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(IPC UNION)

COMMITTEE OF EXPERTS

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COORDINATION OF IPC REVISION AND RECLASSIFICATION OF PATENT FILES

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1. At its thirty-seventh session, held in February 2006, the Committee of Experts discussed the problem of reclassification of patent files in areas impacted by core level revision projects, which could arise if one or more member offices of the IPC Advanced Level Subcommittee (ALS) could not provide necessary resources for reclassification. It is recalled that, in respect of advanced level revision projects, those member offices have committed to provide resources required for revision of the advanced level and for corresponding reclassification of the PCT minimum documentation.

2. The discussions of the Committee of Experts were based on the paper submitted by the European Patent Office (EPO) entitled, "IPC Revision Requests and Availability of Resources" and addressing the above-mentioned problem (see document IPC/CE/37/4). The Committee agreed, in principle, with the possible options for reclassification indicated by the EPO and recommended the IPC Revision Working Group to consider the following two options for reclassification of patent files in the framework of the core level revision project C 432:

– to distribute the reclassification work among member offices of the ALS which could provide necessary resources;

– to distribute the reclassification work among other offices, for example, offices having a particular interest in the project.

3. The Committee requested its members and observers to indicate, in time for the next session of the Working Group, whether they could provide resources for reclassification of their national patent collections or additional collections and to inform of the availability of such resources (see document IPC/CE/37/9, paragraphs 22 to 26).
4. At its fifteenth session, held in May/June 2006, the IPC Revision Working Group continued consideration of the problem of reclassification of patent files in the area impacted by the core level revision project C 432, in light of the guidance provided by the Committee of Experts. The Working Group had before it the statistics on the numbers of patent families classified in main group A01N 65/00, with the exception of families with Chinese or Japanese members, prepared by the EPO. The statistics contained indications on the number of first filings or first publications per office.
5. The Working Group noted a relatively small number of patent families to be reclassified in the area in question and encouraged its members to take part in the reclassification of patent files belonging to main group A01N 65/00.
6. The following offices indicated that they were willing to participate in the reclassification:
 - China, the Russian Federation and Sweden would reclassify their entire national documentation in this area;
 - Finland, Germany, Greece, Israel, Japan and Mexico would reclassify patent families having a national priority;
 - China and Sweden also indicated that they could reclassify as well documents outside their national patent collections and that they would give precise figures on the amount of such documents at the next session of the Committee of Experts.
7. The United States of America and the EPO indicated that they did not have the resources for any reclassification in this area. The Working Group requested the EPO to reconsider its position (see document IPC/WG/15/4, paragraph 50, Project C 432).
8. With regard to the purpose of reclassification, reclassification in the core level does not differ from reclassification in the advanced level. The *Guide to the IPC* states in its paragraph 13(c): “When the Classification is revised, patent documents are reclassified according to the amendments to the core and advanced level”. The purpose of this reclassification is to use only a current version of the IPC for patent searching. The difference lies in the timeframes provided for reclassification: up to three years for the core level and three months for the advanced level.

9. With regard to the scope of reclassification, reclassification in the core level should not differ from reclassification in the advanced level. The basic document providing guidance for revision of the reformed IPC “Revision Policy and Revision Procedure for the Reformed IPC” states in its paragraph 38 that the amendments to the advanced level should enter into force when the results of reclassification of respective search files of the PCT minimum documentation are made available in the Master Classification Database. This is the minimum requirement and reclassification of patent collections outside the PCT minimum documentation, according to the amendments to the advanced level, is encouraged.

10. The document “Revision Policy and Revision Procedure for the Reformed IPC” does not specify the scope of the reclassification which should be carried out following amendments to the core level. However, bearing in mind that the core and the advanced level represent parts of the homogenous classification system, the minimum requirement for the core level should be the same as for the advanced level, that is, reclassification of respective search files of the PCT minimum documentation. Again, reclassification of patent collections outside the PCT minimum documentation, according to the amendments to the core level, is encouraged.

11. With regard to Project C 432, bearing in mind the relatively small patent file of main group A01N 65/00 and the relatively large number of offices which have already agreed to take part in the reclassification, it may be concluded that patent families reclassified by participating offices would cover a significant part of the PCT minimum documentation in this area. However, complete coverage of the minimum documentation would be hardly possible to achieve in this way.

12. In view of this, the International Bureau would like to request other offices to join the group of participating offices, namely:

(a) member offices of the ALS, bearing in mind that a new classification structure of main group A01N 65/00 will be used also by offices classifying their published patent documents at the advanced level;

(b) offices whose patent documentation does not constitute part of the PCT minimum documentation.

An extended participation of offices in reclassification of patent files belonging to main group A01N 65/00 would allow not only to cover the PCT minimum documentation in this area but also to organize numerous national patent collections according to a latest version of the IPC, which would be beneficial for searching in the national collections.

13. In the conditions created by IPC reform, IPC revision should always be considered in association with reclassification of patent files, more particularly, with the availability of resources for reclassification. The ALS necessarily applies this consideration before accepting any advanced level revision project in the program.

14. It seems to be highly advisable if the IPC Revision Working Group implemented a similar practice when considering revision requests, which require reclassification of patent files, for inclusion in the core level revision program. Namely, in addition to other criteria provided in the working procedure of the IPC Revision Working Group, the Working Group should consider the availability of resources for reclassification which will be needed as a result of revision. If such resources are not currently available, the Working Group should postpone consideration of the revision request until a solution for reclassification of patent files can be found. Such practice would allow to avoid problems with reclassification at later stages of the revision project.

15. The Committee of Experts may wish to issue a respective instruction to the IPC Revision Working Group.

16. The Committee of Experts is invited:

(a) to take note of the contents of this document;

(b) to approve a list of offices which will take part in reclassification of patent files belonging to main group A01N 65/00;

(c) to issue an instruction to the IPC Revision Working Group to consider the availability of resources for reclassification for core level revision requests which will require reclassification of patent files.

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