

Committee on WIPO Standards (CWS)

Tenth Session
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ORGANIZATIONAL MATTERS AND SPECIAL RULES OF PROCEDURES

Document prepared by the Secretariat

BACKGROUND

1. The WIPO General Assembly, at its thirty-eighth session in September 2009, approved the creation of the Committee on WIPO Standards (CWS). The CWS replaced the Standards and Documentation Working Group (SDWG) of the Standing Committee on Information Technologies (SCIT). The former SCIT working methods and procedures should be applied to the CWS with necessary changes while main points remain. In principle, the CWS is to be convened once a year. (See document WO/GA/38/10 and paragraphs 236 to 249 of document WO/GA/38/20.)

2. The WIPO General Assembly, at its fortieth session in September 2011, clarified the mandate of the CWS (see document WO/GA/40/17) as follows:

“The WIPO General Assembly reaffirmed and clarified its decision regarding the creation and mandate of the CWS at its 38th session in 2009, as contained in paragraph 249 of document WO/GA/38/20. The WIPO General Assembly also confirmed and clarified that the core mandate is that which is contained in paragraphs 11 to 16 of document WO/GA/38/10, and further agreed that, upon request from Member States, the Secretariat will endeavor to provide technical advice and assistance for capacity building to IP Offices by undertaking projects regarding dissemination of IP standards information. The Secretariat will provide regular written reports to the CWS on the details of such activities, as well as any other technical assistance and capacity-building activities that it undertakes in connection with the mandate, and provide the same to the General Assembly. The WIPO General Assembly decided that in order to encourage and facilitate the participation of technical experts from developing countries and LDCs in CWS meetings, the Secretariat will extend funding assistance for the participation of LDCs and developing

countries, within existing budgetary resources.” (See paragraphs 182 to 190 of document WO/GA/40/19.)

3. When the CWS met at its first and second sessions in 2010 and 2011, the CWS considered proposals on Organizational Matters and Special Rules of Procedure, including the mandate of the CWS, as reproduced in the Annex to documents CWS/1/2 and CWS/2/2. As the organizational matters and special rules of procedure were not adopted, the CWS has worked on the basis of WIPO General Rules of Procedures (GRP) and the practices of the former SCIT and the former SDWG (see paragraph 15 of document CWS/2/14).

4. The [Report on Evaluation of WIPO Standing Committees prepared by the Internal Oversight Division](#) provides six recommendations and Recommendation two says “Compile Standing Committee procedures as a way to clarify roles and processes.” However no clear documentation on the organizational matters and procedures of the CWS is available for Member States and Observers.

PROPOSAL FOR ORGANIZATIONAL MATTERS AND SPECIAL RULES OF PROCEDURE

5. Even though the GRP provides general guidelines for the works of the CWS, it does not cover the specific procedures only for the CWS, such as membership and working methods of the CWS. Due to specific procedures which are not provided in the GRP, each WIPO Standing Committee, i.e., Standing Committee on Copyright and Related Rights (SCCR), Standing Committee on the Law of Patents (SCP) and Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), has its own special rules of procedures.

6. A proposal for the organizational matters and special rules of procedure, including the mandate and working methods, related to this Committee is reproduced in the Annex to the present document for consideration by the CWS. The proposal is based on previous proposals presented to the first and second sessions of the CWS, including the decisions of the WIPO General Assembly described above. This proposal also reflects the current practices of the CWS since the first session of the CWS.

7. In particular, the mandate of the CWS is directly incorporated in the proposal, other than quoting the decisions of the WIPO General Assembly. The proposed text for the mandate is the one adopted by the General Assembly with the necessary adaptations such as deletion of obsolete references to the former SCIT. Further information on the proposal is provided as notes and footnotes in the Annex. As those are for information, the notes and footnotes will be removed for publication once the proposal is adopted by the CWS.

8. *The CWS is invited to:*

(a) note the content of this document and the Annex to this document; and

(b) consider and adopt the organizational matters and special rules of procedure as referred to in paragraphs 5 and 6 above and as reproduced in the Annex to the present document.

[Annex follows]

ORGANIZATIONAL MATTERS AND SPECIAL RULES OF PROCEDURE OF THE COMMITTEE ON WIPO STANDARDS (CWS)

1. Subject to the following Organizational Matters and Special Rules of Procedure, the General Rules of Procedure of WIPO shall apply to the Committee on WIPO Standards (CWS).
2. The CWS shall report to the General Assembly of WIPO at least once every two years.
3. Recommendations and proposals from the CWS may be passed either to the WIPO General Assembly, to the Program and Budget Committee, or directly to the Director General, as needed.
4. The CWS shall establish its work program, priorities and working methods.
5. The decisions adopted by the CWS are considered as recommendations directed to Member States, in particular to their national or regional intellectual property offices, to the International Bureau of WIPO, to international organizations, and to any other national or international institutions interested in intellectual property matters.
6. The CWS may establish or dissolve task forces. Task forces will deal with specific tasks as required and be subject to the rules provided in paragraphs 23 to 29, below.

MEMBERSHIP

7. All WIPO Member States as well as Members of the Paris Union or Berne Union that are not Member States of WIPO shall be members of the CWS. In addition, the African Intellectual Property Organization (OAPI), the African Regional Intellectual Property Organization (ARIPO), the Benelux Office for Intellectual Property (BOIP), the Eurasian Patent Organization (EAPO), the European Patent Organization (EPO), the International Union for the Protection of New Varieties of Plants (UPOV), the Nordic Patent Institute (NPI), the Patent Office of the Cooperation Council for the Arab States of the Gulf (GCC), Visegrad Patent Institute (VPI) and the European Union shall be members of the CWS, provided that they shall not have the right to vote.
8. Observer status is extended to Member States of the United Nations that are not Member States of WIPO, the Paris Union or Berne Union. The CWS determines which intergovernmental and non-governmental organizations shall be admitted to its meetings as observers. The Director General of WIPO shall invite, as observers, to the meetings of the CWS such entities that were admitted as observers by the CWS. Additionally, observers that were admitted by the Assemblies of the Member States of WIPO, shall be invited by the Director General of WIPO, if the subject matter of the CWS meetings seems to be of direct interest to these observers.

MANDATE

9. The mandate of the CWS will be to provide a forum to adopt new or revised WIPO standards, policies, recommendations and statements of principle relating to intellectual property data, global information system related matters, information services on the global system, data dissemination and documentation, which may be promulgated or referred to the WIPO General Assembly for consideration or approval.

10. The Secretariat will endeavor to provide technical advice and assistance for capacity building to IP Offices by undertaking projects regarding dissemination of IP standards information. The Secretariat will provide regular written reports to the CWS on the details of such activities, as well as any other technical assistance and capacity-building activities that it undertakes in connection with the mandate, and provide the same to the General Assembly. The Secretariat will provide funding assistance for the participation of LDCs and developing countries, within existing budgetary resources, in order to encourage and facilitate the participation of technical experts from developing countries and LDCs in CWS meetings.

[Note: The proposed text is the one¹ adopted by the General Assembly with the necessary adaptations such as deletion of obsolete references to the former SCIT. For information, the referenced mandate of the former SDWG described in document SCIT/7/14 is reproduced below. It should be noted that the proposal for the creation of the Committee on Global IP Infrastructure (CGI) was not adopted by the WIPO General Assembly.]

“The mandate of the Standards and Documentation Working Group (SDWG) will be to provide a forum to adopt new or revised WIPO standards, policies, recommendations and statements of principle relating to intellectual property data, global information system-related matters, information services on the global system, data dissemination and documentation, which may be promulgated on the authority of the SCIT or referred to the WIPO General Assembly, via the SCIT, for approval.”]

SESSIONS

11. The CWS will meet once a year and will receive annual progress reports from its subsidiary bodies.

OFFICERS

12. The CWS shall have a Chair and two Vice-Chairs and shall elect them for a term of two consecutive sessions. Any outgoing Chair or Vice-Chair may be immediately re-elected to office for one more consecutive term only.

¹ The text in paragraph 249 of document WO/GA/38/20 reads: “The General Assembly approved the proposal contained in paragraphs 11 to 16 in document WO/GA/38/10, as amended by the Delegation of Argentina in respect of the creation and the mandate of the CWS, and deferred the issue on the creation of the CGI to the next session of the General Assembly in 2010.”

The text in paragraphs 11 to 16 of document WO/GA/38/10 reads:

“11. It is proposed that the SCIT be replaced by the following two bodies as of the beginning of the next biennium 2010-11 (i) Committee on WIPO Standards (CWS) and (ii) Committee on Global IP Infrastructure (CGI).

12. These Committees should work independently and, where appropriate, should prepare proposals and/or activity reports for the consideration of the WIPO General Assembly or relevant Assemblies.

13. The mandate of the CWS would be to continue to work on the revision and development of WIPO standards relating to intellectual property information. The CWS would, in effect, perform the same work as the SDWG, but under a different name.

14. The mandate of the CGI would be to discuss matters concerning global intellectual property infrastructure that do not fall into the mandate of the CWS. Such matters include development of good practices, common tools and coherent approaches to various projects for strengthening international cooperation and interchange of data and information of intellectual property.

15. The SCIT working methods and procedures (document SCIT/7/14) are familiar to Member States, and it is proposed that they be applied mutatis mutandis to the new Committees.

16. The CWS would be convened in principle once a year and the CGI would meet whenever necessary. For the next biennium 2010-11, resources required for convening up to two sessions of CWS and one session of CGI are proposed in the draft Program and Budget under Programs 12, 14 and 15.”

MEETING DOCUMENTATION

13. Meeting documentation shall be published on the website of WIPO. The letter of invitation and the draft agenda will be distributed by electronic means and published on the website of WIPO.

PROJECT TASK INITIATION

14. Tasks shall be created by the CWS.

15. Consideration of a new proposal, subject or activity, including requests for the revision of existing WIPO Standards or the preparation of new standards, may be initiated by any member, observer, task force or by the International Bureau by submission of a written project brief to the Secretariat. The project brief should include a clear description of the problem or specific need to be addressed, and indicate how it was determined. The project brief should also provide the objectives of the task, options for solution and the expected benefits.

16. The Secretariat shall present the requests and project briefs received to the first available session of the CWS for consideration with some additional information such as cost estimates, resource requirements, risks, success factors and the implications of the task on the existing CWS tasks. The CWS shall determine whether each specific request falls within its mandate and how to proceed with that request. The CWS shall also decide the appropriate subsequent action, including whether there is a need for creating a task and a task force to handle the task.

17. On each request adopted as a task for inclusion in its work program, the CWS shall determine the corresponding task description and the priority to be given to the task, including, as far as possible, the proposed action(s) and time frame(s).

18. The CWS shall designate a leader or co-leaders of the task force. If the task should not be assigned to a specific task force, the CWS shall assign a leader for the task. If the incumbent task force leaders inform the Secretariat of their resignation, the Secretariat shall report it to the first available session of the CWS.

WORKING METHODS

19. The CWS and, in particular, its task forces shall base their working methods on the intensive use of electronic means set up by the Secretariat. This ensures the flexibility required to allow a maximum number of interested members and observers worldwide to take part in the discussions and consider issues within a short period of time.

20. The authority for approving the creation of new WIPO Standards or for the revision of existing WIPO Standards shall belong to the CWS. The CWS may, however, establish a mechanism for reaching an agreement by electronic means, which may be delegated to its task forces as required.

21. A Chair's summary shall be distributed to participants at the end of each session of the CWS. It will only refer to the decisions made by the CWS and the status of tasks. A detailed report of the session of the CWS shall be posted on the WIPO website for comments after closing the session. The adoption of the detailed report may take place through electronic means. If it should not be possible to reach an agreement on the detailed report via the electronic means, then the adoption of the said report shall be included in the agenda of the next session of the CWS.

22. The detailed report of a CWS session will reflect only the conclusions of the CWS (decisions, recommendations, opinions, etc.) and will not, in particular, reflect statements attributed to any participant, except where a reservation in relation to any specific conclusion of the CWS is expressed or repeated after the conclusion is reached.

TASK FORCES

23. To allow for consideration of a specific issue, a task force shall be constituted on the following basis:

- (a) a request for the creation of a task force may be initiated either by a member, by observers or by the International Bureau;
- (b) a clear mandate for the task force must be agreed by the CWS in advance of the task force's first discussions; such a document shall include:
 - the task(s) to be handled by the task force;
 - the designation of a task force leader;
 - an indication of the professional/technical competencies needed by delegates participating in the task force discussions; and
- (c) task forces shall report to the CWS.

24. The Secretariat shall set up and maintain an e-forum for each task force, and provide the task force leader with assistance to carry out the work of the task force.

25. The Secretariat shall invite members and observers of the CWS to nominate their representatives to participate in the work of the task force, and shall particularly indicate the professional/technical competencies required. Members and observers should inform the Secretariat of the status of their representatives as soon as their representatives to the task force have been changed so that the membership of the task force is up to date.

26. The status of observer in a task force e-forum may be granted to external contractors of an intellectual property office if the request comes directly from a member.

27. Task forces should carry out their work in a dynamic and flexible environment. Electronic working via e-forums shall be their normal framework, but they may also hold meetings in person or remotely as needed. The information discussed and the work done by a task force at a meeting shall be posted on the e-forum in order to allow task force members and observers who could not attend the meeting to express their views.

28. The task force leader shall be responsible for initiating and conducting the task force discussions, reporting to the CWS on the agreements reached by the task force and presenting, through the Secretariat, the corresponding proposals for consideration by the CWS. If required, in consultation with the task force leader, the Secretariat may conduct discussion of the task force and/or report the task force's activities to the CWS on behalf of the task force leader.

29. The CWS shall consider, revise, and take appropriate decisions on the recommendations of a task force, or refer the recommendation back to the task force for further consideration.

[End of Annex and of document]