

ANNEX V/ANNEXE V

GUIDELINES FOR DETERMINING WHERE TO CLASSIFY PATENT
DOCUMENTS WITHIN REFORMED IPC SCHEMES

GENERAL

The reformed IPC utilizes three distinct general classifying rules (i.e., first-place priority, last-place priority, and best-fit selection) for determining the appropriate groups for obligatory classification of invention information within subclass schemes. Optimally, the Classification, or at least each of its subclass schemes, should use only a single general classifying “rule.” This is an ultimate goal of the reformed IPC.

Nevertheless, many of the existing IPC subclasses now use more than one general classifying rule within their schemes (e.g., main groups in the same scheme may use different general classifying rules). Unfortunately, until each of these mixed-rule type schemes undergoes reclassification or reorganization, it is not possible to convert them to a single general classification rule.

In schemes in which several general classification rules are used, it is sometimes difficult to determine which rule to follow when selecting a group. For example, only one main group in a scheme may use the last-place priority rule and the other main groups use the best-fit selection rule. In this example, the appropriate main group is selected using the best-fit selection rule and the indented groups are selected using the general rule used by their main group. Normally, for main groups the general classification rule specified at the subclass level is used for all main groups and, when no rule is specified for any main group, the “default” best-fit selection rule is used.

COVERING DISTINCT INVENTION FEATURES IN SAME GROUP

When two or more distinct things within a patent document separately fit within the same group, the classification symbol of this group is allotted only once to this document. Moreover, when a “thing” in a patent document is appropriate for an obligatory classification and another “thing” in the same patent document is appropriate for a discretionary classification into the same group, the document is assigned only the obligatory classification.

CLASSIFICATION PLACE COVERAGE

It is important for classifiers and searchers to remember when using any of the three general classification rules that the subject matter proper for each subclass or group is not just stated by its title alone.

The actual scope of any group is defined by **all** limitations to its scope actually stated by the title of its subclass, all higher level group titles under which it is indented, its own title, and relevant definitions, notes, and limiting references.

A group may also cover the combination of its explicitly defined subject matter with other subject matter if the combination is not explicitly covered elsewhere.

However there are instances where the scope of a classification place goes beyond the actually stated limitations of its title's coverage:

- When a process, a product, or an apparatus that is not stated in the title, but is involved with the subject matter specified in the title, is covered by the subclass or group (e.g., a group "hats" also covers "making hats," the title of subclass C09K does not explicitly cover the subject matter of note (1) following its title). This situation occurs only when no other classification place is provided for this subject matter elsewhere in the Classification.
- When the subclass or group covers "details" (e.g., components) related to the invention information stated as being covered, but these details are not stated in the classification place's title. This expansion in coverage also occurs only when no other classification place is provided for these "details" elsewhere in the Classification.

INCLUSIVENESS OF GROUPS

The principle of "inclusiveness of groups" is used with all three distinct classifying "rules." This principle states that each group within a subclass always covers:

- All of its explicitly defined subject matter that is novel and unobvious.
- Inventive "things" that include the explicitly defined subject matter with other subject matter and they (a) belong to a category of subject matter (process of making, product, etc.) within the scope of the group's title and definition, (b) are within the scope of the title and definition of the subclass, and (c) are not classified elsewhere in the scheme in a group having precedence, a group having priority, or a group into which they fit better in situations where no precedence or priority exist.

However, except when a general rule specifying the precedence or priority of **all** groups is used for the entire scheme, the "inclusiveness" of a group **is not** equivalent to complete exhaustive coverage of the above subject matter within the group. For example, when only the first-place priority rule is used for a scheme, the first appearing main group branch in a subclass scheme that explicitly provides for particular subject matter is exhaustive of this subject matter and also combinations with the subject matter that are not covered by any main group branch above it because of the inclusiveness of groups. Thus, no lower main group or group branch of the scheme needs to be searched for either this particular subject matter or combinations including this particular subject matter. Nevertheless, in this example, any novel and unobvious subcombinations appropriate for lower groups must also be classified in those lower groups to maintain their inclusiveness.

Furthermore, because of their adverse impact on the exhaustiveness of groups in schemes using prioritized sequences of groups, precedence type references should not be introduced into schemes using either the first-place priority or the last-place priority rules. Existing precedence references within these types of schemes should be converted to standard limiting references during reclassification or reorganization of these schemes.

UNIVERSAL PROCEDURES FOR LOCATING A SUBCLASS

The methods for determining the appropriate subclass for any of the three distinct classification rules are the same.

For “inventive things,” and **other** novel and unobvious parts of the invention information, a systematic approach may be followed based on the principle of hierarchy. Classifiers and searchers may select:

- the most relevant section for the invention information based on the section titles;
- the most relevant class of this section based on the class titles;
- the most relevant subclass of this class based on the titles of the subclasses and a review of the selected subclass definition and limiting references to ensure that the invention information is not more appropriate for another subclass.

An exception to the use of the above procedure occurs in situations where the subclass having the most appropriate group(s) for the invention information being classified is not hierarchically under the “most appropriate” section or class. Whenever this happens, the subclass providing for the invention information being classified is selected since this is where similar subject matter is covered.

Because of the above exception, more practical methods for locating the appropriate subclass utilize electronic term searching of the schemes, the “Official Catchword Index of the Reformed IPC,” or the terminology and classifications of patent documents. These shortcut methods allow classifiers and searchers to benefit from the prior work in classifying similar subject matter. However, since offices have not identically classified all subject matter in the IPC, care must be taken when utilizing the classifications of patent documents to locate appropriate classification places.

GENERAL RULES FOR SELECTING GROUPS FOR CLASSIFICATION

“First-Place Priority” Rule

Any subclass scheme where the “first-place priority” rule is utilized has a note stating that the “first-place priority” rule is used for the scheme or a particular set of groups. This note is located with the subclass title or precedes the highest group in the scheme covered by it. This type of note states, “In this subclass/main group(s)/group(s) classification is made according to the first-place priority rule (i.e., in the first appropriate place in the scheme).”

Schemes, or distinct portions of schemes, that use this general rule must follow the “standard subject matter sequence” arrangement of groups (i.e., complex to less complex, combinations to basic subject matter to details, specialized to non-specialized). This means that groups covering the most complex or specialized invention information are located at the top of the scheme and those covering progressively less complex or non-specialized invention information are successively located lower in the scheme. Therefore, the lowest groups at the bottom of the scheme cover the least complex invention information or residual invention information.

For schemes using the “first-place priority” rule, obligatory classifications for the “inventive things,” separate categories of invention or embodiments, and other novel and unobvious invention information are determined in the same manner. For each portion of the invention information being classified, the procedure below must be separately followed.

The appropriate subclass for the invention information is determined, and then the specific group in the scheme that covers this information is selected by sequentially:

- (a) determining the topmost main group in the scheme which provides for this invention information;
- (b) determining, under this main group, the topmost one-dot subgroup that provides for this invention information; and
- (c) repeating the procedure of the previous step through successive indentation levels of subgroups until the topmost appropriate subgroup in the deepest (greatest number of dots) subgroup level is determined (i.e., until the last level of indentation is reached or until none of the subgroups at the next indentation level provide for the subject matter).

“Last-Place Priority” Rule

Any subclass scheme where the “last-place priority” rule is utilized has a note stating that the “last-place priority” rule is used for the entire scheme or a particular set of groups. This note is located with the subclass title or precedes the highest group in the scheme covered by it. This type of note states, “In this subclass/main group(s)/group(s), in the absence of an indication to the contrary, classification is made according to the last-place priority rule (i.e., in the last appropriate place in the scheme).”

Schemes, or distinct portions of schemes, that use the “last-place priority” rule use the arrangement of the groups in their scheme to determine priority. Generally, where this rule is used, if two or more main groups or subgroups having the same indentation level within a group branch provide for some facet of the invention information being classified, the lowest group is selected. The last-place rule is separately applied for determining the obligatory classification for “inventive things,” separate categories of invention or embodiments, and other novel and unobvious invention information.

The appropriate subclass for the invention information is determined, and then the specific group in the scheme that covers this information is selected by sequentially:

- (a) determining the lowest main group in the scheme which provides for this invention information;
- (b) determining, under this main group, the lowest one-dot subgroup that provides for this invention information; and
- (c) repeating the procedure of the previous step through successive indentation levels of subgroups until the lowest appropriate subgroup in the deepest (greatest number of dots) subgroup level is determined (i.e., until the last level of indentation is reached or until none of the subgroups at the next indentation level provide for the subject matter).

“Best-Fit Selection” Rule

The “best-fit selection” rule is the “default” general classification rule used by the IPC. Whenever one of the above general classification rules is stated for classifying invention information within the groups of a subclass scheme, that particular rule is applicable and this “default” classification rule is overridden.

The “best-fit selection” rule still requires fulfillment of all restrictions to a group’s scope. This is important for classifiers and searchers to remember when determining which group title the invention information “best fits.” For example, a broad group title that the invention information **does fit** within is always selected over a very narrow limited coordinate group title that invention information **almost fits** within.

The “best-fit selection” rule requires that the **same** portion of the invention information (e.g., “inventive thing,” category of invention, embodiment) being obligatorily classified is assigned within a subclass scheme to **only** the group within whose scope this particular invention information fits most satisfactorily, even in situations where there are plural group titles in the scheme within which this invention information could fit (e.g., the groups partially overlap in scope). Obligatory classifications for “inventive things,” separate categories of invention or embodiments, and other novel and unobvious invention information are determined in the same manner.

The appropriate subclass for the invention information being classified is determined, and then the specific group in the scheme that covers this information is selected by sequentially:

- (a) determining the main group in the scheme which provides most satisfactorily for this invention information;
- (b) determining under this main group, the one-dot subgroup that provides most satisfactorily for the invention information;
- (c) repeating the methodology of the previous step through successive indentation levels until the best subgroup in the deepest (greatest number of dots) subgroup level of the main group is determined; and
- (d) when the scheme's groups follow, or can be arranged to follow by use of the subclass index, the "standard subject matter sequence" arrangement of groups, each "inventive thing" as a whole must be at least classified in the first main group branch of the sequence providing for any portion of it.

SUPPLEMENTARY OBLIGATORY CLASSIFICATIONS FOR UNIQUE CONDITIONS

In exceptional situations where unique problems exist that prevent fully covering an inventive "thing" by the sole use of a single scheme and a general classification rule: a note may be added within the scheme specifying a "special classification procedure" for supplemental obligatory classifications. This note stipulates the procedure for assigning additional obligatory classification(s) within a separate scheme that are essential for searching the inventive "thing" (e.g., classifying a compound formula also into a separate scheme for one of its uses).

SELECTING DISCRETIONARY (I.E., NONOBLIGATORY) CLASSIFICATIONS

Patent documents may be assigned nonobligatory classifications to groups whenever examiners or classifiers believe the subject matter disclosed in the patent documents is useful to searching.

Nevertheless, to encourage homogeneity in discretionary classification for a portion of a subclass scheme, procedures or recommendations may be stated (e.g., in a note) for guidance to classifiers or examiners when assigning discretionary classification.

[Annex VI follows/
L'annexe VI suit]