Survey on Intellectual Property Data Exchange

Response ID:204 Data

2. Identification page

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

US - United States of America

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".

UNITED STATES PATENT AND TRADEMARK OFFICE

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
Other (please specify): https://www.uspto.gov/terms-use-uspto-websites

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): Statistical Data: https://www.uspto.gov/learning-and-resources/data-and-statistics?MURL=dashboards Legacy patent statistic reports The Open Data Portal provides public data that was in the Patent Examination Data System (PEDS), Bulk Data Storage System (BDSS), and some Developer Hub services. It does not include the legacy patent statistic reports known as the Patent Technology Monitoring Team (PTMT) Reports and Technology Assessment and Forecast (TAF) Reports. If you're looking for the metrics and data found in these reports, please visit the IP5 statistic reports (https://www.fiveipoffices.org/statistics/statisticsreports) and the WIPO IP Statistics Data Center (https://www.fiveipoffices.org/statistics/statisticsreports)

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
JSON
SGML
PDF
TXT
DOCX
ZIP
TAR

2D images

JPEG
TIFF
PNG
SVG

Audio, video and multimedia

WMV
MP3
AVI
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
Trademarks

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

Patents

Other WIPO Standards

WIPO Standard ST.23: Recommendation concerning the filing of nucleotide and amino acid sequence listings in computer-readable form
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.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.67: Recommendations for the electronic management of the figurative elements of trademarks
WIPO Standard ST.68: Recommendations for the electronic management of sound marks

WIPO Standard ST.69: Recommendation for the electronic management of motion and multimedia marks
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)
Training AI/machine learning models used by our Office
Internal reports and analytics

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
Bulk download from Office website
Physical hard drives (HDD/SSD/USB/CD/DVD)
Other (please specify): HTTPS

9. Challenges

13. What challenges does your Office face in relation to 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)
Legal concerns about hosting data outside the geographic area of my Office's jurisdiction (e.g., my Office cannot share IP data due to legal restrictions on hosting their IP data outside of my Office's geographic jurisdiction)

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
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)

Legal and policy challenges

Different data commercialization policies (e.g., a partner Office sells its IP data to private companies while my Office provides IP data for free)

Financial challenges

Not applicable

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
Other proposed solutions (please specify): Unclear how this standard would be different from existing ST.36/ST.96 standards. Maybe what is needed is a clear recommendation on which standard Offices should be using for IP 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 IP data security and privacy protection during data exchange

Legal and policy recommendations on IP data use

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 cost structure (free-of-charge or marginal cost recovery)

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): https://www.uspto.gov/terms-use-uspto-websites

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
Yes, recommended but not mandatory
No, open exchange without formal agreements
Depends on circumstances (please specify): Data is made freely accessible on the USPTO website

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)*

No, due to open data policy (agreement not required)

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?

No need for authorization

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 re-distribution rights conditional on compliance with specific use restrictions (please provide details): Depends on the situatiion

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?

Not permissible at all

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

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

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

Legal constraints: It violates our related laws and regulations (please specify the relevant legal provisions and articles):
Data traceability and version control: It is difficult to trace data provided to third parties when amendments, corrections, or updates are needed
Risk of misuse or misrepresentation: Concerns about misuse, misattribution, or creation of unauthorized derivative products
Data quality and error management concerns: Difficulty ensuring data quality standards and managing errors once data is distributed beyond our control

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?

Automated validation checks (please provide details, tool name, set of business rules, if possible):
Manual review processes
User feedback mechanisms
Regular audits
Other (please specify): USPTO Information Quality Guidelines: Information Quality Guidelines | USPTO (https://www.uspto.gov/learning-and-resources/information-quality-guidelines)

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?

No (please specify why): Note: The type of errors determine if USPTO is able to make a correction. Some errors require applicant to request the correction within specified times

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?

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

No, our Office can't make the corrections without applicant/IP right holder permission (please explain): Depends on type of error.

34. How will these corrections be tracked and managed?

Issuing a Certificate of Correction

Bulk Data - weekly deliverable is republished

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): Limited checking of IPC data

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.