

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
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**SPECIAL UNION FOR THE INTERNATIONAL PATENT CLASSIFICATION  
(IPC UNION)**

**COMMITTEE OF EXPERTS**

**Twenty-Sixth Session**  
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**TRANSFER OF THE PREPARATORY IPC REVISION WORK TO THE  
IPC COMMITTEE OF EXPERTS**

*Document prepared by the International Bureau*

## INTRODUCTION

1. In order to promote the effective use of the new information technologies that have emerged in recent years, the WIPO General Assembly, at its thirty-first session in September 1997, requested the Director General to make a proposal for the implementation of a global WIPO network and the establishment of a new committee to address global information technology issues. Following that request, the Director General has included in the draft budget and program for the 1998-99 biennium, to be considered by the Assemblies of the Member States of WIPO in March 1998, a proposal for the establishment of the Standing Committee on Information Technologies (SCIT) and integration of the PCIPI into it (see document A/32/3; hereinafter referred to as the “proposal for the integration”).

2. It is planned that the SCIT, which will serve as a body for discussing issues and providing guidance concerning the WIPO global information network and the provision of intellectual property services on the network, will incorporate the activities carried out at present by the PCIPI and its Working Groups, with the exception of the PCIPI Working Group on Search Information, and that the PCIPI, after a transitional period, during the first half of 1998, will be dissolved.

3. In respect of the exception constituted by the PCIPI Working Group on Search Information, the Director General proposes in the above-mentioned document that the activities carried out by this Working Group be transferred to the IPC Committee of Experts, in view of the functions and responsibilities proposed for the SCIT, and the expertise and history of the IPC Committee of Experts described in paragraphs 4 to 7, below.

## HISTORY

4. In October 1977, the WIPO Permanent Committee on Patent Information (PCPI) was established by the decision of the Executive Committee of the Paris Union and the Coordination Committee of WIPO, in order to coordinate the PCT (Patent Cooperation Treaty), the IPC (International Patent Classification) and the (former) ICIREPAT activities.

5. At its fifth session, in September 1978, the IPC Committee of Experts decided to entrust the PCPI with the planning and organization of the future revision of the IPC (see document IPC/CE/V/11, paragraph 96). The main goals to be achieved were, first, to streamline the revision of the IPC and make the revision work more efficient—by transferring the revision work from the five IPC Working Groups that existed at that time to one newly created working group—and, second, to promote interest in the use of the IPC and its further development among States not members of the IPC Union.

6. To deal with the revision of the IPC, the PCPI Working Group on Search Information was created, which carried out the revision work on the basis of a revision program laid down by the PCPI. The amendments to the IPC approved by this Working Group were forwarded directly to the IPC Committee of Experts for adoption, whereas other conclusions and recommendations of the Working Group were considered by the PCPI itself and its concerned subsidiary bodies.

7. When the PCPI was transformed, in September 1987, into the WIPO Permanent Committee on Industrial Property Information (PCIPI), the Working Group continued, under this new Permanent Committee, with the mandate to deal with:

- (i) the preparation of the revision of the IPC;
- (ii) the development and the use of the IPC; and
- (iii) search systems based on the IPC.

## PROVISIONAL WORKING METHODS

8. In the event that the General Assembly and other interested Governing Bodies approve the proposal contained in document A/32/3, the IPC revision work should continue to be carried out by the PCIPI/SI until the end of June 1998 according to the transitional measures (see document A/32/3, paragraph 14). However, there is a need to establish Rules of Procedure of a new Working Group under the IPC Committee of Experts and working methods therefor (see document A/32/3, paragraph 15). As it is foreseen that the IPC Committee of Experts could not meet immediately after the expiry of the transitional period (end of June 1998), it is proposed to discuss the following proposal and take decisions thereon.

9. On the presumption that the proposal for the integration is approved by the Assemblies of the Member States of WIPO in March 1998, the IPC Committee of Experts is invited to agree to the following working methods:

(a) The revision of the IPC will be carried out in a working group created by the Committee of Experts, which could be preliminarily named the "IPC Working Group."

(b) The selection of IPC revision requests and the establishment of an IPC revision program will be made by the Committee of Experts on the basis of the criteria previously laid down by the PCIPI Executive Coordination Committee (see Annex VII to document PCIPI/EXEC/XIV/5).

(c) The members of the IPC Working Group would be all the States members of the IPC Union. The African Intellectual Property Organization (OAPI), the African Regional Industrial Property Organization (ARIPO), the Eurasian Patent Organization (EAPO) and the European Patent Organisation (EPO) would be invited to participate as observers in the sessions of the IPC Working Group. States not members of the IPC Union, which had the status of members or observers in the PCIPI Working Group on Search Information, would be invited to be represented at the sessions of the IPC Working Group as observers. Other States members of WIPO and interested intergovernmental organizations that inform the Director General of their desire to be observers would also receive observer status in this Working Group.

(d) The IPC Working Group would have a mandate and working procedures that are identical to those of the PCIPI Working Group on Search Information and would normally meet twice each year in two-week sessions.

(e) The IPC Working Group would have the right to create subsidiary bodies which would receive directions from, and would report to, the IPC Working Group. A maximum of two weeks of sessions of the subsidiary bodies would be authorized to take place each year without interpretation services, but a meeting of a subsidiary body would not take place if less than three offices intend to participate.

10. It is planned that one more session of the PCIPI Working Group on Search Information will take place, in June 1998, before the expiry of the transitional period, at which session the revision work for the seventh edition of the IPC should be finalized. In order to avoid an undesirable delay in consideration of a large number of IPC revision projects deferred to the next revision period, the Committee of Experts may consider another session in 1998 to be necessary and, if so, recommend to the Director General to convene the first session of the IPC Working Group in December 1998, provided that the proposal for the integration is approved and that the proposal contained in this document is adopted by the Committee of Experts.

11. In view of the fact that Guinea—a member of OAPI—and Malawi—a member of ARIPO—have become party to the Strasbourg Agreement, OAPI and ARIPO are now qualified, by virtue of Article 5(2)(a) of the Agreement, to receive the same status in the IPC Committee of Experts as the EAPO and the EPO. To this end and in order to reflect necessary changes in respect of the member and observer status, resulting from the envisaged creation of the IPC Working Group, the International Bureau proposes that Rules 4, 6 and 7 of the Rules of Procedure of the Committee of Experts be modified as shown (text underlined) in the Annex to this document.

*12. The Committee of Experts is invited to consider the proposals of the International Bureau and take decisions as appropriate.*

[Annex follows]

ANNEX

RULES OF PROCEDURE  
OF THE COMMITTEE OF EXPERTS OF THE IPC UNION

(Article 5(4) of the Strasbourg Agreement Concerning the  
International Patent Classification (of 1971), as amended in 1979)

*Rule 1: Application of the General Rules of Procedure*

The Rules of Procedure of the Committee of Experts of the IPC Union (hereinafter called “the Committee of Experts”) and of the subcommittees and the working groups established by it, in accordance with Article 5(3)(v) of the Strasbourg Agreement Concerning the International Patent Classification (of 1971), as amended in 1979 (hereinafter referred to as “the Agreement”), shall consist of the General Rules of Procedure of WIPO, supplemented and amended by the provisions of the Agreement, by the resolution of the Assembly of the IPC Union of October 7, 1975, and by the provisions set forth hereinafter.

*Rule 2: Representation and Expenses of Delegations of Member States and Organizations*

- (1) Each delegate may represent one State only.
- (2) The expenses of each delegation shall be borne by the Government or the Organization which has appointed it.

*Rule 3: Sessions*

- (1) The Committee of Experts shall meet in ordinary session at least once every two years on convocation by the Director General.
- (2) The Committee of Experts shall meet in extraordinary session on convocation by the Director General at the request of one-fourth of the States members of the Committee.
- (3) Subcommittees and working groups established by the Committee of Experts shall meet at such times and at such places as may be determined by the Director General in consultation with the Chairman of the subcommittee or working group concerned.

*Rule 4: Subcommittees and Working Groups*

(1) When establishing any subcommittee or working group, the Committee of Experts shall determine its terms of reference and the frequency of its sessions, and shall designate

- (i) its members from among the States members of the IPC Union, and
- (ii) such States from among the States not members of the IPC Union and from among States having special observer status according to Rule 5 as shall be invited to be represented by observers.

(2) The African Intellectual Property Organization (OAPI), the African Regional Industrial Property Organization (ARIPO), the Eurasian Patent Organization (EAPO) and the European Patent Organisation (EPO) shall be invited to participate in the sessions of any subcommittee or working group established by the Committee of Experts.

*Rule 5: Special Observers*

(1) Any State member of the Paris Union which is not a member of the IPC Union but which has pledged special contributions to defray the expenses of the IPC Union in a given year shall, during that year, have the status of special observer in all sessions of the Committee of Experts and of any subcommittee or working group established by the Committee of Experts with respect to which the said State declares that it wishes to have the status of special observer.

(2) Any special observer shall have the right to make proposals in any of the sessions referred to in paragraph (1).

(3) Any special observer shall have the right to make proposals for amendments to the IPC.

*Rule 6: Status of Intergovernmental Organizations Referred to in Articles 5(2) and 5(4) of the Agreement*

(1) Article 5(2)(a) of the Agreement shall apply to the African Intellectual Property Organization (OAPI), the African Regional Industrial Property Organization (ARIPO), the Council of Europe (CE), the Eurasian Patent Organization (EAPO) and the European Patent Organisation (EPO).

(2) As far as the African Intellectual Property Organization (OAPI), the African Regional Industrial Property Organization (ARIPO), the Eurasian Patent Organization (EAPO) and the European Patent Organisation (EPO) are concerned, Article 5(4) of the Agreement shall also apply.

*Rule 7: Officers*

(1) In the first meeting of a calendar year, the Committee of Experts shall elect a Chairman and two Vice-Chairmen. They shall remain in office until the election of new officers.

(2) Any subcommittee established by the Committee of Experts shall have a Chairman and two Vice-Chairmen. They shall be elected by the subcommittee in the first meeting of a calendar year. They shall remain in office until the election of new officers.

(3) Any working group established by the Committee of Experts shall have a Chairman and one Vice-Chairman. They shall be elected by the working group in the first meeting of a calendar year. They shall remain in office until the election of new officers.

(4) Any outgoing Chairman or Vice-Chairman may be immediately re-elected to the office which he has held.

(5) Where the Chairman or Acting Chairman is the only member of the delegation of the State of which he is a national, he may vote in his capacity of delegate.

(6) Representatives of the intergovernmental organizations referred to in Rule 6(2) may be elected as officers of the Committee of Experts or of any subcommittee or working group established by the Committee of Experts.

*Rule 8: Publication of the Report*

The report on the work of each session of the Committee of Experts, or a summary drawn up by the International Bureau, shall be published in the review *Industrial Property and Copyright*.

[End of Annex and of document]