



Legal Status

IP5 Heads and Industry Meeting
May 2017

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Background

- The enhanced scope document of Legal Status was endorsed during IP5 Heads Meeting in May 2016.
- Thereafter, Legal Status was pushed forward in line with the enhanced scope document.

Progress (1)

- With the fourth draft proposal on Legal Status Standard released by WIPO on 26 Nov. 2016, SIPO circulated a questionnaire among IP5 offices to coordinate views on the draft proposal and collect opinions on the project proceeding.

Feedback from 5 Offices

on Legal Status Questionnaire sent by SIPO on Nov. 25, 2016

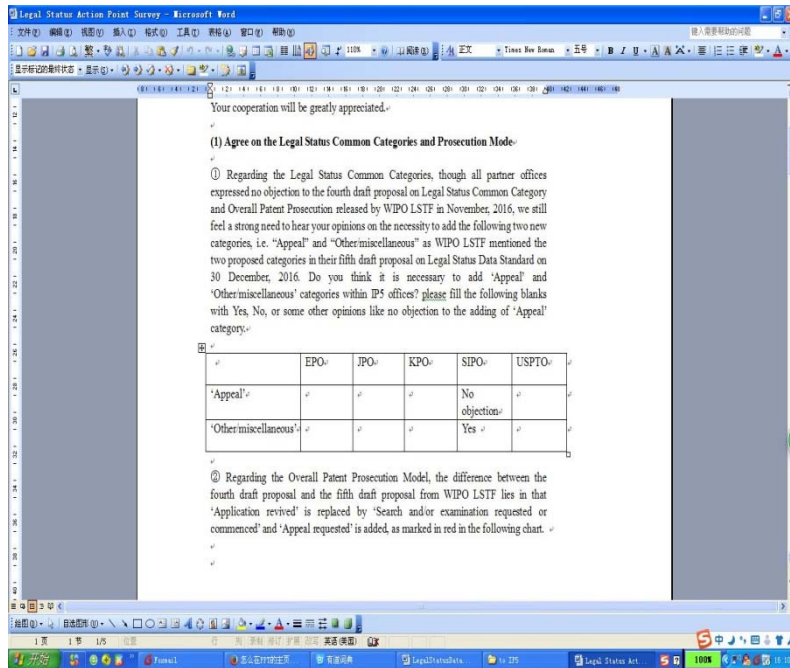
| | EPO | JPO | KIPO | SIPO | USPTO |
|--|--|----------------------------------|----------------------------------|--|--|
| Agree on WIPO's new standards or not | Basically agree and advise to have 'detailed events' as an annex to the Standard | Yes | yes | Yes, but standardization on Detail Events in the future is also preferred. | Yes, focus on the 19 key events is preferred |
| When to finish mapping, before DH or Heads meeting | Before DH meeting, possibly in Jan. 2017 | Already finished | Before DH meeting | Already finished | Before DH meeting (for 18 events) |
| Data exchange preference | Bulk among offices; deep link or web services for requests in user interfaces | Bulk | Bulk | Bulk & web service preferred, while deep linking optional | Web service (via GD) |
| Further suggestions | IP5 family Legal Status overview | Consistence with results of LSTF | Consistence with results of LSTF | | A clear and simple standard is preferred, thus focus first on key events is recommended. |

Progress (2)

- During the 11th WG2 meeting, SIPO reported each office's feedback to the questionnaire and presented the progress of Legal Status.
- IP5 offices agreed on two action points in WG2 meeting:
 - ① Agree on Legal Status Common Categories and Prosecution Model by end March.
 - ② Finish Mapping of State, Stage and Key Events, and/or Categories before DH meeting.

Progress (3)

- With the action points in mind and WIPO's latest draft for reference, SIPO circulated a **questionnaire** and a **mapping table template** among IP5 offices.



| | A | B | C | D | E | F | G | H | I |
|----|--|-------------------------|--|--|------------------|--|--|---|---|
| | Key Events proposed by WIPO LSTF | Code of WIPO Key Events | IPO's mapped key events in original language | IPO's mapped key events in English | IPO's event code | IPO's Event state (historically or Currently in use) | Detailed events mapping (optional) | | |
| 1 | Application filed | A10 | | rejection of application for invention after its publication | | | | | |
| 2 | | | 发明专利申请公布后的撤回 | withdrawal of application for invention after its publication | RJ01 | Currently | B14. Application refused following examination | | |
| 3 | | | 发明专利申请公布后的撤回 | withdrawal of application for invention after its publication | WW01 | Currently | B11. Application withdrawn | | |
| 4 | | | 发明专利申请公布后的视为撤回 | deemed withdrawal of application for invention after its publication | WD01 | Currently | B12. Application deemed to be withdrawn, abandoned | | |
| 5 | Application discontinued | B10 | 专利权的视为放弃 | deemed abandonment of patent right | AD01 | Currently | B12. Application deemed to be withdrawn, abandoned | | |
| 6 | Application revived | C10 | 专利申请的恢复 | reinstatement of patent application right | RA01 | Currently | C12. Application reinstated | | |
| 7 | | | 实质审查请求的生效 | the entry into substantive examination decision made by SIPO | SE01 | Currently | D11. Substantive examination requested | | |
| 8 | Search and/or examination requested or commenced | D10 | 专利局对专利申请实质审查的决定 | to initiate substantive examination approved patent application | DE01 | Currently | D11. Substantive examination requested | | |
| 9 | Pre-grant review requested | E10 | 审定 | application | | Historically | F11. Grant of IP right intended | | |
| 10 | | | 授权 | the grant of patent right | GR01 | Currently | F12. Patent granted | | |
| 11 | IP right granted | F10 | 保密专利专利权授予 | the grant of secret patent right | GR03 | Currently | F12. Patent granted | | |

Achievements

- IP5 offices **agreed on** the Legal Status Common Categories and Prosecution Model proposed in the seventh draft.
- IP5 offices have **basically finished mapping** of State, Stage and Key Events.

| Key Events proposed by WIPO IIST | Code of WIPO Key Events | IPO's mapped key events in original language | IPO's mapped key events in English | IPO's event code | IPO's standardized event codes | IPO's Event status (Historical or Currently in use) |
|--|-------------------------|--|--|------------------|--------------------------------|---|
| Application filed | A10 | 출원 | Application filed | A10 | A-0-1-A10-AC | Currently |
| Application discontinued | B10 | 출원 취하 | Application discontinued | B10 | A-0-1-A10-AP | Currently |
| Application revived | C10 | 출원 취하 후 재출원 | Application revived | C10 | A-0-1-A10-AR | Currently |
| Search and/or examination requested or commenced | D10 | 실질심사 요청 | Search and/or examination requested or commenced | D10 | A-2-2-000-1A | Currently |
| Pre-grant review requested | E10 | 특허심사청구 | Pre-grant review requested | E10 | A-2-2-000-1B | Currently |
| Protection beyond IP right term granted | F10 | 특허권 연장 | Protection beyond IP right term granted | F10 | A-2-2-000-1C | Currently |

EPO

| Key Events proposed by WIPO IIST | Code of WIPO Key Events | IPO's mapped key events in original language | IPO's mapped key events in English | IPO's event code | IPO's standardized event codes | IPO's Event status (Historical or Currently in use) | Event description |
|--|-------------------------|--|--|------------------|--------------------------------|---|------------------------------------|
| Application filed | A10 | 출원 | Application filed | A10 | A-0-1-A10-AC | Currently | 출원된 발명(특허)에 대한 권리 신청 |
| Application discontinued | B10 | 출원 취하 | Application discontinued | B10 | A-0-1-A10-AP | Currently | 출원된 발명(특허)에 대한 권리 신청을 철회함 |
| Application revived | C10 | 출원 취하 후 재출원 | Application revived | C10 | A-0-1-A10-AR | Currently | 출원된 발명(특허)에 대한 권리 신청을 철회한 후 다시 출원함 |
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KIPO

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| Application filed | A10 | 출원 | Application filed | A10 | A-0-1-A10-AC | Currently | 출원된 발명(특허)에 대한 권리 신청 |
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SIPO

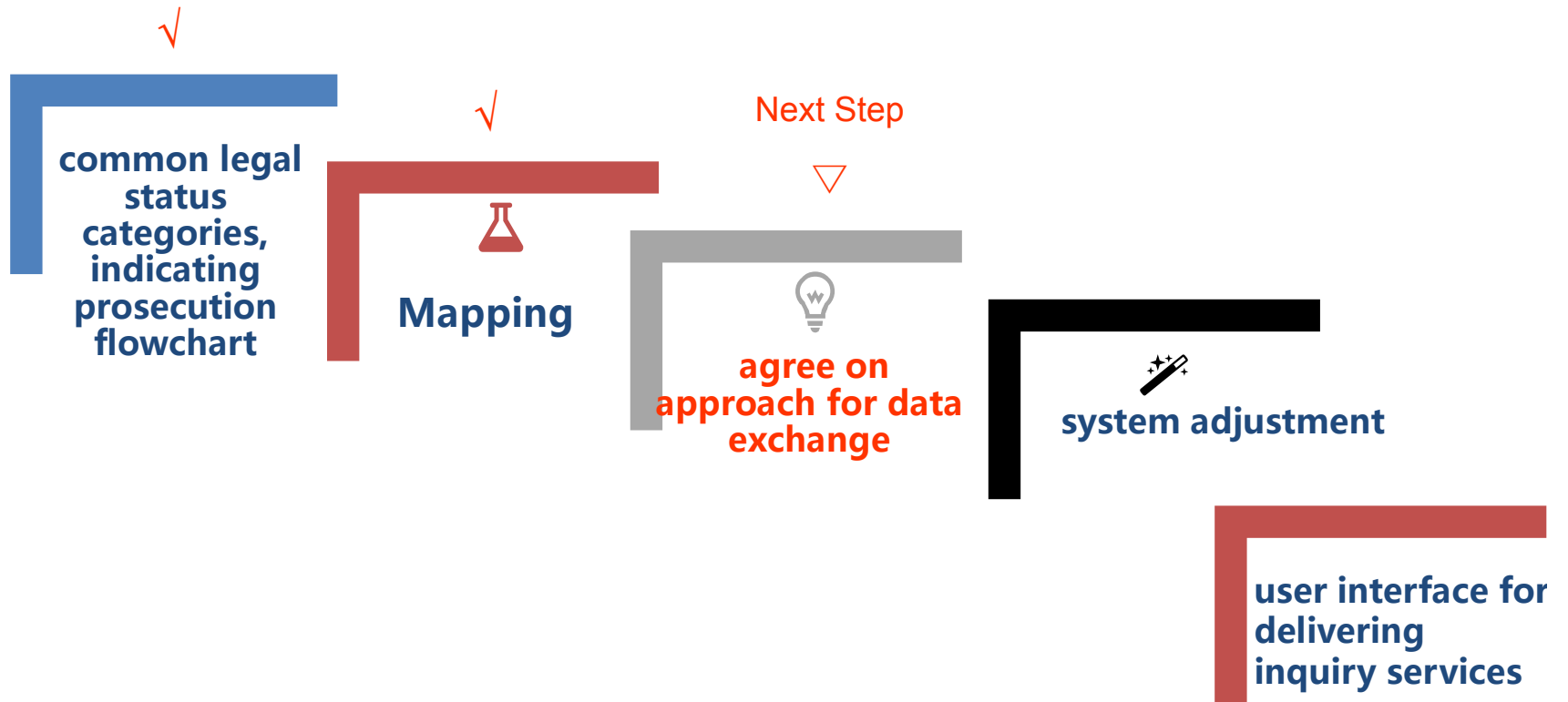
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JPO

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USPTO

Next Step



Thanks!