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GENEVA

**SPECIAL UNION FOR THE INTERNATIONAL PATENT CLASSIFICATION
(IPC UNION)**

IPC REVISION WORKING GROUP

Fourth Session

Geneva, November 20 to December 1, 2000

REPORT

adopted by the Working Group

INTRODUCTION

1. The IPC Revision Working Group (hereinafter referred to as “the Working Group”) held its fourth session in Geneva from November 20 to December 1, 2000. The following members of the Working Group were represented at the session: Croatia, Denmark, France, Germany, Ireland, Japan, Norway, Portugal, Republic of Korea, Romania, Russian Federation, Spain, Sweden, Switzerland, United Kingdom, United States of America, African Intellectual Property Organization (OAPI), European Patent Office (EPO) (18). Slovenia was represented by an observer. The list of participants appears as Annex A to this report.

2. The session was opened by Mr. A. Bruun (Sweden), Chairman of the Working Group. Mr. G. Smith, Director, Office of the PCT (Patent Cooperation Treaty), WIPO, welcomed the participants on behalf of the Director General.

OFFICERS

3. Mr. A. Farassopoulos (WIPO) acted as Secretary of the session.

ADOPTION OF THE AGENDA

4. The Working Group unanimously adopted the agenda, which appears as Annex B to this report.

CONCLUSIONS, DISCUSSIONS AND DECISIONS

5. As decided by the Governing Bodies of WIPO at their tenth series of meetings held from September 24 to October 2, 1979 (see document AB/X/32, paragraphs 51 and 52), the report of this session reflects only the conclusions of the Working Group (decisions, recommendations, opinions, etc.) and does not, in particular, reflect the statements made by any participant, except where a reservation in relation to any specific conclusion of the Working Group was expressed or repeated after the conclusion was reached.

REPORT ON THE FOURTH SESSION OF THE AD HOC IPC REFORM WORKING GROUP

6. The Working Group noted an oral report by the International Bureau on the fourth session of the ad hoc IPC Reform Working Group (see document IPC/REF/4/4), in particular concerning its recommendations to the Working Group to create Task Forces for the elaboration of classification definitions and to carry out revision of subclass indexes according to the approved standardized sequence of main groups in subclasses of the IPC.

7. The Working Group noted those recommendations and agreed to start their implementation at the current session. The Working Group also noted that other decisions taken by the ad hoc IPC Reform Working Group, for example, regarding treatment of indexing schemes in the IPC, should be taken into account in the revision work.

IPC REVISION PROGRAM

General

8. The Working Group discussed 36 pending IPC revision projects and approved amendments relating to those projects (see Annexes 1 to 58 to this report). The decisions of the Working Group in respect of those projects are listed in Annex C to this report, and further information with respect to some of these decisions is given in paragraph 10, below. A list indicating to which classes or subclasses amendments have been approved during the revision period appears as Annex D to this report. Changes to amendments approved at earlier sessions are indicated in Annex E to this report.

9. The Working Group had before it, in particular, document IPC/WG/3/3 and the relevant project files.

IPC Revision Projects

10. The Working Group made the following observations, in addition to the decisions set forth in Annex C to this report, with respect to the IPC revision projects:

Project C 278 (mechanical) – The EPO was requested to submit a proposal on an improved wording of the new group B 32 B 37/32 (see Annex 27 to the project file) by clarifying its intended scope.

Comments were invited on:

- the proposal to be submitted;
- the wording of the proposed group B 32 B 38/02 (see Annex 33 to the project file), in particular, whether it should refer to “making” or “shaping” the layers;
- the relationship of the said group 38/02 with other subgroups of main group 38/00 (see Annex 1 to this report) and with subclass B 29 C;
- the correctness of the wording of the new group 38/16 (see the said Annex 1) in the light of its intended scope, or whether the wording should refer to “preparatory treatment” or “surface treatment” of layers;
- to which subgroups of main group B 32 B 38/00 should the proposed Note after that group (see Annex 33 to the project file) apply and whether the contents of that Note should rather be reflected in the title of main group 38/00, without creation of the Note;
- whether the wording of the new main group B 32 B 39/00 (see Annex 1 to this report) could be made more precise so as to cover subject matter of its approved subgroups and to exclude its overlap with other main groups of subclass B 32 B, whether main group 39/00 should be made a residual group or whether its approved subgroups should be converted into separate main groups and a new residual main group introduced.

Project C 354 (mechanical) – The Delegation of the United States of America volunteered to submit a proposal on the rearrangement of new groups created under main group B 60 R 21/00 (see Annex 25 to the project file and Annex 10E to this report), according to the standardized sequence of groups in IPC subclasses, approved by the ad hoc IPC Reform Working Group (see Annex IV to document IPC/REF/4/4).

Comments were invited on the proposal to be submitted.

Project C 355 (mechanical) – The Working Group agreed to draw the attention of the IPC Committee of Experts to the new Note after group B 60 T 8/00 (see Annex 11E to this report) as a possible example of the implementation of the multi-aspect classification philosophy in the reformed IPC.

Comments were invited on whether the amended wording of the new group B 60 T 8/176 (see the said Annex 11E) could have any bearing on classification of “traction control systems.”

Project C 362 (chemical) – The Working Group approved the classification scheme of the new main group C 09 K 8/00 (see Annex 14, relating to subclass C 09 K, to this report).

The EPO was requested to carry out a study of the potential file size of groups 8/42 to 8/64 and, if necessary, to propose additional subdivisions of those groups.

Comments were invited on:

- the study to be carried out by the EPO;
- the need for introduction in group 8/00 of a definition of the term “clay” in order to make it clear that it related to an inorganic compound, as specified, for example, in group C 01 B 33/38;
- the correctness of the wording of group 8/50, in particular of its defining part;
- the clarity of the wording of group 8/56 and whether cross-references between groups 8/50 and 8/56 were both needed;
- how the borderline between groups 8/58 and 8/60 could be clarified, for example, by modifying the wordings of those groups or by introducing a note defining their contents;
- the desirability and the wording of the proposed group C 09 K 8/22 (see Annex 31 to the project file);
- the need for the proposed group C 09 K 8/36 (see the said Annex 31) and, if that was the case, what changes should be made to groups C 09 K 8/06, 8/14, 8/16 and 8/18 in order to clarify their scope, in view of the last place rule.

Project C 363 (chemical) – It was realized that amendments to subclass C 10 L which had been approved at the third session of the Working Group (see Annex 34 to the project file) did not allow to collect similar aromatic compounds in one place of the classification scheme, in view of the last place rule applied in the given area.

The EPO was requested to submit a proposal concerning corresponding replacement of the new groups C 10 L 1/189 and 1/223.

Comments were invited on whether the proposal to be submitted by the EPO or the approach proposed by the Russian Federation (see Annex 38 to the project file) would be preferable.

The Working Group considered an indexing scheme in subclass C 10 L proposed by the EPO (see Annex 35 to the project file) and agreed that such a scheme could be useful for reflecting additional information relating to “additives for fuels.” The Working Group noted that the Guidelines for the creation and use of indexing schemes were under elaboration by the ad hoc IPC Reform Working Group and agreed to investigate the possibility of the implementation of the proposed scheme in the form of an indexing scheme or a secondary classification scheme when the said Guidelines have been finalized.

Comments were invited on the scheme proposed by the EPO, taking into consideration the existing group C 10 L 10/00 relating to “additives for fuels.”

Project C 366 (mechanical) – Comments were invited on (see Annex 18, relating to subclass E 04 F, to this report):

- whether the expression “service installations” in the wording of the new group 13/074 correctly reflected the intended scope of the group, or whether the expression “utility lines” should be used in analogy with the existing group E 04 F 17/08;
- how detailed should be a list of examples in the wording of the said group 13/074;
- the correctness of the wording of the new group 13/075 in the light of its intended scope;
- whether there was any overlap between groups 13/074 and 13/075 and, if that were the case, how it could be eliminated;
- the relationship of group 13/28 with other subgroups of group 13/20 and the desirability of multi-aspect classification in respect of subject matter relating to “adjustability.”

Project C 367 (mechanical) – Comments were invited on (see Annex 20, relating to subclass E 04 G, to this report):

- whether overlap between the new groups 3/18 to 3/24 should be eliminated or multiple classification introduced in those groups;
- whether the wording of the new group 3/32 was correct in the light of its intended scope;
- the relationship between the new groups 3/30 and 3/34 and whether their relationship should be clarified by introducing a reference or multiple classification should be used in those groups;
- how overlap between the proposed groups 7/32 to 7/36 (see Annex 16 to the project file) could be solved, for example, by changing the hierarchical relationship of the groups, by excluding some groups from the classification scheme or by introducing multiple classification;
- whether it would be desirable to replace the term “scaffold” by the term “scaffolding” in respective places of the area E 04 G 1/00 to 7/00.

Project C 369 (mechanical) – The EPO was requested to submit a new rapporteur report.

Project C 371 (mechanical) – Sweden was requested to submit a new rapporteur report.

Project C 379 (electrical) – The Working Group agreed that the revision proposal under consideration (see Annex 39 to the project file) should be modified with a view to developing a hierarchical structure in the field in question and providing its better integration with the existing part of group H 01 H 13/70. It was noted that this objective could be achieved by eliminating some proposed entries with too broad and ambiguous scope and by incorporating some other proposed entries under existing groups, for example, H 01 R 13/702 and 13/705. It was also questioned whether the proposed groups H 01 H 13/770 to 13/774 were specific enough to be subordinated to the existing group H 01 H 13/70, or whether amendments should be made to groups introduced in the seventh edition of the IPC under the same Project.

The United Kingdom was invited to submit, in cooperation with the EPO, a modified proposal based on the proposal reproduced in Annex 39 to the project file, taking into account the remarks by the Working Group mentioned above.

Comments were invited on the proposal to be submitted.

Project C 386 (mechanical) – Comments were invited on the rapporteur report (see Annex 10 to the project file).

Project C 387 (mechanical) – Comments were invited on the rapporteur report (see Annex 9 to the project file), in the light of the comments submitted by Sweden and Japan (see Annexes 10 to 12 to the project file), taking into account the possibility of multi-aspect classification in the field in question.

Project C 389 (mechanical) – Comments were invited on the Rapporteur's proposal (see Annex 15 to the project file).

Project C 404 (electrical) – It was confirmed that the Note following group G 11 B 7/252 (see Annex 22 to the project file) correctly defined rules for multiple classification in subgroups of that group. The Working Group agreed that extension of that Note to group G 11 B 7/242 was not desirable.

Project C 408 (electrical) – Norway was invited to submit, in cooperation with the EPO and Germany, a consolidated proposal on the basis of the initial proposal submitted by Germany (see Annex 1 to the project file) and counter-proposals submitted by the EPO, the United Kingdom, Japan and Sweden (see Annexes 13, 15, 16 and 19, respectively, to the project file).

Comments were invited on:

- the proposal to be submitted;
- whether the term “container” should be replaced by the term “housing” throughout subclass H 01 L.

Project C 410 (electrical) – Main groups H 02 P 21/00, 23/00, 25/00 and 27/00 were provisionally approved (see Annex 31 to this report). It was indicated that the new subgroups, proposed by the Rapporteur (see Annex 39 to the project file), should be placed in the said main groups in the following way:

- in main group 21/00: subgroups 21/01 to 21/14;
- in main group 23/00: subgroups 23/64 to 23/88 with one dot removed;
- in main group 25/00: subgroups 23/02 to 23/30;
- in main group 27/00: subgroups 23/32 to 23/52 with one dot removed.

Germany was invited to submit a detailed proposal on the basis of the approved main groups and subgroup placement therein indicated above.

Comments were invited on:

- the proposal to be submitted;
- the correctness of the wordings of the approved main groups, in particular main group 25/00;
- the relationship between main groups 21/00 and 23/00 and whether any references were needed between those groups;
- whether subject matter covered by the proposed subgroups 23/02 and 23/14 (see Annex 39 to the project file) could be combined under main group 25/00 or creation of two respective main groups would be desirable;
- the wording of a Note specifying multiple classification in the area of main groups 21/00 to 27/00;
- classification of subject matter relating to “vector control of electric machines other than ac motors,” in the light of the amended wording of main group H 02 P 21/00 (see Annex 31 to this report).

Project C 412 (chemical) – In order to provide a basis for further elaboration of the Project, the Working Group approved the new main group A 61 K 8/00 and its subdivisions at one dot level (see Annex 32 to this report).

The EPO was invited to submit a proposal concerning classification philosophy in the area of “cosmetics or similar toilet preparations,” taking into account the decision of the Working Group to introduce local last place rules applied only within one dot groups.

Comments were invited on:

- the proposal to be submitted by the EPO;
- whether a new subclass covering “cosmetics” or a new main group at the end of the classification scheme of subclass A 61 K should be created instead of main group A 61 K 8/00, taking into account that the creation of the new subclass would allow to elaborate a classification structure easier to use and would retain overall application of the last place rule in subclass A 61 K, but would remove the “cosmetics” area from the closely related area of medicinal preparations and would reduce possibilities for the insertion in class A 61 of new subclasses during the further revision of the IPC;

- whether group 8/001 should cover only cosmetics preparations, characterized by a special form, of general application, as proposed by the Rapporteur in Note (2) after group A 61 K 8/00 (see Annex 32 to the project file), or whether that group should be used for multi-aspect classification of cosmetics preparations characterized by a special form and a special application;
- whether cosmetics preparations characterized by a special form and having therapeutic activity should be classified in both groups 8/001 and A 61 K 9/00 or should be collected in one place;
- the correctness of the wording of group 8/37, in particular in respect of the term “formulations”;
- the relationship between groups 8/37, 8/371 and the existing group C 11 B 9/00;
- whether group 8/411 covered insect repellants;
- the correctness of the wording of group 8/461, in the light of the approved Note (2) after group 8/00 (see Annex 32 to this report);
- whether “washing and bathing preparations for the skin and the hair” could be combined in group 8/671, in view of their similarity, taking into consideration the proposed group A 61 K 8/220 (see Annex 32 to the project file);
- the relationship between groups 8/063, 8/461 and 8/671 and subclass C 11 D and whether any references delimiting their scope were needed;
- the remainder of the Rapporteur’s proposal (see Annex 32 to the project file), bearing in mind that groups with the wording “compounds according to two or more of the preceding groups” should be treated as residual groups, and proposing additional groups if necessary.

Project C 413 (chemical) – The Working Group approved new groups in the area of “chromatography,” proposed by the Rapporteur (see Annex 36, relating to subclass B 01 D, to this report).

The United States of America was requested to submit a proposal on the rearrangement of the approved groups according to the standardized sequence of groups in the IPC, elaborated by the ad hoc IPC Reform Working Group (see Annex IV to document IPC/REF/4/4).

Comments were invited on:

- the proposal to be submitted;
- any overlap between two-dot subgroups of the existing group B 01 D 15/08, caused by the expression “operational features” in the title of group 15/10, and how that overlap could be eliminated;
- whether the wording of group 15/26 should refer to “separation technique” rather than to “separation mechanism.”

In respect of the remainder of the Rapporteur's proposal (see Annex 32 to the project file), the Working Group requested the following actions.

The EPO was requested to carry out a study of the potential file size of the proposed group B 01 D 53/13, which should become a subgroup of the existing group B 01 D 53/02, and, if necessary, propose additional subdivisions of the former group.

Comments were invited on:

- the study to be carried out by the EPO;
- the desirability of the proposed group B 01 J 20/295, taking into account that it could exhaust the contents of its hierarchically superior group B 01 J 20/281 (see Annex 21 to the project file);
- proposed amendments with regard to groups B 01 J 39/00, 39/06 and 41/06, in particular whether any additional references were needed.

Project C 416 (mechanical) – Comments were invited on the counter-proposal submitted by Sweden (see Annex 14 to the project file).

Project C 417 (mechanical) – Comments were invited on the two alternative solutions proposed by the Rapporteur (see Annex 14 to the project file).

Project C 419 (electrical) – Comments were invited on the desirability of a subgroup covering “combined monitoring of two or more engine parameters” specified in different subgroups of the new group G 01 M 15/04 (see Annex 11 to the project file and Annex 53E to this report), taking into account the respective proposal of the Rapporteur (see Annex 20 to the project file).

Project C 420 (mechanical) – Comments were invited on the rapporteur report (see Annex 7 to the project file), in the light of the comments submitted by the EPO and Japan (see Annexes 8 to 10 to the project file).

Project C 422 (chemical) – This Project was referred to a subsidiary body (see paragraphs 22 to 25, below). In so deciding, the Working Group underlined the importance of the Project relating to the recently emerged and rapidly growing technology of “combinatorial chemistry” and the urgent need for finalizing the Project in time for the next edition of the IPC.

The Working Group agreed that technology of “combinatorial chemistry” included many aspects not covered by appropriate places in the IPC, which required elaboration of a comprehensive classification scheme that could also be used for multiple classification in combination with other areas of the IPC. The Working Group indicated that, for elaboration of a classification scheme covering “combinatorial chemistry,” it would be necessary to prepare detailed classification definitions clarifying various concepts relating to this technology.

The Working Group reviewed a proposed classification scheme at main group level, prepared by the Rapporteur (see Annex 19 to the project file) and noted that, for several main groups, definitions had already been proposed by the United States of America and the United Kingdom (see Annexes 2 and 19 to the project file).

In order to provide additional background material for the discussions of the subsidiary body, comments were invited on:

- whether a separate main group was needed for chemical libraries or whether they could be combined with preparatory methods in one main group, citing relevant examples of patent documents;
- whether the proposed main group 7/00 could be combined with the proposed main group 5/00 and, if that was not the case, how the wording of the former group could be modified, in order to avoid any overlap between those groups;
- the proposed definition of a library (see Annex 2 to the project file), in particular in respect of the terms “intentionally,” “unitary” and “biologicals” used therein;
- the proposed definition of a method for preparing a library (see the said Annex 2);
- the proposed definition of the term “screening” (see Annex 19 to the project file), in particular whether it should refer to “property” rather than to “activity”;
- the proposed definition of the concept of “directed molecular evolution” (see the said Annex 19).
- the position of a classification scheme covering “combinatorial chemistry” in section C, taking into consideration the nature of possible members of “combinatorial libraries,” and whether the choice of the position would necessitate modifications to the subsection structure.

The Working Group agreed that further subdivision of main groups in the area of “combinatorial chemistry” would be necessary and invited comments on how such subdivision could be made, and how deep it should be.

In view of the limited time remaining until the session of the subsidiary body, the Working Group requested its members to strictly follow the deadlines established for the Project.

Project C 423 (electrical) – Comments were invited on:

- whether the wordings of the new groups H 01 L 27/30, 51/05 and 51/42 (see Annex 56 to this report) could be modified in order to make them easier to read and, if this were the case, whether the same modifications should be made throughout subclass H 01 L, in particular in groups 27/00, 29/00, 31/00 and 33/00;
- the need for precedence references between the subgroups of group H 01 S 5/30, in the light of the created subgroup H 01 S 5/36 (see Annex 57 to this report);

– whether the borderline between groups H 01 L 51/50 and H 05 B 33/00 was clear with regard to subject matter relating to “organic light emitting diodes” and “organic electroluminescent devices” and, if that were not the case, how it could be clarified in the light of the reference to group H 01 L 51/50 introduced in group H 05 B 33/00 (see Annex 58 to this report).

UPDATING OF THE IPC TRAINING EXAMPLES ACCORDING TO THE SEVENTH EDITION OF THE IPC

11. Discussions were based on document IPC/WG/4/2, containing comments submitted by Germany and the Russian Federation on the classification of training example E-7 and comments submitted by the EPO on the explanations given in training examples A 14 and A 15.

12. Concerning example E-7, the Working Group agreed that it should not be classified in group B 23 Q 15/00 and approved its amended version which appears in Annex F to this report. Furthermore, the Working Group agreed that the amendments proposed by the EPO on examples A 14 and A 15 were appropriate and decided to adopt them (see Annex F to this report).

ELABORATION OF CLASSIFICATION DEFINITIONS

13. Discussions were based on a working paper presented by the International Bureau and containing the description of a procedure for the creation of definitions and revision of subclass indexes.

14. The Working Group was informed of the decision of the ad hoc IPC Reform Working Group to provisionally approve a format of classification definitions and to recommend to the Working Group the creation of Task Forces for the elaboration of such definitions (see document IPC/REF/4/4, paragraphs 14 to 18 and Annex III).

15. The Working Group was further informed of the decision of the ad hoc IPC Reform Working Group to approve a standardized sequence of main groups in IPC subclasses to be used as guidance in the elaboration of new or substantially revised subclasses, and to request the Working Group to start revision or creation of subclass indexes according to the said sequence (see document IPC/REF/4/4, paragraphs 48 to 57 and Annex IV).

16. The Working Group agreed that, for each subclass under consideration, a separate project should be created for the introduction of classification definitions (D projects). The Working Group approved the creation of three Task Forces, one for chemistry, one for electricity and one for mechanics, with the following compositions:

- Chemistry: Sweden, United Kingdom, United States of America, EPO;
- Electricity: Germany, United States of America, EPO;
- Mechanics: Sweden, United Kingdom, United States of America, EPO.

17. A list of subclasses for which definitions should be created was also approved (see Annex G to this report). The membership in the Task Forces would be open to the Rapporteurs of future new D projects. It was further agreed that the Working Group would finalize the procedure for the creation of definitions and revision of subclass indexes, and for the preparation of the respective French versions, at its next (fifth) session.

18. The International Bureau informed the Working Group that, by the end of February 2001, a new e-forum for D projects would be created, which would contain the already received draft definitions and comments thereon. The first page of the e-forum would contain information on next actions, deadlines and progress of the work in a manner similar to the Annex C of the reports of the Working Group. The Working Group invited the Rapporteurs to post, by that time, their respective proposals on other projects. The Working Group indicated that comments could be posted on the e-forum by any member of the Working Group and that experts from offices in each technical field should be encouraged to regularly consult the e-forum and participate in the discussion.

19. The Working Group agreed that discussions would principally take place electronically on the e-forum. Projects should be completed by the respective Task Forces, which should arrange an informal meeting if necessary for solving remaining problems. Once a project is completed, the Working Group would formally approve it.

INTRODUCTION OF NEW CATCHWORDS AND INFORMATIVE REFERENCES RELATING TO COMPLETED PROJECTS

20. Discussions were based on document IPC/WG/4/4, containing proposals for the introduction of new catchwords in the official catchword indexes.

21. The Working Group approved, with minor amendments, the proposals submitted by Austria, relating to project 342 and the proposals submitted by the Russian Federation, relating to Projects C 343 and C 390. The Delegation of France volunteered to submit a French version of approved catchwords, in time for the next session of the Working Group.

SUBSIDIARY BODY OF THE WORKING GROUP

Creation of a Subsidiary Body

22. The Working Group agreed to create Subgroup D to deal with Project C 422 (see paragraph 10, above), relating to the chemical field (provisional subclass C 15 B).

23. The Working Group agreed that Subgroup D should have the mandate to expediently advance the said Project to the stage where it could be finalized by the Working Group. More particularly, Subgroup D was instructed to establish the necessary definitions of technical terms and expressions used, the title of the subclass concerned, and, in the light of the said definitions, the elaboration of the subclass at main group level, introducing subgroups thereunder where necessary.

Session of Subgroup D

24. The Working Group accepted with gratitude an invitation from the EPO to host the session of subgroup D, and agreed that it should be held from March 26 to 30, 2001, at the European Patent Office, bearing in mind that the session should not take place if less than three offices intended to participate.

25. The Working Group requested the International Bureau to issue invitations to this session by January 15, 2001, asking offices to indicate, by February 15, 2001, whether they intended to participate in the session.

STATUS OF THE WORK

26. The Chairman assessed the status of the Tasks assigned to the Working Group and stated that 36 revision projects on the agenda of this session (see Annex B to this report), as well as the other Tasks before the Working Group had been satisfactorily dealt with. Of the revision projects dealt with, 15 related to the mechanical field, 8 to the chemical field and 13 to the electrical field. He pointed out that Annex C to this report gave the status of each revision project and brief information on actions to follow.

NEXT SESSION OF THE WORKING GROUP

27. The Working Group assessed the workload expected to be before it at its next session (see the following paragraph) and agreed to devote the first three days of the first week to the chemical field, the remainder of that week to the electrical field and the second week to the mechanical field.

28. The Working Group noted the tentative dates for its fifth session: June 11 to 22, 2001.

29. This report was unanimously adopted by the Working Group at its closing meeting on December 1, 2000.

[Annexes follow]