

ANNEX III

ORDER OF PRESENTATION OF CLASSIFICATION SYMBOLS

(Summary of Replies Received in Response to WIPO Circular No. IPC 172,
Issued on December 22, 2006)

1. On December 22, 2006, WIPO issued Circular No. IPC 172 including a questionnaire relating to the order of presentation of classification symbols. The International Bureau received a total of 34 replies, including 31 from States being members of the IPC Union (57 members), one from a State not being member of the IPC Union, and two from intergovernmental organizations.
2. The answers to the 16 questions included in the questionnaire of Circular No. IPC 172 can be summarized as follows:

Use of a Main Classification

Question 1: “If your Office allocates several IPC symbols to a particular patent document, does your Office select a ‘most adequate’ symbol for listing first on the front page of the published patent document?”

Thirty-two of the 34 offices replied “Yes”. Only the Greek and the Israeli Offices replied “No”.

Question 2: “If your answer to question 1 is ‘No’, does your Office apply an alphanumerical ordering of the symbols relating to invention information, of the symbols relating to additional information, and of the indexing symbols (i.e., within each of these three categories)?”

The Greek Office replied “No” and the Israeli Office replied “Yes”.

Question 3: “If your answer to question 1 is ‘Yes’, is this first classification symbol used internally for any further purposes, e.g., for determining the examiner or unit in charge?”

Twenty of the 32 offices replied “Yes” and 12 offices replied “No”.

Question 4: “If your answer to question 3 is ‘Yes’, please indicate these internal purposes.”

All 20 offices indicated the use for the internal distribution of work related to the applications, e.g. the examiner or unit in charge. Several offices also mentioned the use for statistical purposes and for ordering the paper search file.

Question 5: “If your answer to question 1 is ‘Yes’, does the order of the subsequent symbols have any significance other than the order explained in paragraph 156 of the Guide and in the notes of secondary classification schemes (e.g., the order of several symbols relating to invention information)?”

Five of the 34 offices replied “Yes” and 27 offices replied “No”.

Question 6: “If your answer to question 5 is ‘Yes’, please explain your ordering of the symbols.”

The Canadian and the Swedish Offices indicated that the symbols are ordered alphanumerically within the lists of inventive and non-inventive symbols, respectively.

The Russian Office indicated that the order may, at the discretion of the classifying examiner, reflect the significance of the feature to be classified.

The Slovenian Office indicated the following order: invention information – secondary classification – additional information.

The Ukrainian Office indicated that the order reflects the decreasing relevance to the invention.

Classifications of Subsequent Publications

Question 7: “Can the classification of the subsequent publication of a granted patent be different from the classification of the initial publication of the patent application?”

Thirty-two of the 34 offices replied “Yes” and the French Office replied “No”.

Classifications Given in International Search Reports of the PCT (to be answered by International Searching Authorities only)

Question 8: “Does the symbol which is listed first in search reports have particular significance in that it most adequately characterizes the invention?”

All International Searching Authorities replied “Yes”.

Presentation of Database Search Results

Question 9: “If your Office provides Internet facilities for searching or browsing of patent documents, does the presentation of classification symbols follow the rules of paragraph 156 of the Guide?”

- (a) for national documents?

Twenty-nine of the 34 offices replied “Yes” and three offices replied “No”.

- (b) for foreign documents?

Sixteen of the 34 offices replied “Yes” and four offices replied “No”.

Question 10: “If your Office provides such facilities for your national documents, is the order of presentation of classification symbols there compliant with the order of the classification symbols on the front page of the respective published national patent document?”

Twenty-nine of the 34 offices replied “Yes” and two offices replied “No”.

Question 11: “If your answer to question 10 is ‘No’, please explain the difference.”

The Swiss Office explained that the order of symbols as part of the results of searches in databases is stochastic at present. By the end of 2007, it will follow the rules of paragraph 156 of the Guide.

The Greek Office indicated that currently only a single symbol is displayed which is not necessarily the first shown on the front page. The software is currently being adapted.

Question 12: “If your Office maintains electronic databases for storing IPC classification symbols for national patent documents, does the database include provision to store information necessary for displaying the symbols in an order consistent with paragraph 156 of the Guide?”

Thirty-one of the 34 offices replied “Yes” and two offices replied “No”.

Use of Attributes “F”, “L”

Question 13: “If your Office applies WIPO Standard ST.8, does your Office use the attributes ‘F’ or ‘L’ in position 29 of records according to WIPO Standard ST.8 (i.e., this field is not left empty)?”

Twenty-five of the 34 offices replied “Yes” and five offices replied “No”.

Miscellaneous

Question 14: “Does your Office encourage the use of ‘additional’ IPC classification symbols when classifying documents?”

Thirty-two of the 34 offices replied “Yes” and the Offices of Germany and Turkey replied “No”.

Question 15: “Many PCT applications claim the priority of previously filed national applications. If WIPO has to publish an application without the International Search Report, missing classification information for this publication could be substituted by classification information of corresponding priority documents. In order to enable WIPO to investigate this opportunity further, please indicate at what time, after the filing of an application, the classification of this application is first available?”

The different replies received are summarized in Table 2, below.

Question 17: “Please provide any further relevant information or comments.”

Brazil: Question 7: “Differences occur only in the case that at the moment of substantive examination, the examiner verifies that there was an error in classification.”

Question 9: “The homepage facilities follows the order given by the examiner at the moment of classification (we assume that the examiner follow the paragraph 156 of the Guide), there is no automatic validation to investigate if the order: inventive, additional information and indexing code is followed.”

China: “Since the PCT application for foreign applicants is not classified again in SIPO, the order of classification symbols in the published document is identical with classifications given in International Search Reports of the PCT.”

EPO: “IPC classification symbols for EP publications and for PCT applications treated by the EPO are usually derived from the ECLA classifications given to the application in question. The order of symbols is determined by the examiner treating the application. Since in ECLA, the concept of a most adequate classification does not exist, examiners might not in all instances apply this concept. However, they are made aware of par. 156 of the IPC Guide. Examiners have the possibility to override the IPC classifications derived from ECLA and can also manually change their order.”

France: “The classifications are attributed to the elements of information contained in the document, according to the instructions of the Guide.

“The classification symbol considered as representing the invention information most adequately is placed first on the front page of the paper document. However, if there is more than one element of invention information in a given document that is to be classified, the second (third...) symbol(s) presented on the front page may be as representative as the first symbol. The order of the symbols may then not constitute safe information.

“In the databases, only the first classification is highlighted by means of a distinct field. The other symbols representing invention information are placed in a single field and are not ordered.

“Similarly, the symbols for additional information and the indexing codes are placed in distinct fields.

“The use of the first classification symbol for internal purposes is done *a posteriori*.”

Questions 9 and 10: “The results of searches are lists of documents and not lists of classification symbols.”

- Germany: Question 14: “The GPTO encourages the use of indexing codes as additional information. The use of further additional information symbols is at the discretion of the examiners; they are scarcely used.”
- Ireland: “The answer ‘No’ to question 9(b) concerning ‘foreign documents’ in our case concerns EP granted patents which designate Ireland. We display classification symbols for these documents in the manner in which they are delivered to us by the EPO.”
- Israel: “In Israel we publish the patent application with the final classification only after we have finished the examination.”
- Portugal: “Indicator ‘F’ or ‘L’ in position 29 of records according to WIPO Standard ST.8 is filled in our Office. Although we agree it is not useful for IPC search purposes in general, it still maintains relevance at least to simplify internal distribution of applications for searching (after pre-classification) and to simplify statistics. It could be useful, also, as a filtering device for non-professional IPC searches. It should be kept. Offices where this indicator, for some reason, is left blank up to now, should start to be fully compliant with ST.8 at least until/if a change to this Standard is agreed in WIPO appropriate organs.”
- Russian Federation: “The order of classifications symbols is also applied in determining an optimal search strategy and sorting search results according to the significance of symbols allotted.”

Slovakia: Question 5: “IPO SR strictly follows the rules of paragraph 156 of the Guide. If there are several symbols describing invention information and/or several symbols describing additional information, in both cases the symbols are listed according to the relevance of the symbols to content of the document.”

Question 9(b): “IPO SR does not provide Internet facilities for searching or browsing of foreign patent documents because of not keeping foreign documentation in our databases. All patent applications even those filed by foreign applicants are finally published as national patent documents.”

Sweden: “We only indicate a ‘most adequate’ symbol and follow the other ordering rules because the Guide to the IPC requires it. We do not see any purpose for it, neither for search nor otherwise.”

United
States of
America:

Question 9: “The US doesn’t provide Internet searching for foreign documents. Additionally, national documents returned from searches are viewable as either image or text. Images show only the IPC classifications assigned to documents at the time of publication, whereas textual display shows only ‘current’ IPC classifications assigned to the document in MCD, which may be different from the initially assigned classifications. While the order of current classifications in the textual view is consistent with paragraph 156 of the Guide, the presentation is not consistent with ST.10/C.”

Uzbekistan: “Patent Office of Uzbekistan does not use indexing codes on its patent documents.”

Table 2: Summary of Replies to Question 15

Country/Organization		Question No. 15
Belarus	BY	18 months after filing
Brazil	BR	18 months after filing
Canada	CA	on publication
China	CN	on publication
Croatia	HR	earliest 18 months after filing
Czech Republic	CZ	16 months after filing
Denmark	DK	internally seven to 10 months after filing
EAPO	EA	on publication
EPO	EP	six weeks before publication
Finland	FI	18 months after earliest priority
France	FR	on publication
Germany	DE	several days after filing
Greece	GR	substantially earlier than publication
Ireland	IE	normal patents: 3 months prior to 18 months publication utility models: 6 months
Israel	IL	after examination
Japan	JP	18 months after filing
Moldova	MD	three months after filing
Netherlands	NL	18 months after earliest priority
Norway	NO	18 months after earliest priority
Poland	PL	–
Portugal	PT	1.5 months after filing
Republic of Korea	KR	three weeks to three months after completion of formal examination
Romania	RO	one month after filing, available to WIPO on request
Russian Federation	RU	three months after filing; revised one month prior to WO publication
Slovakia	SK	18 months after filing
Slovenia	SI	on publication
Sweden	SE	on publication
Switzerland	CH	–
Turkey	TR	three months after filing
Ukraine	UA	on publication
United Kingdom	GB	four months after filing of search request
United States of America	US	on publication
Uruguay	UY	on publication
Uzbekistan	UZ	after publication of granted patent

[Technical Annexes follow]