Survey Concerning Citation Practices in Intellectual Property Offices

Response ID:142 Data

2. Section 1: Identification page

1. Please enter the ST.3 code of the member state or inter-governmental organization you represent.

AU - Australia

2. Please enter the name of the office or organization you represent. For instance, International Bureau of WIPO.
If your organization name is the same as your ST.3 code name, you may put "n/a".

IP Australia

3. Questions about citation references provided by your Office: Sections 2 to 4

Section 2: Citation reference availability

5. Does your Office publish citation references associated with your Office's patent documents?

Yes
Please comment if necessary:

6. Select one option describing the availability, to the public, of your Office's citation references.

Available to the public

7. In which of the following location(s) associated with patent documents, published by your Office, can citation references be found?

Preliminary search report
Substantive search and/or examination report
Bibliographic data
Please comment on any of the above mentioned locations, if appropriate:

8. If citation references are part of the bibliographic front page information, are they included in INID code (56)?

Yes

9. Beyond the locations listed as options in question 7 above, select the location(s) outside the patent document where citation references can be found:

Summary information (Internet)
E-Dossier/File wrapper

10. Are hyperlinks included for the above Internet locations?

No
Please comment if necessary:

11. Does your Office give information about a patent document that cites the specific patent document the user is looking at (i.e., a forward citation)?

No

12. Are hyperlinks to the citing document provided?

No
Please comment if necessary:

13. Does your Office follow the recommendations set out in WIPO Standard ST.14 for the identification of citation references?

Yes
Please comment if necessary:

14. Does your Office provide indications, to the general public, informing about who suggested or decided on including the citation references?

No

If available, where can indications of who created a citation reference be found by the general public?

Please comment if necessary:

4. Section 3: Search Report Information

15. Does your Office prepare international search reports (ISRs) in the capacity as an International Searching Authority under the PCT?

Yes

5. Section 3: Search Report Information

16. Do you have quality control on citation references entered on search reports?

Yes (Please provide examples in detail): Quality assurance by a senior patent examiner on all ISRs prior to reports being issued.
Please comment if necessary::

17. Do your citation references include online URLs?

Sometimes (specify when): for NPL or when citing a website

18. Are unique document identifiers used, e.g., DOI?

Sometimes (Specify when): Some examiners will add DOI to NPL citations in ISRs but it isn't mandated.

If applicable, which unique document identifiers are used?

Digital Object Identifier (DOI)
ISBN and ISSN

6. Section 3: Search Report Information

19. Does your Office prepare Office-specific national/regional search reports (non PCT)?

Yes

7. Section 3: Search Report Information

20. Do you have quality control on citation references entered on search reports?

Yes (Please provide examples in detail): Quality assurance on Article 15(5) reports
Please comment if necessary::

21. Are relevance indicators stated?

Yes

22. Do your citation references include online URLs?

Sometimes (Specify when): NPL or websites

23. Are unique document identifiers used, e.g., DOI?

Sometimes (Specify when): Some examiners will add DOI to NPL citations in ISRs but it isn't mandated

If applicable, which unique document identifiers are used?

Digital Object Identifier (DOI)
ISBN and ISSN

8. Section 3: Search Report Information

24. Please comment on any major differences between the provision of ISR and other search report citation references if any

Nil difference

9. Section 4: Centralizing/Tagging Citation References

25. Do you (intend to) add tags to identify citation references?

No

26. Does your Office have a centralized database containing citation reference identification data elements?

No

If possible, please specify any structural elements on which the database is founded, for example:

Is the information in the database technically and legally exchangeable e.g., with other Offices?

27. Are citation references from your Office searchable by the general public?

Sometimes (please specify the location where the references are searchable e.g., http://www.): https://ipsearch.ipaustralia.gov.au/patents for patent citations only

28. Please add any further comments you may have about any of the questions in section 4 above:

10. Questions about your Office's published documents that may be cited (within a citation reference): Sections 5 to 7

Section 5: Location of published patent documents which can be considered to be an (or the) authentic source

29. Which mediums represents the (or an) authentic legal rendition (authoritative source) of your Office's published patent application?

Paper
Website (if multiple website separate each address with a semi- colon ";"): https://ipsearch.ipaustralia.gov.au/patents
SFTP Bulk publication:
APIs of Webservices:

30. Which mediums represents the (or an) authentic legal rendition (authoritative source) of your IPO's published granted patents?

Paper
Website (if multiple website separate each address with a semi- colon ";"): https://ipsearch.ipaustralia.gov.au/patents
SFTP Bulk publication:
APIs of Webservices:

31. Regarding the medium indicated above, is there one or more (file) formats that should be looked at (in preference to other formats)?

Yes

If yes, please select all formats that should be considered in preference to other formats

Paper
.pdf (Adobe)

32. Is your Office using commercial providers for publishing patent documents?

No

11. Section 6: Availability of location identifiers

33. Which, if any, text- based identifiers do your published patent documents contain:

Page numbers
Line numbers
Paragraph numbers

34. Which, if any, identifiers of non-textual elements occur within the description part of your published patent document:

Image/figure numbers within the description:
Chemical formula numbers:
Tables:
Gene sequences:
Mathematical formulas:
Computer programs:

12. Section 7: Paragraph number details

35. Does your published patent documents include paragraph numbers?

Yes

13. Section 7: Paragraph number details

36. Paragraph numbers are typically created by:

Applicant / Inventor

37. Paragraph numbers are recreated:

When numbered paragraphs are amended

38. Describe any special treatment you give to long paragraphs:

39. Describe how you treat numbered paragraphs that are subsequently amended:

Other (Please specify): The applicant amends the specification in response to examination reports and is responsible for paragraph numbering being continuous. Examiners will typically alert applicants if there is a discrepancy or error.

40. If necessary, please provide additional comment on any part of the questions or answers given above in this section.

The use of paragraph numbers as location identifiers is optional and not a required format by the AU Office.

14. Section 8: Citing documents based on machine translations

41. Does your Office currently allow to cite machine-translated documents in search or examination reports?

Yes

15. Section 8: Citing documents based on machine translations

42. When citing a document without paragraph numbering, how does your Office identify the relevant passage in the machine translation?

Depends on the identifying characteristics available in the document, but could include e.g. page number or section of document (generally either or both can be reverse-engineered by comparing the machine translation to the original document) and manually counting to the relevant paragraph; or using publicly available tool such as Espacenet, where the same translation can be accessed by the reader of the report as necessary.

43. How does your Office ensure that applicants can access the exact machine translation used by your Office?

Other (Please specify): There is no requirement that the exact machine translation is shared, but generally the tool used is mentioned in the report so that the reader can theoretically access the same translation.

44. Does your Office record or store the machine translation used by the examiner for internal or public reference?

Yes, for internal use only

45. Does your Office have a preferred format for citing machine translations in search or examination reports?

No

46. Has your Office encountered cases where an applicant disputed the relevance of a citation based on a machine translation?

Other (Please specify): No data recorded.

47. Should there be a standardized method for referencing the machine translation engine and date of translation in the international search report?

No

48. Should WIPO Standard ST.14 be revised to include recommendation on how references to machine translations should be cited in a patent document?

Other(Please specify): We would welcome the inclusion of examples on how references to machine translations should be cited, as a recommendation only.

16. General questions about Citation Practices: Sections 9-10
Section 9: Examples of citation references published by your Office, if this information is available.

49. If possible, please provide a patent (application) number and a publicly available internet address that contains one or more typical examples of patent and non-patent literature citation references.

Specify application number and kind code, e.g., WO 2005/110961 A1 : AU 2022200741 B2
Specify Internet address and any instructions helpful to find patent (application) number, e.g., IA=IB2005001265&REF=RSS : https://ipsearch.ipaustralia.gov.au/patents/2022200741
Specify where in the document the citation references can be found, e.g., page 1, lines 19 and 25, search report at end of document : See under heading 'Specification/eRegister' to download the AU-B2 specification, first page is bibliographic information and under INID code 56 are listed related art documents including patents and NPL

17. Section 10: Additional comments about citation practices

50. If applicable, please make any further comments, e.g., you may wish to comment on difficult aspects of citation practices for your IPO: