Survey on Intellectual Property Data Exchange

Response ID:207 Data

2. 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. Types of IP data exchanged

5. Does your Office provide or collect IP data?

Yes, providing and collecting

6. In what context is IP data exchange performed?

Bilateral agreements
Multilateral agreements
Direct upload/download of bulk data
Standardized Open Data License

4. Types of IP data exchanged

7. Select the IP domains for which your Office provide or collect data.

	Provide	Collect	Both, provide and collect	Not applicable
Patents			X	
Trademarks			X	
Industrial designs			X	
Geographical indications				X

Other (please specify):

8. What types of IP data does your Office provide or collect?

Patents

	Provide	Collect	Both provide and collect	Not applicable
Bibliographic data (including classification information)			X	
Full-text publication data (including, description and claims)			X	
Full-image publication data (including bibliographic data, abstract, description and claims)	X			
Drawings (2D images, 3D models or 3D images)			X	
Citation information from search and/or examination			X	
Legal status data			X	
Sequence listing data			X	
Office actions			X	
Examination reports/Search report			X	
Statistical data (Added value data)			X	

Other (please specify):

Trademarks

	Provide	Collect	Both provide and collect	Not applicable
Bibliographic data (including classification information)			X	
Full-text publication data			X	
Mark representation (2D images, 3D models, 3D images, audio or video)			X	
Legal status data			X	
Examination reports/Search reports	X			
Office actions	X			
Statistical data (Added value data)			X	

Other (please specify):

Industrial Designs

	Provide	Collect	Both provide and collect	Not applicable
Bibliographic data (including classification information)	X			
Full-text publication data				X
Industrial design representation (2D images, 3D models, 3D images, audio or video)	X			
Legal status data	X			
Examination reports/Search reports				X
Office actions				X
Statistical Data (Added value data)			X	

Other (please specify): Note: the "provide" responses above are based on DAS exchanges only. IP Australia does not collect industrial designs data regularly via DAS, nor is Australia a member of the Hague Agreement.

Geographical Indications

	Provide	Collect	Both collect and provide	Not applicable
Bibliographic data (including classification information)				X
Full-text publication data				X
Geographical indication representation (labels or images)				X
Legal status data				X
Office actions				X
Statistical Data (Added value data)				X

Other (please specify):

5. Types of IP data exchanged

9. Which type of file formats are used when your Office provides and/or collects IP data?

Document and archive format

XML
JSON
SGML
PDF
TXT
DOCX
DOC
ZIP

2D images

JPEG
TIFF
PNG
PNG

Audio, video and multimedia

MPG
MPEG
MP3
MP4
WAV

3D model and 3D images

Not applicable

6. Types of IP data exchanged

10. Please indicate the data format related to WIPO Standards implemented by your Office in providing or collecting IP data

WIPO Standard ST.96: Recommendation for the processing of intellectual property information using XML

Patents

WIPO Standard ST.97: Processing of Intellectual Property information using JSON

Not applicable

Other WIPO Standards

WIPO Standard ST.25: Standard for the presentation of nucleotide and amino acid sequence listings in patent applications
WIPO Standard ST.26: Recommended standard for the presentation of nucleotide and amino acid sequence listings using XML
WIPO Standard ST.27: Recommendation for the exchange of patent legal status data
WIPO Standard ST.36: Recommendation for the processing of patent information using XML
WIPO Standard ST.37: Recommendation for an authority file of published patent documents

7. Reason for collecting IP data

11. Why does your Office collect IP data from other Offices?

For internal use

Examination purposes (e.g., prior art searches, examination)
Training AI/machine learning models used by our Office
Internal reports and analytics

For public dissemination

Publishing on our Office's free of charge public search tools/databases
Prepare and publish free of change added value data, reports and statistical analysis
Other public dissemination (please specify): Bulk data products incorporate some externally ingested data.

For external distribution

Reports and analytics exchanged with third parties (e.g., government agencies, research institutions)

8. IP data delivery methods/means

12. Which methods and/or means does your Office currently use to provide IP data?

API
SFTP/FTP/FTPS
Individual documents download from Office website
Bulk download from Office website

9. Challenges

13. What challenges does your Office face in relation to providing IP data to other Offices?

Organizational and technical challenges

IP data are digitized but have poor quality and need to be corrected first
IP data cleansing and correction is ongoing

Legal and policy challenges

IP data should be shared in compliance with applicable personal data protection requirements
Legal concerns about ownership, redistribution and attribution (e.g: the partner Office redistributes, changes, or commercially use the received data in violation of or exceeding the terms which were bilaterally agreed or approved in written by both sides)

Financial challenges

Not applicable

14. What challenges does your Office face in relation to collecting IP data to other Offices?

Organizational and technical challenges

Use of non-standard, incompatible or unfamiliar IP data format
Poor quality of IP data (e.g., XML tags for gazette data provided by a partner Office were being provided incorrectly)
Incomplete IP data (e.g., a partner Office provides only a subset of data rather than the full dataset)
Irregular or inconsistent data provision (e.g., bulk data provided by partner Offices on a weekly basis, is skipped without notice
Lack of experts from the partner Offices to provide support for the activities
Lack of IT resources of the partner Offices (databases, tools, storage, etc.)
Other (please specify): Technical reliability of systems

Legal and policy challenges

IP data collected in not in compliance with applicable personal data protection requirements
Other (please specify): Legal concerns about the handling of IP data where copyright subsists in that data.

Financial challenges

Not applicable

10. Proposed solutions

15. What following proposed solutions could help your Office address the challenges your Office selected above?

Provide a portal to enhance communication between Offices to share experiences on IP data exchange
Collect and share best practices for data exchange

11. Proposed solutions

. What recommendations should be included in the new WIPO standard on the recommendation for the exchange of IP data and its use?

Technical recommendation

Legal and policy recommendations on IP data use

Procedural and operational guidance

12. Legal and contractual framework for data exchange

16. Does your Office or your country have any national and/or regional laws or regulations that govern the transfer by your Office of IP data (including hosting or redistribution) outside of your jurisdiction?

Yes (please specify the relevant law, regulation, policy, national practice, strategy, or rule that the Office is required to comply with, including the title, reference number, and/or URL to the source of information): [Not a definitive list:] 1. Privacy Act 1995 (Cth), namely Sch 1 APP 6 and 8; 2. Copyright Act 1968 (Cth); 3. Patents Regulations 1991 (Cth) reg 3.22, which allows the Commissioner to disclose certain IP rights information to the International Bureau or foreign patents offices; 4. Trade Marks Regulations (Cth) Part 17A, which requires the Registrar to provide TM applications and notices to the International Bureau in certain circumstances.

17. Does your Office have formal written agreements (such as contracts/MoU/MoC/ToU/License Agreement) for data exchange with other IP Offices?

Yes, either bilateral contract/MoU/MoC/ToU is required
Yes, Standardized Open Data license is required

18. If possible, please provide template(s) of bilateral contract/MoU/MoC/ToU/License Agreement that your Office uses

19. Does your Office have formal written agreements for the provision of data to third parties? *(such as: MoU, MoC, ToU, contract, license agreement)*

Other (please specify): We have a combination of open data products, some of which have a fee associated with the backfile but only need an account to download the front files, and come with terms and conditions for use. Some products involve an agreement, some involve an ODL (for example, CC-BY 4.0).

13. Conditions for provision, use and dissemination of IP data

20. How does your Office currently authorize the use and dissemination of exchanged IP data?

Determined by two Offices involved in the data exchange cooperation through consultation
Permitted by the laws or regulations of two Offices involved in the data exchange cooperation or their countries and/or regions

21. How does your Office implement the reciprocity principle in practicing IP data exchange with other IP offices?

Bilaterally agreed by two sides

22. What reciprocity policy re-distribution would your Office support?

Exchange with re-distribution rights conditional on compliance with specific use restrictions (please provide details): This option seems the most sensible, as it enables restrictions where necessary but can provide more flexibility than no rights.

23. Would your Office support a recommendation that Offices provide their IP data free of charge or at marginal cost to the general public and any third party?

Yes, our Office supports providing IP data free of charge

14. Conditions for provision, use and dissemination of IP data

If your Office does not support free or marginal cost data provision, what barriers exist to implementing such recommendation?

15. Conditions for provision, use and dissemination of IP data

24. What level of internal use does your Office permit when sharing IP data with partner Offices?

Restricted internal use, permissible only for specific applications or uses

16. Conditions for provision, use and dissemination of IP data

25. If permissible for certain applications or uses, which of the following internal uses are permitted?

Examination and search activities

Publication in the partner Office's online search tools or databases
To use for added value products such as analytics, reports, or statistical products (if applicable please specify licensing/fee conditions)
Research and development

17. Conditions for provision, use and dissemination of IP data

26. Does your Office permit partner Offices to provide IP data shared with them (including in bulk form) to third parties?

Fully permissible

18. Conditions for provision, use and dissemination of IP data

Under what conditions would the provision of such data to third parties be permissible?

Please provide reasons why your Office does not permit the provision of such data to third parties

19. Data quality and error correction

27. Does your Office have mechanisms for checking data for assuring the quality of IP data before sharing them?

Yes

28. Which methods do you use on mechanisms for checking data for assuring the quality of IP data?

Automated validation checks (please provide details, tool name, set of business rules, if possible):
Manual review processes
User feedback mechanisms
Regular audits

20. Data quality and error correction

29. Would your Office agree to partner Offices using their quality assurance mechanisms to detect errors in your IP data and providing them to your Office, for corrections at the source?

Yes

30. Would your Office permit partner Offices to correct errors in your IP data before they use internally, publish or share it?

Permitted with prior approval only: Each correction requires specific written permission from our Office (please describe the approval process): Approval can be sought via contact details associated with the data retrieval mechanism. The request would be investigated internally and corrected where appropriate and feasible.

Please provide details of permissible corrections

What would be the timeframe to make the corrections?

Is your Office able to make the corrections, or does the applicant need to be part of this process?

How will these corrections be tracked and managed?

21. Data quality and error correction

31. Does your Office apply any quality assurance mechanisms to the datacollected from other Offices?

Yes (please provide details): Generally, we do NOT apply quality assurance mechanisms to collected data. One exception is that we ensure IPC symbols are valid.

22. Update frequency

32. What update frequency can your Office as providing Office realistically support?

	Real-time	Daily	Weekly	Monthly	Quarterly	Annually	Not applicable
Patents	X						
Trademarks	X						
Industrial designs	X						
Geographical indication							X

Other (please specify):

33. Please provide any additional information or comments.

Please note that our responses involving legal subject matter are indicative only and are not based on formal legal advice.