Survey on Intellectual Property Data Exchange

Response ID:162 Data

2. Identification page

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

EM - European Union Intellectual Property Office (EUIPO)

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".

European Union Intellectual Property Office EUIPO

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
Direct upload/download of bulk data
Other (please specify): We are not certain under which context it is considered the specific agreements for access to APIs.

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): We collect data on GI's but not from other IP offices, which we understand is the scope for this questionnaire. This is the reason we mark it as Not Applicable. EUIPO do also collect data of Coyrirights for certain specific activities (Orphan Works)

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): Data is not exchanged with IPOs

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
PDF
XLT/XLTX
CSV

2D images

JPEG
TIFF

Audio, video and multimedia

MP3
MP4

3D model and 3D images

OBJ
STL
X3D

Comments: BMP

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

Trademarks
Industrial designs

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

Not applicable

Other WIPO Standards

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
WIPO Standard ST.92: Recommendations on the data package format for the electronic exchange of priority 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)

Internal reports and analytics

For public dissemination

Publishing on our Office's free of charge public search tools/databases

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 relationto providing IP data to other Offices?

Organizational and technical challenges

Not applicable

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)
IP data is shared on condition that it is used for legitimate purposes

Financial challenges

Not applicable

14. What challenges does your Office face in relationto 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
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)
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.)

Legal and policy challenges

Not applicable

Financial challenges

The Office views IP data as a potential source of revenue for the partner Office, that cannot be shared free of charge

10. Proposed solutions

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

Develop a new WIPO standard on the recommendation for the exchange of IP data and its use
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

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

Technical recommendation

Recommendations on data formats (e.g., XML, JSON, and other unified formats)
Recommendations on means and methods of IP data exchange
Recommendations on the frequency of IP data exchange
Recommendations on IP data quality
Recommendations on IP data security and privacy protection during data exchange

Legal and policy recommendations on IP data use

Recommendations on authorization for internal use of exchanged IP data
Recommendations on authorization for external use of exchanged IP data
Recommendation regarding the practice when IP data of the providing Office can be redistributed by the receiving Office to third parties
Recommendations on reciprocity principles between Offices exchanging IP data
Recommendations on the scope and authority of IP data distribution and its use to be mutually agreed upon by the two Offices involved in the IP data exchange, based on practical circumstances and the reciprocity principle, and clearly recorded in the formal data exchange agreement

Procedural and operational guidance

Recommendations on the consultation process for IP data exchange cooperation
Recommendations on cost structure (free-of-charge or marginal cost recovery)
Recommendations on templates or examples of IP data exchange agreements and/or Memorandums of Understanding (MoU)/Memorandum of Cooperation (MoC)/Terms of Use (ToU)
Recommendations on other matters to be considered consultations and agreement negotiations on IP data exchange

12. Legal and contractual framework for data exchange

17. 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): The EUIPO manages the registers for EU trademarks and designs in accordance with the EU Trade Mark Regulation (EU) 2017/1001 ('EUTMR') and the EU Designs Regulation (EU) 2026/715 ('EUDR', in force as of 1 July 2027). Beyond this sector-specific legislation, data protection requirements in relation to the management of the IP registers and databases are set out in Regulation (EU) 2018/1725 ('EUDPR'). Art. 112(3) EUTMR and respectively Art. 105(3) of EUDR vests in the ED the power to determine the conditions of access to the databases. On this basis ED Decision No EX-26-07 (on the Register of EU trade marks, the Register of EU designs, the database of proceedings before the Office, and on the case-law database) is adopted, which expressly allows in Art. 7 bulk downloads, subject to conclusion of a license agreement. The actual data exchanges are structured by specific agreements (Memoranda of Understanding). However, sharing of certain personal data with third countries may require adequate safeguards, such as adequacy decisions or specific agreements. As an example, the Conditions of Use of the API portal can be found in https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law_and_practice/decisions_president/EX-22-05_en_annex_I_version_2_en.pdf

18. 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

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

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

Yes, required for any third parties

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

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

Not applicable

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

Two offices exchange IP data without requiring one-to-one correspondence of data
IP data sharing can be one-way
Bilaterally agreed by two sides

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

Exchange with no re-distribution rights (please provide details): This is the normal agreement, we receive and/or provide data, and the other party is not allowed to redistribute it in bulk format

24. 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

25. 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

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

Permissible only under certain conditions

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

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

When the partner Office complies with our data protection requirements (please specify the legal basis and relevant principles): Arts 111(9) and 112 (4) EUTMR, Arts 104 (8) and (9) and 105 (4) EUDR, as well as Regulation (EU) 2018/1725 (EUDPR) The applicable principles are lawfulness, fairness, transparency, purpose limitation, data minimization, accuracy, storage limitation, integrity and confidentiality
When the partner Office complies with our related laws and regulations (please specify the legal basis and relevant articles): Article 111(8)(b) EUTMR - adherence to the purpose of accessing the shared data, namely for inspection by, and the information of, public authorities and economic operators, in order to enable them to exercise the rights conferred on them by the EUTMR and be informed about the existence of prior rights belonging to third parties
When the partner Office demonstrates a legitimate purpose for sharing data with a third party (please provide examples of legitimate uses): Art. 7(3) ED Decision No EX-26-07 specifies that bulk access to and use of the database contents are subject to the terms and conditions laid down in a specific licensing agreement. Legitimate use is a standard condition in all agreements used by the Office.

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

19. Data quality and error correction

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

Yes

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

User feedback mechanisms
Regular audits
Other (please specify): Beyond the regular audits and feedback, the data exported as bulk from our central register has gone through multiple steps of data control that are embedded in our examination process. For statistical data, it would be a similar situation, no specific data control is done beyond those that are embedded in the data analytics process of the Office

20. Data quality and error correction

30. 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

31. 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

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

Timeframe (short, mid or long term) would depend on the nature of the error and volumes.

33. 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): The EUIPO can correct directly any linguistic errors or errors of transcription and manifest oversights, or technical errors attributable to it in registration or publishing the registration.

34. How will these corrections be tracked and managed?

Identified issues will be simply fixed, no further communication is required

21. Data quality and error correction

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

Yes (please provide details): Depending on the office we may perform tests on a regular basis

22. Update frequency

36. 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):

37. Please provide any additional information or comments.