1. Search <u>Origin</u> Category (e.g., first, further invention, additional search due to shift in scope of claims)</p> <p>2. Requester of Search (e.g., applicant, third party, or independently by the IPO)</p> <p>3. Requester of Examination (e.g., applicant, third party, or independently by the IPO)</p> <p>4. <u>Publication Data</u></p> <p>5. <u>Priority Data</u></p> <p>6. <u>Related Documents Data (e.g. regional filing data, international filing data)</u></p> <p>7. <u>Applicant Data</u></p>

Category Code	Category Title & Description	Supplementary event data
E	<p>Pre-grant review request</p> <p>This category is a group of events related to the request for a pre-grant review for any application covered by Category A. It includes, for example, a request for a pre-grant opposition, pre-grant re-examination, or pre-grant limitation. It also includes when such a request was inadmissible, rejected or withdrawn. The events in this category may move an application from the examination stage or the termination likely/termination stage into the pre-grant challenge stage.</p>	<p>1. <u>Effective Country or Region</u></p> <p>2. <u>Gazette Issue Number</u></p> <p>3. <u>Comment (i.e. free text)</u></p> <p>1. Details of Court/Tribunal (e.g., name of court, tribunal, IPO body)</p> <p>2. Party Name(s)</p> <p>3. Representative's <u>Name(s) & Contact Details (e.g. name(s) & contact information)</u></p> <p>4. <u>Review Procedure Data (e.g. opposition date, reference, language)</u></p> <p>5. <u>Prior Use Rights Indicator</u></p>
F	<p>IP right grant</p> <p>This category is a group of events which relate to the effective grant date of an IP right and/or entry of an IP right into the IPO's register. It includes, for example, when an IP right was granted following an examination, an appeal, pre-grant review or inadmissibility, rejection or withdrawal of a pre-grant review request. Types of IP rights covered include patents of invention, utility models, supplementary protection certificates, and any other IP rights that result from the types of applications covered by Category A. The events in this category may move an application from the examination stage or the pre-grant challenge stage into the grant stage.</p>	<p>1. <u>Effective Country or Region</u></p> <p>2. <u>Gazette Issue Number</u></p> <p>3. <u>Comment (i.e. free text)</u></p> <p>1. <u>Invention Title</u></p> <p>2. Name of Registered Owner</p> <p>3. <u>Reference to Pre-grant Review Decision (e.g., court or tribunal order following pre-grant review)</u></p> <p>4. <u>Priority Data</u></p> <p>5. <u>PCT Data</u></p> <p>6. <u>Inventor Data</u></p> <p>7. <u>Classification Data</u></p>
G	<p>Protection beyond IP right term</p> <p>This category is a group of events related to the protection of an IP right beyond its term for any type of IP right covered by Category F. It includes, for example, a request for a patent term adjustment (PTA), patent term extension (PTE) or a supplementary protection certificate (SPC) extension and also includes related events that occur subsequent to such a request. The events in this category occur during the grant stage.</p>	<p>1. <u>Effective Country or Region</u></p> <p>2. <u>Gazette Issue Number</u></p> <p>3. <u>Comment (i.e. free text)</u></p> <p>1. Extension Expiry Date (e.g., end date of PTA, PTE, or SPC extension)</p> <p>2. Active ingredient (generic and brand name)</p> <p>3. Medical indication (disease state)</p>

Category Code	Category Title & Description	Supplementary event data
H	<p>IP right cessation</p> <p>This category is a group of events related to the cessation of an IP right for any type of IP right covered by Category F. It includes, for example, the cessation of an IP right following an IP right review, an appeal, a refusal to reinstate, or a lapse or expiry. The events in this category may move an IP right from the grant stage or the post-grant challenge stage into the termination likely/termination stage.</p>	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.e. free text)</p> <p>4. Ex tune or Ex nunc Indicator</p> <p>1. <u>Legal Effect Start Time</u></p> <p>2. Decision Authority Category (e.g., national court, tribunal, IPO)</p> <p>3. <u>Reason Not In Force</u></p>
K	<p>IP right revival</p> <p>This category is a group of events related to the revival, reinstatement or restoration of an IP right after its cessation for any type of IP right covered by Category F. It includes, for example, the request for the revival and the decision to revive an IP right, including by way of an appeal. The events in this category may move an IP right from the termination likely/termination stage into the grant stage or the post-grant challenge stage.</p>	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.e. free text)</p> <p>1. Reinstatement Reason Category (e.g., following payment of fee)</p> <p>2. Cessation Date</p> <p>3. Expiry Date</p>
L	<p>IP right review request</p> <p>This category is a group of events related to a request for a review of an IP right after its grant for any type of IP right covered by Category F. It includes, for example, a request for a post-grant opposition, re-examination, limitation, reissue, surrender, or invalidation. It also includes when such a request was inadmissible, rejected or withdrawn. The events in this category may move an IP right from the grant stage or the termination likely/termination stage into the post-grant challenge stage.</p>	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.e. free text)</p> <p>1. Party Name(s)</p> <p>2. <u>Representative's Name(s) & Contact Details (e.g. name(s) & contact information)</u></p> <p>3. <u>Review Procedure Details (e.g. opposition date, reference, language)</u></p>
M	<p>IP right maintenance</p> <p>This category is a group of events related to the maintenance of a granted IP right in full or amended form as the outcome of a post-grant challenge for any type of IP right covered by Category F. It includes, for example, an IP right being maintained in full or amended form following an appeal, an IP right review or the inadmissibility, rejection or withdrawal of a request for an IP right review. The events in this category may move an IP right from the post-grant challenge stage into the grant stage.</p>	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.e. free text)</p> <p>1. IP Right Review Details (i.e. information about the IP right review, including court order details for example)</p> <p>2. Decision Authority Category e.g., court, tribunal, IPO)</p>
N	<p>Termination</p> <p>This category is a group of events related to the termination of an application of any type covered by Category A or an IP right of any type covered by Category F without a possibility of its revival. It includes, for example, when an application or IP right was terminated by the IPO or a court. The events in this category are not available to all IPOs.</p>	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>1. Comment (i.e. free text) <u>Reason Not In Force</u></p>

Category Code	Category Title & Description	Supplementary event data
P	<p>Document modification</p> <p>This category is a group of events related to modifications of an application, IP right document or other document, which occur outside the context of a pre-grant review or IP right review. It includes, for example, amendments and corrections of errors in applications and IP right documents. Documents may relate to any type of application in Category A or any type of IP right in Category F. The events in this category may occur during any stage.</p>	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.o. free text)</p> <p>1. Publication identification</p> <p>2. Modified Part of Document Category (e.g., bibliographic information, priority claim, specification, claims, drawings)</p> <p>3. Modification Category (e.g., amendment or correction)</p> <p>4. Previously Published (erroneous) Content</p> <p>5. New (corrected) Content</p>
Q	<p>Document publication</p> <p>This category is a group of events related to document publication by the IPO. It includes, for example, publication of an application, IP right document or bibliographic information by the IPO. Documents may relate to any type of application in Category A or any type of IP right in Category F. The events in this category may occur during any stage.</p>	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.o. free text)</p> <p>1. Patent Document Category (ST.16 <u>kind code</u>)</p> <p>2. Publication Identification</p>
R	<p>Party data change</p> <p>This category is a group of events related to the IPO recording changes in party data. It includes, for example, when the IPO records changes to a party concerned with the application or IP right, e.g., the applicant(s), owner(s), inventor(s) or representative(s). It also includes events related to the recording of changes in party contact information. The data change may relate to any type of application in Category A or any type of IP right in Category F. The events in this category may occur during any stage.</p>	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.o. free text)</p> <p>1. Party Data Change Category (e.g., owner change, inventor change, representative change, owner contact information change, inventor contact information change, representative contact information change)</p> <p>2. Previous Party Name/Contact Information</p> <p>3. Previous Party Country Code</p> <p>2. <u>Details (e.g. name, contact information, country code)</u> New Party Name/Contact Information <u>Details (e.g. name, contact information, country code)</u></p> <p>2. New Party Country Code</p> <p>3. Assignment Document Number (e.g., number associated with transfer of IP right)</p> <p>3. <u>Ownership Transfer</u> <u>Date</u> <u>Data (including assignment document number)</u></p> <p>4. Legal Proceedings Details (if applicable)</p>

Category Code	Category Title & Description	Supplementary event data
S	<p>Licensing and related matters</p> <p>This category is a group of events related to the IPO recording licensing information and amendments to such records. It includes, for example, when an IPO records that a license, pledge or security interest has been agreed to, amended, cancelled or transferred. The licensing information may relate to any type of application in Category A or any type of IP right in Category F. The events in this category may occur during any stage.</p>	<ol style="list-style-type: none"> 1. Effective Country or Region 2. Gazette Issue Number 3. Comment (i.e. free text) 4. License Registration Number 1. License Record Category Data (e.g., initial, registration number, record, amendment, cancellation type, status, start and end dates) 2. License Status (e.g., active, inactive, terminated) 3. License Start Date 4. Term of License (i.e. duration of license)/License End Date 2. Name of Licensor(s) Data (e.g. name, contact information, country code) 2. Country Code of Licensor 3. Name of Licensee(s) Data (e.g. name, contact information, country code) 4. Country Code of Licensee 4. Licensing Information Amendment Category (i.e. which terms were amended) 5. Territory of License Validity 6. Legal Proceeding Details (if applicable)
T	<p>Administrative procedure adjustment</p> <p>This category is a group of events related to the adjustment of an administrative procedure conducted by the IPO. It includes, for example, granting an extension of an administrative time limit or continued processing of a necessary procedure. It also includes a suspension, stay or interruption of an administrative procedure, or the resumption of a suspended, stayed or interrupted administrative procedure. The adjustment may relate to any type of application in Category A or any type of IP right in Category F. The events in this category may occur during any stage.</p>	<ol style="list-style-type: none"> 1. Effective Country or Region 2. Gazette Issue Number 3. Comment (i.e. free text) 1. Adjustment Category (e.g., time extension, suspension, stay, resumption, interruption, delay in communication services, as-of-right extension granted, IPO disruption, IPO irregularity) 2. Reason for Adjustment (e.g., natural disaster, IPO delay, court delay, applicant/patentee delay) 3. Start and End Date (e.g., date at which the adjustment starts and date at which the adjustment ends) 4. Prior Use Rights Indicator

Category Code	Category Title & Description	Supplementary event data
U	<p>Payment</p> <p>This category is a group of events related to the payment of fees. It includes, for example, payment of a renewal, maintenance or other designation fee. The payment may relate to any type of application in Category A or any type of IP right in Category F. The events in this category may occur during any stage.</p>	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.e. free text)</p> <p>1. Fee Category (e.g., registration fee, maintenance fee, renewal fee, designation fee)</p> <p>1. Paid to Date (i.e. the date up to which the fees have been paid, e.g., no renewal fees will be required until that date)</p> <p>2. Next Fee Due Date (i.e. date at which the next fee becomes due)</p> <p>3. Year of Fee Payment</p> <p>2. <u>Payment Details (e.g. payment status, year of fee payment, . . .)</u></p> <p>3. Renewal Details (e.g., length of renewal, scope changes, <u>next fee due date</u>)</p>
V	<p>Appeal</p> <p>This category is a group of events related to an appeal of a decision made during the prosecution of an IP right. It includes, for example, a request by the applicant, IP right owner, or third party for an administrative or court appeal of any decision made during the prosecution of an IP right and the procedural outcome of such an appeal. The substantive outcome of the appeal may be mapped to an event in another category, for example, application discontinued, application revived, IP right granted, IP right ceased, or IP right maintained. The appeal may relate to any type of application in Category A or any type of IP right in Category F. The events in this category may occur during any stage.</p>	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.e. free text)</p> <p>1. Appellate body</p> <p>2. Decision Being Appealed</p> <p>3. Appellate Decision Details</p> <p>4. Decision Citation</p>
W	<p>Other</p> <p>This category covers events which cannot be categorized under any other Category. It is recommended to use this category as a last resort for unusual cases, where a liberal interpretation of the description of all other Categories would fail to adequately describe the national/regional event (e.g., legacy events or interim/internal events).</p>	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.e. free text)</p> <p>1. National/regional Event Description</p>

Category Code	Category Title & Description	Supplementary event data
Y	<p>Correction and deletion of event information</p> <p>This category is a group of events related to the correction or deletion of erroneous event information that the IPO previously provided. It includes, for example, correction in the status event code of an application or IP right provided under this Standard or the correction or deletion of an event that was announced erroneously in a gazette, IP register or other published documentation. The event information may relate to any type of application in Category A or any type of IP right in Category F. The events in this category may occur during any stage.</p>	<p>1. Effective Country or Region</p> <p>2. Gazette Issue Number</p> <p>3. Comment (i.e. free text)</p> <ol style="list-style-type: none"> 1. Status Event Identification (Status Event Code and Date; or Unique Identifier) 2. Previously Published Erroneous Content 3. New Corrected Content

[附件和文件完]