Survey on Intellectual Property Data Exchange

Response ID:214 Data

2. Identification page

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

BR - Brazil

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".

Instituto Nacional da Propriedade Industrial

3. Types of IP data exchanged

5. Does your Office provide or collect IP data?

Yes, only providing (we provide data to other Offices)

6. In what context is IP data exchange performed?

Bilateral agreements
Direct upload/download of bulk data

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):

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
PDF
TXT
ZIP

2D images

JPEG
PNG

Audio, video and multimedia

Not applicable

3D model and 3D images

Not applicable

Comments: 2D images in WEBP format

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

Not applicable

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

Not applicable

Other WIPO Standards

WIPO Standard ST.26: Recommended standard for the presentation of nucleotide and amino acid sequence listings using XML
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
WIPO Standard ST.66: Recommendation for the processing of trademark information using XML
WIPO Standard ST.86: Recommendation for the processing of industrial design information using XML

7. Reason for collecting IP data

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

For internal use

Not applicable

For public dissemination

Not applicable

For external distribution

Not applicable

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

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 not digitized and therefore cannot be shared
IP data are digitized but have poor quality and need to be corrected first
IP data cleansing and correction is ongoing
Lack of IT resources (databases, tools, storage, etc.)

Legal and policy challenges

IP data should be shared in compliance with applicable personal data protection requirements

Financial challenges

Not applicable

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

Organizational and technical challenges

Discontinuation of data delivery without prior notice (e.g., data delivery from partner Offices is suddenly stopped and it takes considerable time and effort to resume data delivery)

Legal and policy challenges

Not applicable

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
Build a global platform to be used as a hub for 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): Personal data cannot be disclosed by Brazilian law. Law number 13.709,14 August 2018

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
No, open exchange without formal agreements

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)*

Yes, under certain conditions. Depend on the terms of providing data to third parties in the bilateral data exchange agreement (please explain): Usually, providing data to third parties it's not allowed, but it can be negotiated depending on specific interests

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?

No need for authorization

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

IP data sharing can be one-way

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

Exchange with no re-distribution rights (please provide details):

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?

Unrestricted internal use, partner Offices may use the data for any internal purpose

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

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

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

25. 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

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

Yes

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

Manual review processes

20. Data quality and error correction

28. 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

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

Not permitted: Partner Offices must not alter our IP data in any way and must report errors and await corrected data from my Office

Please provide details of permissible corrections

30. What would be the timeframe to make the corrections?

It is not possible to answer this now, considering this process is still being discussed internally. However, this timeframe will also be influenced by the type of corrections needed.

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

Yes, our Office can make corrections directly (please explain): Our office can make corrections requested by the user, or we can also make them ex officio when we identify the error

32. How will these corrections be tracked and managed?

Within the internal discussions we are starting, we intend to define, for example, whether industrial design documents will have their information corrected and whether republication change reports will be sent.

21. Data quality and error correction

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

Not applicable, our Office does not collect IP data

22. Update frequency

34. 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):

35. Please provide any additional information or comments.