Survey Concerning Citation Practices in Intellectual Property Offices

Response ID:158 Data

2. Section 1: Identification page

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

QZ - Community Plant Variety Office (European Union) (CPVO)

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".

n/a

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?

No
Please comment if necessary: CPVO does not normally manage citation references. The similar varieties are identified based on the description of the candidate variety provided by the applicant, using the data and reference collections of the Examination Offices. The varieties' distinctiveness is assessed by growing the candidate variety side by side with the identified similar varieties. Citation references may become relevant in specific contexts, e.g. as evidentiary elements in legal proceedings concerning the validity of a CPVR.

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

Not available:

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

Other patent document location (Please specify): Not applicable
Please comment on any of the above mentioned locations, if appropriate: Not applicable

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

Not applicable

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:

10. Are hyperlinks included for the above Internet locations?

Not applicable
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)?

Not applicable

12. Are hyperlinks to the citing document provided?

No
Please comment if necessary: Not applicable

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

No
Please comment if necessary: Not applicable

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?

No

5. Section 3: Search Report Information

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

Do your citation references include online URLs?

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

If applicable, which unique document identifiers are used?

6. Section 3: Search Report Information

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

No

7. Section 3: Search Report Information

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

Are relevance indicators stated?

Do your citation references include online URLs?

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

If applicable, which unique document identifiers are used?

8. Section 3: Search Report Information

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

9. Section 4: Centralizing/Tagging Citation References

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

No

18. 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?

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

No

20. 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

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

Other (Please specify): No pro-active publication of application documents. The CPVO Official Gazette contains basic information on protected and applied for varieties. Possibility for the public to access such documents by submitting a public access request

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

Other (please specify): The CPVO publishes title documents i.e. the decision on grant, the certificate and the variety description on its website register. They are available for download in .pdf format

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

No

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

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

No

11. Section 6: Availability of location identifiers

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

Page numbers

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

Image/figure numbers within the description: Photos of the variety might be included in the Variety Description

12. Section 7: Paragraph number details

27. Does your published patent documents include paragraph numbers?

Yes

13. Section 7: Paragraph number details

28. Paragraph numbers are typically created by:

Your Office e.g., examiners
Other (please specify): When CPVO takes over an examination report from another authority it takes over also the Variety Description in the format issued by the said authority

29. Paragraph numbers are recreated:

Other (Please specify): the document is published as it is

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

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

Other (Please specify): Any amendments are done before publication, just by replacing the incorrect version with the corrected one

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

14. Section 8: Citing documents based on machine translations

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

No

15. Section 8: Citing documents based on machine translations

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

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

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

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

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

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

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

16. General questions about Citation Practices: Sections 9-10

Section 9: Examples of citation references published by your Office, if this information is available.

34. 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.

17. Section 10: Additional comments about citation practices

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