



IPC/C 341/96 Rev.6
ORIGINAL: English/French
DATE: November 10, 2000

WORLD INTELLECTUAL PROPERTY ORGANIZATION
ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE
GENEVA/GENÈVE

COMMITTEE OF EXPERTS OF THE IPC UNION
COMITÉ D'EXPERTS DE L'UNION DE L'IPC

IPC REVISION PROJECT FILE/DOSSIER DE PROJET DE RÉVISION DE LA CIB

PROPOSAL BY: PROPOSITION DE :	AT	REVISION OF IPC AREA: RÉVISION DU DOMAINE DE LA CIB :	A 61 B
KIND OF REVISION: TYPE DE RÉVISION :	Creation of a subgroup Création d'un sous-groupe		

ANNEX/ ANNEXE	CONTENT/CONTENU	SEE/VOIR C 341/96	ORIGIN/ ORIGINE	DATE
1	Revision request with detailed proposal / Demande de révision avec proposition détaillée		AT	18.01.96
2	Comments (re Annex 1) / Observations (réf. annexe 1)	Rev.1	GB	16.07.96
3	Comments (re Annex 1) / Observations (réf. annexe 1)	Rev.1	CA	30.09.96
4	Comments (re Annex 1) / Observations (réf. annexe 1)	Rev.1	RO	07.10.96
5	Comments (re Annex 1) / Observations (réf. annexe 1)	Rev.1	DE	15.10.96
6	Comments (re Annex 1) / Observations (réf. annexe 1)	Rev.1	EP	05.11.96
7	Rapporteur report / Rapport du rapporteur	Rev.2	AT	14.02.97
8	Comments (re Annex 1) / Observations (réf. annexe 1)	Rev.3	JP	30.05.97
9	Decision of the Working Group / Décision du groupe de travail	Rev.4	WG	07.99
10	Comments / Observations	Rev.4	RU	10.99
11	Comments / Observations	Rev.4	EP	10.99
12	Comments / Observations	Rev.4	CA	10.99
13	Comments / Observations	Rev.4	RO	10.99
14	Comments / Observations	Rev.4	GB	10.99

RAPPORTEUR : AT **TECHNICAL FIELD/DOMAINE TECHNIQUE :** C

ANNEX/ ANNEXE	CONTENT/CONTENU	SEE/VOIR C 341/96	ORIGIN/ ORIGINE	DATE
15	Comments / Observations	Rev.4	DE	10.99
16	Rapporteur report / Rapport du rapporteur	Rev.5	AT	12.99
17	Decision of the Working Group / Décision du groupe de travail	Rev.5	WG	12.99
18	Comments / Observations	Rev.5	EP	03.00
19	Comments / Observations	Rev.5	DE	03.00
20	Comments / Observations	Rev.5	JP	03.00
21	Comments / Observations	Rev.5	CA	03.00
22	Comments / Observations	Rev.5	RO	03.00
23	Rapporteur report / Rapport du rapporteur	Rev.5	AT	05.00
24	Decision of the Working Group / Décision du groupe de travail	Rev.6	WG	06.00
25	Comments / Observations	Rev.6	EP	09.00
26	Comments / Observations	Rev.6	RO	09.00
27	French version of approved amendments / Version française des modifications approuvées	Rev.6	CH	11/00
28	Rapporteur report / Rapport du rapporteur	Rev.6	AT	11/00

EXCERPT FROM DOCUMENT IPC/WG/3/3/
EXTRAIT DU DOCUMENT IPC/WG/3/3

Project C 341 (chemical) – It was agreed that references in group A 61 K 50/00, proposed by the Rapporteur (see Annex 23 to the project file) should be considered as informative and included in the informative layer of the IPC. It was also agreed that an informative reference to the new group A 61 K 50/00 (see Annex 19 to this report) was needed in group A 61 B 18/00.

The Rapporteur was requested to submit a proposal relating to the introduction of the above-mentioned references according to the agreed presentation of informative references in the form of informative notes (see document IPC/WG/1/2, Project C 325).

The Working Group agreed to introduce a reference from the function-oriented place C 09 J 9/02 to the application place A 61 K 50/00 (see Annex 22 to this report), following the established practice of the IPC, under understanding that when the difference between limiting, guiding and informative references has been defined in the revised Guide to the IPC, this reference could be transferred to the informative layer of the IPC.

Projet C 341 (chimie) – Il a été convenu que les renvois proposés par le rapporteur dans le groupe A 61 K 50/00 (voir l'annexe 23 du dossier de projet) doivent être considérés comme indicatifs et figurer dans la couche informative de la CIB. Il a aussi été convenu de la nécessité d'inclure dans le groupe A 61 B 18/00 un renvoi indicatif au nouveau groupe A 61 K 50/00 (voir l'annexe 19 du présent rapport).

Le rapporteur a été prié de présenter une proposition concernant l'inclusion des renvois susmentionnés sous forme de notes d'information, conformément à la présentation approuvée (voir le projet C 325 dans le document IPC/WG/1/2).

Le groupe de travail a convenu d'inclure dans l'endroit axé sur la fonction C 09 J 9/02 un renvoi à l'endroit axé sur l'application A 61 K 50/00 (voir l'annexe 22 du présent rapport), conformément à la pratique établie dans la CIB, étant entendu qu'une fois la différence entre renvois de limitation, d'orientation et d'indication définie dans le Guide d'utilisation révisé de la CIB, ce renvoi pourra être transféré dans la couche informative de la classification.

ANNEX 18 A 61 B [Project-Rapporteur : 341/AT] <SC03037E>

5/04

- --- parts thereof (electrically conductive preparations for use in therapy or testing in vivo A 61 K 50/00)

ANNEX 19 A 61 K [Project-Rapporteur : 341/AT] <SC03038E>

N 50/00

Electrically conductive preparations for use in therapy or testing in vivo, e.g. conductive adhesives or gels to be used with electrodes for electrocardiography (ECG) or for transcutaneous drug administration

ANNEX 20 A 61 L [Project-Rapporteur : 341/AT] <SC03039E>

15/58

- • • Adhesives (electrically conductive adhesives for use in therapy or testing in vivo A 61 K 50/00)

24/00

--- **colostomy devices** (electrically conductive adhesives for use in therapy or testing in vivo A 61 K 50/00)

ANNEX 21 A 61 N [Project-Rapporteur : 341/AT] <SC03040E>

1/00

--- irradiation apparatus 5/00; electrically conductive preparations for use in therapy or testing in vivo A 61 K 50/00)

ANNEX 22 C 09 J [Project-Rapporteur : 341/AT] <SC03041E>

9/02

- Electrically-conducting adhesives (electrically conductive adhesives specially adapted for use in therapy or testing in vivo A 61 K 50/00)

Project: C341 **Class: A61**

Ref.: Annex 24 to the project file

During WG3, this project was virtually finished, be it that it was decided to introduce two informative notes.

Such notes could read:

1) Informative note after A61K50/00:

References listed below indicate IPC places which could also be of interest when carrying out a search in respect of the subject matter covered by the preceding group:

<i>Electrodes specially adapted for electrocardiography</i>	<i>A61B5/0408</i>
<i>Electrodes specially adapted for electroencephalography</i>	<i>A61B5/0476</i>
<i>Electrodes specially adapted for electromyography</i>	<i>A61B5/0492</i>
<i>Electrodes for electrotherapy</i>	<i>A61N1/04.</i>

Remark: Reference to the three A61B entries might be useful in this kind of informative note even if A61B5/0408 in itself already contains references to the two other A61B entries.

2) Informative note after A61B18/00:

References listed below indicate IPC places which could also be of interest when carrying out a search in respect of the subject matter covered by the preceding group:

<i>Electrically conductive preparations for use in therapy or testing <u>in vivo</u>, e.g. conductive adhesives or gels to be used with electrodes for electrocardiography (ECG) or for transcutaneous drug administration</i>	<i>A61K50/00</i>
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Paul Daeleman

OFICIUL DE STAT PENTRU

Date : September 2000

INVENȚII ȚI MARCI

RO COMMENTS

Project : C 341

Class/Subclass : **A 61 K**

Referring to EP comment from 28 August 2000 through which were proposed the informative notes

Regarding the informative note after A 16 K 50/00 :

- We don't see the need to make references to all the entries from A 61 B considering that the reference to A 61 B 5/0408 or even to A 61 B 5/04 could be satisfactory and in this way a too heavy wording could be avoided.

Regarding the informative note after A 61 B 18/00 :

- This one is a correct and complete one but we have the same reserve regarding the heaviness of the text. Perhaps a more concise wording of this note could be acceptable, for instance to : "Electrically conductive preparations for use in therapy A 61 K 50/00".

Mariela Haulica

ANNEX 27

Session:	IPC/WG
Subclass:	A 61 B
Project(s):	C 341
Language:	F
Translator office:	CH
Translation source session:	IPC/WG/3/3
Translation source annex filename:	Annex: 18

Mod. type	IPC entry (interval)	Text or Instruction
	5/04	<ul style="list-style-type: none"> • --- parties de celui-ci (préparations conductrices de l'électricité utilisées pour la thérapie ou pour l'examen in vivo A 61 K 50/00)

Session:	IPC/WG
Subclass:	A 61 K
Project(s):	C 341
Language:	F
Translator office:	CH
Translation source session:	IPC/WG/3/3
Translation source annex filename:	Annex: 19

Mod. type	IPC entry (interval)	Text or Instruction
N	50/00	<i>Préparations conductrices de l'électricité utilisées pour la thérapie ou pour l'examen in vivo, p. ex. adhésifs ou gels conducteurs utilisés avec des électrodes pour l'électrocardiographie (ECG) ou pour l'administration transcutanée de médicaments</i>

Session:	IPC/WG
Subclass:	A 61 L
Project(s):	C 341
Language:	F
Translator office:	CH
Translation source session:	IPC/WG/3/3
Translation source annex filename:	Annex: 20

Mod. type	IPC entry (interval)	Text or Instruction
	15/58	<ul style="list-style-type: none"> • • • Adhésifs (adhésifs conducteurs de l'électricité utilisés pour la thérapie ou pour l'examen in vivo A 61 K 50/00)

	24/00	--- dispositifs de colostomie (adhésifs conducteurs de l'électricité utilisés pour la thérapie ou pour l'examen in vivo A 61 K 50/00)
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Session:	IPC/WG
Subclass:	A 61 N
Project(s):	C 341
Language:	F
Translator office:	CH
Translation source session:	IPC/WG/3/3
Translation source annex filename:	Annex: 21

Mod. type	IPC entry (interval)	Text or Instruction
	1/00	--- appareils d'irradiation 5/00; préparations conductrices de l'électricité utilisées pour la thérapie ou pour l'examen in vivo A 61 K 50/00)

Session:	IPC/WG
Subclass:	C 09 J
Project(s):	C 341
Language:	F
Translator office:	CH
Translation source session:	IPC/WG/3/3
Translation source annex filename:	Annex: 22

Mod. type	IPC entry (interval)	Text or Instruction
	9/02	<ul style="list-style-type: none"> Adhésifs conducteurs de l'électricité (adhésifs conducteurs de l'électricité spécialement adaptés à l'utilisation pour la thérapie ou pour l'examen in vivo A 61 K 50/00)

Österreichisches Patentamt
Austrian Patent Office

Project PCIPI / C 341 / 96
Subclass A 61 B

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4th Rapporteur Report

On the third session the Working Group agreed that references in group A 61 K 50/00, proposed by the Rapporteur (see Annex 23 to the project file) should be considered as informative and included in the **informative layer of the IPC**. It was also agreed that an informative reference to the new group A 61 K 50/00 (see Annex 19 to this report) was needed in group A 61 B 18/00.

The Rapporteur was requested to submit a proposal relating to the introduction of the above-mentioned references according to the agreed presentation of informative references in the form of informative notes (see document IPC/WG/1/2, Project C 325).

Comments were received from **EP** and **RO**. EP propose informative notes after A61K 50/00 pointing to the separate entries for electrodes under A61B 5/04 and to A61N and an informative note after A61B 18/00. RO are of the opinion that the wording might get too complicated with all the suggested informative notes.

1. A61K 50/00:

Rapporteur is of the opinion that separate references to all A61B entries relating to electrodes could be useful in this kind of informative note. Rapporteur is in favour of the references as proposed by **EP** (Annex 25 to the project file). To make the list complete a reference to A61B 5/0448 (Electrodes specially adapted for foetal cardiography) could also be added:

N 50/00 Electrically conductive preparations for use in therapy or testing in vivo, e.g. conductive adhesives or gels to be used with electrodes for electrocardiography (ECG) or for transcutaneous drug administration

Note(s) after 50/00

Informative notes

References listed below indicate IPC places which could also be of interest when carrying out a search in respect of the subject matter covered by the preceding group:

Electrodes specially adapted for electrocardiography A61B 5/0408

Electrodes specially adapted for foetal cardiography A61B 5/0448

Electrodes specially adapted for electroencephalography A61B 5/0478

Electrodes specially adapted for electromyography A61B 5/0492

Electrodes for electrotherapy A61N 1/04.

If the Working Group like **RO** is of the opinion that a more concise wording is desirable then Rapporteur suggests to have an informative note like:

Electrodes specially adapted for measuring bioelectric signals of the body
A61B 5/0408, 5/0448, 5/0478, 5/0492

Electrodes for electrotherapy A61N 1/04

Österreichisches Patentamt
Austrian Patent Office

Project PCIPI / C **341 / 96**
Subclass **A 61 B**

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23 October 2000

2. A61B 18/00:

EP suggest the following wording for an informative note after 18/00

18/00 Surgical instruments, devices or methods for transferring non-mechanical forms of energy to or from the body (eye surgery A61F9/007; ear surgery A61F11/00) [7]

Note(s) after
18/00

Informative note

References listed below indicate IPC places which could also be of interest when carrying out a search in respect of the subject matter covered by the preceding group:

Electrically conductive preparations for use in therapy or testing in vivo, e.g. conductive adhesives or gels to be used with electrodes for electrocardiography (ECG) or for transcutaneous drug administration A61K 50/00

RO think a more concise wording like

Electrically conductive preparations for use in therapy A61K 50/00
more acceptable.

Rapporteur has the feeling that probably the short wording proposed by RO would not give the full information necessary. In order to make the wording shorter without losing information Rapporteur suggests to delete only the examples “for electrocardiography (ECG) or for transcutaneous drug administration”. Therefore the informative note could read :

Electrically conductive preparations for use in therapy or testing in vivo, e.g. conductive adhesives or gels to be used with electrodes A61K 50/00



IPC/C 362/96 Rev.5
ORIGINAL: English/French
DATE: November 10, 2000

WORLD INTELLECTUAL PROPERTY ORGANIZATION
ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE
GENEVA/GENÈVE

COMMITTEE OF EXPERTS OF THE IPC UNION
COMITÉ D'EXPERTS DE L'UNION DE L'IPC

IPC REVISION PROJECT FILE/DOSSIER DE PROJET DE RÉVISION DE LA CIB

PROPOSAL BY: PROPOSITION DE :	GB	REVISION OF IPC AREA: RÉVISION DU DOMAINE DE LA CIB :	C 09 K
KIND OF REVISION: TYPE DE RÉVISION :	Creation of subgroups Création de sous-groupes		

ANNEX/ ANNEXE	CONTENT/CONTENU	SEE/VOIR C 362/96	ORIGIN/ ORIGINE	DATE
1	Revision request with detailed proposal / Demande de révision avec proposition détaillée		GB	25.01.96
2	Comments (re Annex 1) / Observations (réf. annexe 1)	Rev.1	EP	23.10.96
3	Comments (re Annex 1) / Observations (réf. annexe 1)	Rev.1	RO	07.10.96
4	Comments (re Annex 1) / Observations (réf. annexe 1)	Rev.1	RU	16.10.96
5	Comments (re Annex 1) / Observations (réf. annexe 1)	Rev.1	SI	24.10.96
6	Comments (re Annex 1) / Observations (réf. annexe 1)	Rev.1	CA	18.10.96
7	Comments (re Annex 1) / Observations (réf. annexe 1)	Rev.1	US	28.10.96
8	Rapporteur report / Rapport du rapporteur	Rev.2	GB	02.99
9	Counterproposal / Contre-proposition	Rev.3	EP	05.99
10	Comments / Observations	Rev.3	JP	07.99
11	Decision of the Working Group / Décision du groupe de travail	Rev.3	WG	07.99
12	Comments / Observations	Rev.3	CA	10.99
13	Comments / Observations	Rev.3	RO	10.99
14	Comments / Observations	Rev.3	GB	11.99

RAPPORTEUR : EP TECHNICAL FIELD/DOMAINE TECHNIQUE :

C

ANNEX/ ANNEXE	CONTENT/CONTENU	SEE/VOIR C 362/96	ORIGIN/ ORIGINE	DATE
15	Comments / Observations	Rev.3	SE	11.99
16	Rapporteur report / Rapport du rapporteur	Rev.3	GB	11.99
17	Decision of the Working Group / Décision du groupe de travail	Rev.4	WG	12.99
18	Comments / Observations	Rev.4	EP	03.00
19	Comments / Observations	Rev.4	GB	03.00
20	Comments / Observations	Rev.4	JP	03.00
21	Comments / Observations	Rev.4	RO	03.00
22	Rapporteur report / Rapport du rapporteur	Rev.4	GB	04.00
23	Decision of the Working Group / Décision du groupe de travail	Rev.5	WG	06.00
24	Proposal / Proposition	Rev.5	EP	07.00
25	Comments / Observations	Rev.5	EP	09.00
26	Comments / Observations	Rev.5	JP	09.00
27	Comments / Observations	Rev.5	RU	09.00
28	Comments / Observations	Rev.5	RO	09.00
29	Comments / Observations	Rev.5	DE	10/00
30	Rapporteur report / Rapport du rapporteur	Rev.5	EP	10/00
31	Rapporteur proposal / Proposition du rapporteur	Rev.5	EP	10/00
32	Comments / Observations	Rev.5	CA	11/00

EXCERPT FROM DOCUMENT IPC/WG/3/3/
EXTRAIT DU DOCUMENT IPC/WG/3/3

Projects C 362 and C 368 (chemical) – The Working Group noted a counter-proposal by the EPO on Project C 368, distributed at the session, which provided for combining “compositions for drilling, for completion or for remedial operations of boreholes or wells” in the new main group C 09 K 8/00. The Working Group also noted a close relationship and overlapping of Projects C 362 and C 368 and decided to combine these projects and to appoint the EPO as Rapporteur for the combined project.

The Working Group agreed that, in the area of “well drilling compositions”, it would be preferable to apply the last place rule.

The EPO was requested to submit a consolidated proposal accommodating proposals submitted under Projects C 362 and C 368 so far.

Comments were invited on the proposal to be submitted.

Projets C 362 et C 368 (chimie) – Le groupe de travail a pris note d’une contre-proposition de l’OEB distribuée pendant la session concernant le projet C 368, qui permet de combiner les “compositions pour le forage, l’achèvement ou les opérations de réparation des trous de forage ou des puits” dans le nouveau groupe principal C 09 K 8/00. Le groupe de travail a aussi constaté que les projets C 362 et C 368 sont étroitement liés et se chevauchent. Il a décidé de les combiner et de désigner l’OEB comme rapporteur pour ce projet combiné.

Le groupe de travail a convenu que dans le domaine des “compositions pour le forage de puits”, il sera préférable d’appliquer la règle de la dernière place.

L’OEB a été prié de présenter une proposition globale tenant compte des propositions présentées jusque-là au titre des projets C 362 et C 368.

Des observations ont été demandées au sujet de la proposition devant être présentée.

Combined Project: C362 - C368 Subclasses: C09K/ E21B / C04B

Ref.: - IPC/WG/3/3 Prov., p.6

- Annexes 9 and 22 of project file C362
- Annexes 16 and 17 of project file C368

During its third session, the WG decided to combine project C362 (creation of new subgroups for well drilling composition in subclass C09K) and project C368 (creation of new subgroups for cementing, plugging and plastering of wells; E21B,C04B,C09K) and to appoint the EPO as rapporteur for the new combined project. This Office was also requested to submit a consolidated proposal. This consolidated proposal is submitted herewith.

I. COMMENTS:
*** Concerning former project C362**

The WG agreed during its third session that in the area of well drilling compositions the last place rule should be applied.

As suggested by the former Rapporteur of this project (see annex 22), the counter proposal of annex 9 was used as basis for the present consolidated proposal, as far as well drilling is concerned, be it that it was slightly adapted to meet some of the comments raised by other Offices.

*** Concerning former project C368**

Because some Offices still have strong reservations for adopting an asymmetric approach for well cementing compositions (C04B for cement-based and C09K8 for organic binder based compositions), EP tried to make a list of the pro=s and contra=s of such an approach.

Pro: - avoiding systematic double classification / avoiding the existence of two more or less parallel schemes

- possibility of using the many detailed entries of C04B for ingredients and mixtures
- easy retrieval of relevant documents by combining the C04B indexing code and the relevant C04B classification symbols

Contra: - asymmetric system making a number of cross references necessary

- in C09K17 hydraulic cement based compositions are NOT referred out (C09K17/10)
- new IPC: tendency to replace indexing codes by multiple classification.

As:

- there are pro=s and contra=s for the asymmetric as well as for the symmetric approach
- according to a rough estimation, Aonly@ about 600 EPODOC Ain file@ docs are concerned
- there is a tendency to shift from indexing to multiple classification,

EP could, be it with some hesitation, agree with the Asymmetric approach@. In such a case the symmetric approach should preferably be complete, i.e. also other compositions relating to subclass E21B should be transferred to C09K. Such a totally Asymmetric@ approach would lead to the situation as presented in the joined counterproposal.

*** A new main group in C09K**

The main reason for combining both projects is the suggestion of EP to create a new common main group in subclass C09K to cover all compositions for drilling, for completion or for remedial operations of boreholes or wells. In other words to transfer the compositions relating to E21B activities to the chemical Section of IPC and to combine it with existing main group C09K7/00 for well drilling compositions.

In the EP proposal distributed at the session of WG3, main group C09k8/00 was proposed. An other possibility would be to extend the wording of existing main group C09K7/00. This would limit the number of documents to be transferred but might create problems with the correct transfer of documents now in group 7/00. Whether the WG would decide to use main group 7/00 or 8/00 the general idea would remain the same.

II. CONSOLIDATED PROPOSAL:

1. Subclass C04B

- D C04B111:73 <adopted at WG2, see annex 17 to project file C368>
- D C04B111:735 <adopted at WG2, see annex 17 to project file C368>

2. Subclass C09K

- D C09K7/00 (transferred to C09K8/01)
- D Note after C09K7/00
- D C09K7/02 (transferred to C09K8/08)
- D C09K7/04 (transferred to C09K8/38)
- D C09K7/06 (transferred to C09K8/40)
- D C09K7/08 (transferred to C09K8/46)
- C C09K8/00 Compositions for drilling, for completion or for remedial operations of boreholes or wells
<New wording for 8/00 adopted at WG2, see annex 17 to project file C368>
- N C09K8/01 . Well drilling compositions
- N Note after C09K8/01 Note
In this group, in the absence of an indication to the contrary, classification is made in the last appropriate place.
- D C09K8/02 <adopted at WG2 (see annex 17) transferred to 8/50>
- N C09K8/04 . . Inorganic additives
- N C09K8/06 . . Organic additives
- N C09K8/08 . . Aqueous fluids containing organic or inorganic compounds
- N C09K8/10 . . . Clay-free compositions
- N C09K8/12containing natural organic compounds, e.g. polysaccharides, or derivatives thereof
- N C09K8/14 Cellulose or derivatives thereof
- N C09K8/16containing synthetic organic products, e.g. monomers, polymers
- N C09K8/18 . . . Clay containing compositions
- N C09K8/20characterised by the inorganic compounds other than clay
- N C09K8/22 present in the mud
- N C09K8/24characterised by the organic compounds

- N C09K8/26 Natural organic compounds or derivatives thereof, e.g. polysaccharides, lignin derivatives
- N C09K8/28 Synthetic organic compounds
- N C09K8/30 Polymers
- N C09K8/32 . . . Oil-in-water emulsions
- N C09K8/34 containing organic additives
- N C09K8/36 . . . containing inorganic compounds only
- N C09K8/38 . . Non-aqueous liquids, e.g. oil-based
- N C09K8/40 . . . Organic liquids
- N C09K8/42 . . . Water-in-oil emulsions
- C C09K8/44 . . Gaseous fluids; Foams
- N C09K8/50 . Spacer compositions, e.g. compositions used to separate well-drilling from cementing masses
- N C09K8/52 . Cementing, plugging or plastering compositions
- N C09K8/54 . . containing organic binders only
- N C09K8/56 . . containing hydraulic binders, e.g. Portland cement
- N C09K8/58 . . . in combination with macromolecular compounds, e.g. polymeric co-binders
- N C09K8/60 . Compositions for preventing, limiting or eliminating the deposition of paraffins or like substances
- N C09K8/62 . Compositions for in situ inhibition of corrosion in boreholes or wells
- N C09K8/64 . Compositions for consolidating of loose sand or the like round wells without excessively decreasing the permeability thereof
- N C09K8/66 . Compositions, e.g. chemicals produced in situ by bacteria, for enhanced recovery methods for obtaining hydrocarbons
- N C09K8/68 . Compositions for treating oil or gas wells or underground formations for stimulating production, e.g. eroding chemicals such as acids

3. Subclass E21B

C Note (2) after
subclass title

Notes

(1) (Unchanged)

(2) This subclass does not cover:

- hand - - - - - use;

- drilling - - - - B23B;

- compositions as such for drilling, for completion or for remedial operations of boreholes or wells, which compositions are covered by group C09K8/00, e.g. compositions for enhanced recovery methods for obtaining hydrocarbons C09K8/66.

N E21B33/18 . . . characterised by the composition used, as far as the implementation of the method is influenced by the choice of this composition (compositions as such C09K8/00)
< group proposed in annex 16 to project file C368 >

N E21B33/20by compositions containing organic binders only
< idem >

C E21B37/06 - - - - or like substances (chemical compositions therefor C09K8/60)

C E21B41/02 - - - - bailers 27; chemical compositions therefor C09K8/62; inhibiting - - -

C E21B43/22 - - - - precedence; chemical compositions therefor C09K8/66; chemical features - - - -

D E21B43/27 (Transferred to C09K8/68)

Paul Daeleman

Combined Projects: C362-C368 Subclasses: C09K/E21B

For the EP-comments we refer to the consolidated proposal of July 2000.(annex 24 to the project file).

P. Daeleman

Japanese Patent Office

21 September 2000

Project:C-362,368

Subclass:C09K

- * Transfer notes for C09K 7/02 to 7/08 should be corrected properly.
- * We find that C09K 8/04 and 8/06 are redundant and should be deleted, as newly proposed C09K 8/08-8/44 may be used to classify “inorganic additives” or “organic additives”.
- * We feel some difficulty in adopting C09K 8/50-8/68. The classification seems to be too finely divided, having seven one-dot groups without enough documents to be covered in each of them. They could be consolidated into two or three one-dot groups.

FEDERAL INSTITUTE OF INDUSTRIAL PROPERTY

RU comments on combined project C 362 and C 368	
Project: C 362 and C 368	Date: 03/10/00 11:45 AM
Class/subclass: C 09K/ E21B/ C04B	Page of

We are in favour of the EPO consolidated proposal. We welcome the proposed approach for classifying compositions for cementing boreholes or wells and support the EPO proposal to create a new common place in subclass C 09K to cover all compositions concerning with E 21 B activities. Although we have no particular problems with "chemical searches" in groups E 21B 41/00, 43/00, we agree that the proposed transferring all chemical compositions from E 21B in C 09K is logical solution.

In respect of a new common group in subclass C 09K we would prefer to extend the scope of existing group C 09K 7/00 by including of all compositions relating to subclass E 21B.

There are some following remarks relating to the proposed scheme as such.

- In the case of creating new group 8/00,
C 09K 7/04 should be transferred to 8/36,
C 09K 7/06 should be transferred to 8/38 and
C 09K 7/08 should be transferred to 8/44.

- C 09K 8/56

In our opinion there is no necessity to restrict the scope of this group by hydraulic cements only. The other binders, e.g. aqueous solution of alkali metal silicates or silica gels, can be used in cementing or plugging compositions (US 4819723, EP 0230725). So we propose to change the wording of this group on: "containing inorganic binders, e.g. Portland cement".

- C 09K 8/62

We feel that it would be useful to include the cross-references between this group and group C 23F 11/00, e.g. informative note in 8/62 to C 23F 11/00 and a reference to C 09K 8/62 in C 23F 11/00 like an analogous reference to C 10.

- Besides we propose to introduce a reference in group E 21B 43/25 (or in 43/26) to group C 09K 8/68. ECLA contains subgroups E 21B 43/25B and 43/26B covering chemicals for treating and stimulating oil or gas wells. These subgroups were present in the list of subgroups for transferring them to C 09K 8/00 (Annex 19 to the project file).

Our examiners think that it would be desirable to create one more subgroup in C 09K to cover the compositions relating to E 21B 43/25B and 43/26B, e.g. as following:

C 09K 8/68 . Compositions for treating oil or gas wells or underground formations for stimulating production, e.g. by forming crevices or fractures

8/70 . . eroding chemicals, e.g. acids

E.Bril

OFICIUL DE STAT PENTRU

Date : September 2000

INVENȚII ȘI MARCI

RO COMMENTS

Project : C 362/C 368

Class/Subclass : **C 09 K/E21 B**

- *Comments were invited on the counter-proposal submitted by EPO for combined projects C362-C368 -*

Subclasses : C09K/E21B/C04B

- We support the EPO's consolidated proposal. For this proposal we have the following observations :

- we don't see the need for the creation of C09K 8/04 and 8/06;

- we would prefer to place the entry C09K 8/36 ("*...containing inorganic compounds only*") after C09K 8/08;

- the new subgroups under C09K 8/10 and 8/18 should have for consistence the same wording.

For this the wording of 8/18 could be modified , for instance in "*... clay comprising compositions*" or another suited wording;

- we would prefer the wording of C09K 8/16 to be "*... containing synthetic compounds*", to delete "e.g. monomers" and to make a subdivision with five points : "*..... polymers*";

- should the compositions contain additives or compounds in general (see 8/04, 8/06 and 8/34)?

Mariela Haulica

DEUTSCHES PATENT- UND MARKENAMT German Patent and Trademark Office	Class/Subcl.: C09K
	Date : 09.10.2000
DE - Comments — C362/C368	

Re: Comments on IPC/WG3/3 Project C362 and C368 Annex 23 to the project file

We welcome the consolidated proposal submitted by EPO from Annex 24. We prefer this so called symmetric approach for the classification of all compositions concerning the drilling and borehole technology in one place (C07K 8/00).

We propose following amendments and ask following questions:

Groups C09K 8/02 and 8/04 should be deleted. It is not possible to decide between additives and compounds.

Group 8/36 would limit the scope of groups 8/10 and 8/18 to 8/22 to compositions containing organic compounds. We prefer to delete this group therefore.

The group 8/56 should not be restricted to hydraulic binders. We prefer to broaden the scope to all inorganic binders.

The proposed group C09K8/64 makes the reference in E21B33/13 to C09K17/00 superfluous. This reference should be deleted. We ask if it is necessary to introduce references to C09K8/64 in E21B43/02 and/or 43/267?

The example in C09K8/66 is too specific. It should be amended or deleted.

We ask the reason for keeping groups E21B37/06 and 43/22 but deleting group 43/27?

H. P. Gerster

Project: Combined project C362-C368 Subclasses: C09K/E21B/C04B

* During its **third session** the WG decided to combine projects C362 and C368, asked EP to submit a consolidated proposal and appointed the same Office as rapporteur for the new combined project.

The consolidated proposal submitted by EP as annex 24 to the project file (C362) was based on:
 - annex 9 of the former project C362 (as suggested by the former R of this project in annex 22) as far as new groups for well-drilling compositions are concerned,
 - EP' suggestion during WG3 to combine this well-drilling project with former project C368 relating to cement, plugging and plastering compositions for wells and to create a (new) main group in subclass C09K to cover all chemical compositions used in activities relating to subclass E21B.

* **EP's consolidated proposal** thus transferred and incorporated the amendments already accepted for project C368 relating to cementing, plugging and plastering in new main group C09K8/00, adopted the proposal of the said annex 9 for drilling compositions to fit in this new main group and created some further subgroups for composition used in *other* mining activities of E21B. A number of notes and references were created/deleted where judged appropriate.

* **Comments** on the consolidated proposal were received from 4 Offices:

- EP, not very surprisingly, are in favour of the proposal,
- RU and RO support the proposal, be it with some remarks, corrections and/or propositions,
- JP seem not to be against the proposal as such but have some major reservations on details of the proposal.

As pointed out by JP and RU some mistakes were made in the transfer references. RU kindly made the appropriate corrections. This Office also prefers to extend the wording of existing main group C09K7/00 rather than to create a new main group C09K8/00 to collect all E21B related compositions. Furthermore RU points out that group 8/56 should cover all inorganic binders and not only hydraulic cements and would like to create an extra entry for eroding chemicals (8/70) JP (as well as RO) think 8/04 and 8/06 should be deleted, as groups 8/08 to 8/44 can be used for classifying additives. This Office find the proposal (groups 8/50 - 8/68) to elaborated. RO suggest some changes in wording and to place group 8/36 after 8/08. They wonder whether the compositions should contain additives or compounds in general (see 8/0, 8/06, 8/34). An extra group for polymers (subgroup of 8/16) is also suggested.

* **R's opinion:**

None of the commenting Offices raised any principal objections against the creation of a C09K main group for collecting all E21B related compositions. As RU expressed its preference to use existing C09K7/00 (after expanding its title) rather than to create new group C09K8/00, as suggested by R, the WG should discuss which main group is to be preferred. As R has some preference for group 8/00 (more simple numbering of groups, no ambiguity between old and new title of 7/00) he kept the same numbering for the joined proposal as in annex 24.

R sees the point raised by JP and RU about the ambiguity in the scheme relating to additives (8/04 and 8/06 versus 8/08-8/44). Groups 8/04 and 8/06 should however be used when the *invention information* relate to new individual additives, while the other groups are to be used when this information relates to mixtures of ingredients. These groups thus are complementary, in a similar way as groups C04B14/00-24/00 versus C04B26/00-32/00 are for mortar and concrete compositions.

Therefore, R would like to defend groups C09K8/04 and 8/06, be it that their wording might be chosen more carefully. Thus the wording of these groups have slightly been changed.

The place of group C09K8/36 has been chosen in the light of the LPR to collect all aqueous compositions containing only inorganic compounds.

R agrees with RU that 8/56 should relate to all inorganic binders. This was the starting idea, but it seems that this idea was badly worded in the consolidated proposal. R also agree that informative notes to and from C23F11/00 might be of interest as well as a reference in group E21B43/25. RP was adapted accordingly.

R does not agree with JP reservations about the number of documents for the proposed new groups C09K8/50 to 8/68 of annex 24. The corresponding EPODOC entries contain the following number of *in-file* documents (per 18/10/00):

C09K8/50	(ECLA: E21B33/13B5)	37 docs
C09K8/52 - 8/58 (4 groups)	(ECLA: C04B)	> 700 docs
	(ECLA: E21B33/138B + s.gr.)	1599 docs
C09K8/60	(ECLA: E21B37/06B + s.gr.)	881 docs
C09K8/62	(ECLA: E21B41/02B)	329 docs
C09K8/64	(ECLA: E21B437/02B1 + s.gr.)	392 docs
C09K8/66	(ECLA: E21B43/22 + s.gr.)	1828 docs
C09K8/68	(ECLA: E21B43/25B + s.gr.)	1609 docs
	(ECLA: E21B43/26B + s.gr.)	788 docs
	(ECLA: E21B43/27 + s.gr.)	628 docs

Therefore, R supports extra group 8/70 proposed by RU and added also group 8/72 to the proposal.

It should be clear that the general idea behind the proposed structure of the new main group is to have a one dot entry per specific application. In other words, compositions for different applications and thus , as a general rule, with different characteristics and/or purposes are classified separately. In this light it should be considered to split group 8/52 (annex 24) at least into two separate two dot groups (8/51 and 8/59 in the joined RP) for the following raisons. In the art, *plastering*, *cementing* and *plugging* are terms with specific meanings. *Plastering* means the consolidation of the borehole wall. As this is a temporarily measure no hardening as in the case of cementing should take place. Therefore, plastering compositions mostly are organic preparations. In the case of cementing however, hardening should take place (as in the case of plugging or *killing* a well). Here most often compositions are based on inorganic binders like hydraulic cements.

* **R's proposal:** with the help of the constructive suggestions of the commenting Offices R came to the proposal as joined to this RR. This consolidated proposal differ from the one in annex 24 only in details. A major difference however is the creation of separate groups for plastering and cementing compositions. Differences with the proposal of annex 24 are in *bold* or *strike-out* .

Taking into account the number of documents in the corresponding ECLA groups, finer subdivisions might be advisable.

Paul Daeleman

Project: C362-C368 Subclasses: C09K/E21B/C04B

 1. Subclass C04B

D C04B111:73 <adopted at WG2, see annex 17 to project file C368>

D C04B111:735 <adopted at WG2, see annex 17 to project file C368>

 2. Subclass C09K

D C09K7/00 (transferred to C09K8/01)

 D Note after
 C09K7/00

D C09K7/02 (transferred to C09K8/08)

D C09K7/04 (transferred to C09K8/36)

D C09K7/06 (transferred to C09K8/38)

D C09K7/08 (transferred to C09K8/44)

 C C09K8/00 Compositions for drilling, for completion or for remedial operations, of
 boreholes or wells
 <New wording for 8/00 adopted at WG2, see annex 17 to project file
 C368>

N C09K8/01 . Well drilling compositions

 N Note after
 C09K8/01 Note
 In this group, in the absence of an indication to the contrary, classification
 is made in the last appropriate place.

D C09K8/02 <adopted at WG2 (see annex 17) transferred to 8/50>

N C09K8/03 . . Use of additives in well-drilling compositions
~~N C09K8/04 . . Inorganic additives~~

N C09K8/06 . . . Organic additives

 N C09K8/08 . . Aqueous ~~fluids~~ **well drilling compositions** containing organic or
 inorganic compounds

N C09K8/10 . . . Clay-free compositions

 N C09K8/12 . . . containing natural organic compounds, e.g. polysaccharides, or
 derivatives thereof

N C09K8/14 Cellulose or derivatives thereof

- N C09K8/16 containing synthetic organic products, e.g. monomers, polymers
- N C09K8/18 . . . Clay containing compositions
- N C09K8/20 characterised by the inorganic compounds other than clay
- N C09K8/22 present in the mud
- N C09K8/24 characterised by the organic compounds
- N C09K8/26 Natural organic compounds or derivatives thereof, e.g. polysaccharides, lignin derivatives
- N C09K8/28 Synthetic organic compounds
- N C09K8/30 Polymers
- N C09K8/32 . . . Oil-in-water emulsions
- N C09K8/34 containing organic additives
- N C09K8/36 . . . containing inorganic compounds only
- N C09K8/38 . . Non-aqueous **well-drilling compositions**, e.g. oil-based
- N C09K8/40 . . . Organic liquids
- N C09K8/42 . . . Water-in-oil emulsions
- C C09K8/44 . . Gaseous fluids; ~~Foams~~ or foamed **well-drilling compositions**
- N C09K8/50 . Spacer compositions, e.g. compositions used to separate well-drilling from cementing masses
- N C09K8/51 . Compositions for cementing or plugging, e.g. for cementing casings into boreholes**
- ~~N C09K8/52 . Cementing, plugging or plastering compositions~~
- N C09K8/54 . . containing organic binders only
- N C09K8/56 . . containing inorganic binders, e.g. Portland cement
- N C09K8/58 . . . in combination with macromolecular compounds, e.g. polymeric co-binders
- N C09K8/59 . Compositions for plastering the borehole wall (compositions for consolidation round the well C09K8/64)**
- N C09K8/60 . Compositions for preventing, limiting or eliminating of depositions, e.g. of paraffins
- N C09K8/62 . Compositions for in situ inhibition of corrosion in boreholes or wells
- N Informative note after C09K8/62** **References listed - - -**
Inhibiting corrosion by using inhibitors in general C23F11/00

- N C09K8/64 . Compositions for consolidating of loose sand or the like round wells without excessively decreasing the permeability thereof (**compositions for plastering the borehole wall C09K8/59**)
- N C09K8/66 . Compositions for enhanced recovery methods for obtaining hydrocarbons (**compositions for forming fractures C09K8/70**)
- N C09K8/68 . Compositions for treating oil or gas wells or underground formations for stimulating production, ~~e.g. eroding chemicals such as acids~~
- N C09K8/70 . . Compositions for forming crevices or fractures, e.g. eroding chemicals such as acids**
- N C09K8/72 . . Composition for reinforcing fractures, e.g. proppant compositions**

3. Subclass C23F

- N Informative note after C23F11/00** **References listed - - -**
Compositions for in situ inhibition of corrosion in boreholes or wells C09K8/62

4. Subclass E21B

- C Note (2) after subclass title

Notes

- (1) (Unchanged)
- (2) This subclass does not cover:
- hand - - - - - use;
 - drilling - - - - B23B;
 - compositions as such for drilling, for completion or for remedial operations of boreholes or wells, which compositions are covered by group C09K8/00, e.g. compositions for enhanced recovery methods for obtaining hydrocarbons C09K8/66.

- N E21B33/18 . . . characterised by the composition used, as far as the implementation of the method is influenced by the choice of this composition (compositions as such C09K8/00)
< group proposed in annex 16 to project file C368 >
- N E21B33/20 . . . by compositions containing organic binders only
< idem >
- C E21B37/06 - - - or like substances (chemical compositions therefor C09K8/60)
- C E21B41/02 - - - bailers 27; chemical compositions therefor C09K8/62; inhibiting - - -
- C E21B43/22 - - - precedence; chemical compositions therefor C09K8/66; chemical features - - - -
- C E21B43/25 - - - arrangements 28/00; chemical compositions therefor C09K8/68)**
- ~~D E21B43/27 (Transferred to C09K8/68)~~

CA COMMENTS	
IPC Project: C362/96	Date: 21 Sept. 2000
Class \ Subclass: C09K	Page 1 of 2

CA welcomes the consolidated proposal by the EPO in Annex 24. We would like to offer comments on the following groups:

C04B 111:73 and 111:75

We believe these indexing subs will not be necessary if the “symmetric approach” embodied in subgroups C09K 8/56 and 8/56 is adopted.

D C09K 7/04

This transfer note should refer to the proposed C09K 8/36.

D C09K 7/06

This transfer note should refer to the proposed C09K 8/38.

D C09K 7/08

This transfer note should refer to the proposed C09K 8/44.

C09K 8/00

CA welcomes the consolidation of all well drilling and treating compositions in this chemical area instead of separating some of them in E21B which, in our office, is handled by mechanical engineers. However, we would prefer the simpler, more general term “treating” to the specific terms “completion or remedial” in the proposal.

C09K 8/04 and 8/06

CA shares the concern expressed by JP in Annex 20 that these subclasses are a bit confusing when the user sees similar wordings later in this area. We admit that these subgroups are workable if one applies the last place rule rigorously but we would prefer to avoid the apparent confusion if at all possible.

C09K 8/16

CA repeats our objection (Annex 12) to this unusual wording. We would prefer the more standard wording “containing synthetic macromolecules” which we interpret in the light of Note 6 to C08F to include not only the formed polymers but also the compositions based on monomers which eventually form polymers.

C09K 8/22

CA finds the concept “present in the mud” to be confusing and not generally specified in the claims in this area.

C09K 8/56 and 8/58

CA favours the “symmetric approach” taken in these subgroups.

Subclass E21B, Note (2)

CA favours the simple word “treating” perhaps in addition to the specific operations listed in this note. The exact wording of this note may depend on the final editing of C09K 8/00.

CA suggests removal of the phrase “as such” (per se) since it is not needed for understanding this note.

E21B 33/18

As expressed in Annex 12 of C368, CA finds this title rather wordy. We suggest removal of the phrase “as far as the implementation of the method is influenced by the choice of the composition”.

CA also suggests replacement of the phrase “compositions as such” (per se) with the final wording of C09K 8/00.

E21B 33/20

Also as expressed in Annex 12 of C368, CA questions whether this group creates a confusion with the compositions in C09K.

D E21B 43/27

CA does not favour removal of this group since it forms a very useful aspect for classifying significant process or apparatus aspects in an acidizing operation.

Gerry Guzzo



IPC/C 363/96 Rev.5
ORIGINAL: English/French
DATE: November 10, 2000

WORLD INTELLECTUAL PROPERTY ORGANIZATION
ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE
GENEVA/GENÈVE

COMMITTEE OF EXPERTS OF THE IPC UNION
COMITÉ D'EXPERTS DE L'UNION DE L'IPC

IPC REVISION PROJECT FILE/DOSSIER DE PROJET DE RÉVISION DE LA CIB

PROPOSAL BY: PROPOSITION DE :	GB	REVISION OF IPC AREA: RÉVISION DU DOMAINE DE LA CIB :	C 10 L
KIND OF REVISION: TYPE DE RÉVISION :	Creation of subgroups Création de sous-groupes		

ANNEX/ ANNEXE	CONTENT/CONTENU	SEE/VOIR C 363/96	ORIGIN/ ORIGINE	DATE
1	Revision request with detailed proposal / Demande de révision avec proposition détaillée		GB	25.01.96
2	Comments with counter-proposal (re Annex 1) / Observations avec contre-proposition (réf. annexe 1)	Rev.1	DE	08.08.96
3	Comments (re Annex 1) / Observations (réf. annexe 1)	Rev.1	EP	21.10.96
4	Comments (re Annex 1) / Observations (réf. annexe 1)	Rev.1	RO	07.10.96
5	Comments (re Annex 1) / Observations (réf. annexe 1)	Rev.1	SI	24.10.96
6	Comments (re Annex 1) / Observations (réf. annexe 1)	Rev.1	CA	18.10.96
7	Comments (re Annex 1) / Observations (réf. annexe 1)	Rev.1	US	28.10.96
8	Comments (re Annex 1) / Observations (réf. annexe 1)	Rev.2	JP	30.05.97
9	Rapporteur report / Rapport du rapporteur	Rev.2	GB	02.99
10	Decision of the Working Group / Décision du groupe de travail	Rev.3	WG	07.99
11	Comments / Observations	Rev.3	RU	10.99
12	Comments / Observations	Rev.3	EP	10.99
13	Proposal / Proposition	Rev.3	EP	10.99

RAPPORTEUR : GB **TECHNICAL FIELD/DOMAINE TECHNIQUE :** C

ANNEX/ ANNEXE	CONTENT/CONTENU	SEE/VOIR C 363/96	ORIGIN/ ORIGINE	DATE
14	Comments / Observations	Rev.3	CA	10.99
15	Comments / Observations	Rev.3	RO	10.99
16	Comments / Observations	Rev.3	GB	11.99
17	Rapporteur report / Rapport du rapporteur	Rev.3	GB	11.99
18	Comments / Observations	Rev.4	JP	12.99
19	Decision of the Working Group / Décision du groupe de travail	Rev.4	WG	12.99
20	Proposal / Proposition	Rev.4	EP	03.00
21	Comments / Observations	Rev.4	DE	03.00
22	Comments / Observations	Rev.4	GB	03.00
23	Comments / Observations	Rev.4	RU	03.00
24	Comments / Observations	Rev.4	JP	03.00
25	Comments / Observations	Rev.4	CA	03.00
26	Comments / Observations	Rev.4	SE	03.00
27	Comments / Observations	Rev.4	RO	03.00
28	Comments / Observations	Rev.4	FR	04.00
29	Comments / Observations	Rev.4	EP	04.00
30	French version of approved amendments / Version française des modifications approuvées	Rev.4	FR	04.00
31	Rapporteur report / Rapport du rapporteur	Rev.4	GB	04.00
32	Comments / Observations	Rev.4	EP	05.00
33	Comments / Observations	Rev.4	RO	05.00
34	Decision of the Working Group / Décision du groupe de travail	Rev.5	WG	06.00
35	Comments / Observations	Rev.5	EP	09.00
36	Comments / Observations	Rev.5	GB	09.00
37	Comments / Observations	Rev.5	JP	09.00
38	Comments / Observations	Rev.5	RU	09.00
39	Comments / Observations	Rev.5	RO	09.00
40	Comments / Observations	Rev.5	FR	10/00
41	Rapporteur report / Rapport du rapporteur	Rev.5	GB	10/00

ANNEX/ ANNEXE	CONTENT/CONTENU	SEE/VOIR C 363/96	ORIGIN/ ORIGINE	DATE
42	French version of approved amendments / Version française des modifications approuvées	Rev.5	FR	10/00
43	Comments / Observations	Rev.5	CA	11/00

EXCERPT FROM DOCUMENT IPC/WG/3/3/
EXTRAIT DU DOCUMENT IPC/WG/3/3

Project C 363 (chemical) – Comments were invited on (see Annex 38E, relating to subclass C 10 L, to this report, unless otherwise indicated):

- whether the presentation of new Notes (1) and (2) following group 1/10 needed any improvement;
- whether the wordings of groups 1/183 and 1/189 were correct, bearing in mind that the approved wordings provided, respectively, that all present hydroxyl groups are directly linked to aromatic carbon atoms and all present carboxyl groups are directly linked to acyclic or cycloaliphatic carbon atoms;
- the correctness of the wording of group 1/196;
- whether it was desirable, for improving the effectiveness of the search in the given area of the IPC, to create an indexing scheme proposed by Germany (see Annex 21 to the project file), or the creation of the corresponding scheme for multiple classification should be preferred.

Projet C 363 (chimie) – Des observations ont été demandées (sauf indication contraire, voir l'annexe 38E du présent rapport relative à la sous-classe C 10 L) :

- sur le point de savoir si la présentation des nouvelles notes 1) et 2) suivant le groupe 1/10 nécessite des améliorations;
- sur le point de savoir si le libellé des groupes 1/183 et 1/189 est exact, sachant que les libellés approuvés prévoient, respectivement, que tous les groupes hydroxyles actuels sont directement liés aux atomes de carbone aromatique et que tous les groupes carboxyles actuels sont directement liés aux atomes de carbone acyclique ou cyclo-aliphatique;
- sur l'exactitude du libellé du groupe 1/196;
- sur le point de savoir s'il est souhaitable, afin d'accroître l'efficacité de la recherche dans le domaine de la CIB visé, de créer le système d'indexation proposé par l'Allemagne (voir l'annexe 21 du dossier de projet), ou s'il y a lieu de privilégier la création d'un système correspondant de classement multiple.

ANNEX	38E	C 10 L	[Project-Rapporteur : 363/GB]	<SC03051E>
	Note(s) after 1/10			
		(1)	In this group, in the absence --- compound is classified in ---	
N		(2)	<i>If an additive is a mixture of compounds, each compound which is of interest for search purposes must be classified.</i>	
		(3)	<Former note (2)>	
N	1/183	• • • • •	<i>the hydroxyl groups being directly linked to aromatic carbon atoms</i>	
N	1/189	• • • • •	<i>the carboxyl groups being linked to acyclic or cycloaliphatic carbon atoms</i>	
N	1/196	• • • • •	<i>derived from monomers containing a carbon-to-carbon unsaturated bond and a carboxyl group or salts, anhydrides or esters thereof</i>	
N	1/197	• • • • •	<i>derived from monomers containing a carbon-to-carbon unsaturated bond and an acyloxy group of a saturated carboxylic or carbonic acid</i>	
N	1/198	• • • • •	<i>obtained otherwise than by reactions involving only carbon-to-carbon unsaturated bonds</i>	R
N	1/223	• • • • •	<i>having amino groups bound to acyclic or cycloaliphatic carbon atoms</i>	
N	1/224	• • • • •	<i>Amides; Imides</i>	R
N	1/226	• • • • •	<i>containing at least one nitrogen-to-nitrogen bond, e.g. azo compounds, azides, hydrazines</i>	R
N	1/228	• • • • •	<i>containing at least one carbon-to-nitrogen double bond, e.g. guanidines, hydrazones, semicarbazones, imines; containing at least one carbon-to-nitrogen triple bond, e.g. nitriles</i>	R
N	1/232	• • • • •	<i>containing nitrogen in a heterocyclic ring</i>	R
N	1/233	• • • • •	<i>containing nitrogen and oxygen in the ring, e.g. oxazoles</i>	
N	1/238	• • • • •	<i>obtained otherwise than by reactions involving only carbon-to-carbon unsaturated bonds</i>	R
N	1/2383	• • • • •	<i>Polyamines or polyimines, or derivatives thereof</i>	
N	1/2387	• • • • •	<i>Polyoxyalkyleneamines</i>	

ANNEXE	38F	C 10 L	[Projet-Rapporteur : 363/GB] (T:FR) - SC/02/2	<SC03052F> <SC02030E>
N	1/182	• • • •	<i>contenant des groupes hydroxyle; Leurs sels</i>	
N	1/185	• • • •	<i>Éthers; Acétals; Cétals; Aldéhydes; Cétones</i>	
N	1/188	• • • •	<i>Acides carboxyliques; Leurs sels</i>	
N	1/19	• • • •	<i>Esters</i>	
N	1/192	• • • •	<i>Composés macromoléculaires</i>	
N	1/195	• • • • •	<i>obtenus par des réactions faisant intervenir uniquement des liaisons non saturées carbone-carbone</i>	
N	1/198	• • • • •	<i>obtenus par des réactions autres que celles faisant intervenir uniquement des liaisons non saturées carbone-carbone</i>	
N	1/222	• • • •	<i>contenant au moins une liaison simple carbone-azote</i>	
N	1/224	• • • • •	<i>Amides; Imides</i>	
N	1/226	• • • •	<i>contenant au moins une liaison azote-azote, p.ex. composés azoïques, azides, hydrazines</i>	
N	1/228	• • • •	<i>contenant au moins une liaison double carbone-azote, p.ex. guanidines, hydrazones, semi-carbazones, imines; contenant au moins une liaison triple carbone-azote, p.ex. nitriles</i>	
N	1/23	• • • •	<i>contenant au moins une liaison azote-oxygène, p.ex. composés nitrés, nitrates, nitrites</i>	
N	1/232	• • • •	<i>contenant de l'azote dans un hétérocycle</i>	
N	1/234	• • • •	<i>Composés macromoléculaires</i>	
N	1/236	• • • • •	<i>obtenus par des réactions faisant intervenir uniquement des liaisons non saturées carbone-carbone</i>	
N	1/238	• • • • •	<i>obtenus par des réactions autres que celles faisant intervenir uniquement des liaisons non saturées carbone-carbone</i>	
	1/30	• • •	--- non mentionnés dans les groupes 1/16 à 1/28	

Project: C363 Subclass: C10L

Ref.: Annex 34 to the project file

*** Question 1: Presentation of new notes (1) and (2) after group C10L1/10.**

- Note (1) is not new, only some formal changes were adopted. We agree with the version of annex 34.
- Note (2) might be changed to bring it more in alignment with existing standard wordings for notes in IPC, e.g. as follows:
If an additive is a mixture of compounds, classification is made for each compound if of interest

*** Question 2: Wording of groups C10L1/183 and 1/189.**

In these groups the plural is used as it is usually done in IPC groups. The wording of group C04B24/06 e.g., reads (*Carboxylic acids*) *containing hydroxy* groups. The presence of one hydroxy group is sufficient for classification in this group. In our Office groups C10L1/183 and C10L1/189 are interpreted in the same way, i.e. one hydroxyl group linked to an aromatic carbon is sufficient for classification in 1/183.

*** Question 3: Wording of group 1/196.**

The wording of this group is consistent with wordings of comparable groups in polymer chemistry, e.g. C08F220/00.

*** Question 4: Indexing scheme proposed by DE (see annex 21 to the project file)**

In our view entries for application/functional features for the fuel base as suggested by DE in annex 21 seem to be interesting. As these characteristic features are different from the ones in the existing classification entries in C10L, the creation of classification entries in stead of indexing marks might disrupt the logic of the classification scheme itself.

Therefore EP supports the indexing scheme proposed by DE. We would however like to suggest some minor changes:

- C10L101:00 *Additives for fuels*

- C10L101:02 . . *for specific types of fuels*
 - 101:04 . . *Gasoline*
 - 101:06 . . *Diesel oils or heating oils*
 - 101:08 . . *Jet fuels*
 - 101:10 . . *Crude oils or residual oil*
 - 101:12 . . *Low sulfur content fuels*

- C10L101:20 . *Function or property of the additives*
 - 101:22 . . *Detergents; Dispersants*
 - 101:24 . . *Rust inhibitors*
 - 101:26 . . *Lubricity improvers; Anti-wear agents*

 - 101:28 . . *Octane number improvers*
 - 101:30 . . *Cetane number improvers*
 - 101:32 . . *Low temperature properties improvers*
 - 101:34 . . . *Cold flow improvers*
 - 101:36 . . . *Pour-point depressants*
 - 101:38 . . . *Cloud-point depressants*

If it were decided to create classification in stead of indexing codes, an explanatory note might be useful.

P. Daeleman

UK Patent Office Comments	IPC Revision Project C363
Subclass C10L	Date 14 September 2000

General Comments

Subgroup	Opinion	Comments
Note 1	–	Makes the group easier to apply and is more conventional
Note 2	-	Yes, as far as it goes, but which compound of a mixture would be considered “primary” and which “secondary” or would the primary be the one which occurs last, following the last place rule. We think this may need more thought.
1/183	–	We think the wording is OK as adopted
1/189	–	We think the wording is OK as adopted
1/196	–	We think the wording is OK as adopted
Indexing	–	We support the idea of the indexing scheme but it will need careful thought as to whether it should be secondary classification. We see the essence of this in the differentiation, if needed, of documents with claims that specify what the fuel is used for vs those which don't, but indicate it in the description or elsewhere.

Jim Calvert

Japanese Patent Office

21 September 2000

Project:C-363

Subclass:C10L

- whether the presentation of new notes (1) and (2) following group 1/10 needed improvement
 - * We have no problem with the proposed Note (2).
- whether the wording of groups 1/183 and 1/189 were correct
 - * We find no problems with the present wordings of groups 1/183 and 1/189. (In case that all present hydroxyl groups are directly linked to aromatic carbon atoms and all present carboxyl groups are directly linked to acyclic or cycloaliphatic carbon atoms, group 1/189 shall be assigned because of the "last place" rule.)
- the correctness of the wording of group 1/196
 - * We propose that "derived" should be deleted from the suggested wording to clarify the meaning.
- whether it is desirable to create an indexing scheme proposed by Germany
 - * As commented in Annex 24 of IPC/C 363/96 Rev.4, we are not in favor of creating of the indexing scheme in this area. It would only bring classifiers a heavy burden. We prefer the introduction of multiple classification scheme in this area, which we believe would improve the search efficiency.

FEDERAL INSTITUTE OF INDUSTRIAL PROPERTY

RU comments	
Project: C 363	Date: 03/10/00 2:37 PM
Class/subclass: C 10L	Page 1 of 2

IPC/WG/3/3 invited comments on the following:

- whether the presentation of new Notes (1) and (2) following group 1/10 needed any improvement;

It seems that Note (2) might be presented in a more standard form, e.g. in line with Note (3) after subclass title C 09D:

"If an additive is a mixture of two or more compounds the mixture is classified according to each of these compounds which is of interest".

- whether the wordings of groups 1/183 and 1/189 were correct, bearing in mind that the approved wordings provided respectively, that all present hydroxy groups are directly linked to aromatic carbon atoms and all present carboxyl groups are directly linked to acyclic or cycloaliphatic carbon atoms;

The approved scheme of C 10L 1/18 - 1/238 is based on GB original scheme (Annex 1 to the project file). According to this scheme and LPR in it and practice of classifying in subclass C 07C, group 1/183 (GB 1/1833) covers compounds having at least one hydroxy group directly linked to aromatic carbon, i.e. this group covers also compounds having hydroxy group linked to other carbon atoms but having at least one hydroxy group directly linked to aromatic carbon atom. Group 1/189 (GB 1/1873) covers compounds having carboxyl groups directly linked to acyclic or cycloaliphatic carbon atoms only, i.e. compounds without carboxyl groups directly linked to aromatic carbon atoms. Moreover we believe that group 1/223 (GB 1/12217) covers compounds having amino groups directly linked to acyclic or cycloaliphatic carbon atoms only, i.e. without amino groups directly linked to aromatic carbon atoms (the later should be classified in 1/221).

If the WG adopted the GB restricted scheme we think that the wordings of discussed groups need clarification e.g. as following:

- 1/183 at least one hydroxy group being linked to aromatic carbon atom
- 1/189 carboxyl groups being linked to acyclic or cycloaliphatic carbon atoms
only
- 1/223 having amino groups bound to acyclic or cycloaliphatic carbon atoms
only

As to "hydroxy group" or "hydroxyl group", in IPC only "hydroxy" is applied with the word "group". "Hydroxyl" is a name of radical per se.

- the correctness of the wording of group 1/196;

In our opinion this wording needs clarification because of a single form of "carboxyl group", i.e. " - - - a carboxyl group or a salt, anhydride or ester thereof".

- whether it was desirable, for improving the effectiveness of the search in the given area of the IPC, to create an indexing scheme proposed by Germany (see Annex 21 to the project file), or the creation of the corresponding scheme for multiple classification should be preferred;

We think that the indexing scheme proposed by DE could be useful in addition to classification scheme.

E. Brill

OFICIUL DE STAT PENTRU

Date : September 2000

INVENȚII și MARCI

RO COMMENTS

Project : C 363

Class/Subclass : **C 10 L**

- *Comments were invited on :*

- *whether the presentation of the new notes (1) and (2) following group 1/10 need any improvement*

- We support the way in which the notes (1) and (2) are presented.

- *whether the wordings of groups 1/183 and 1/189 were correct, bearing in mind that the approved wordings provided, respectively, that all present hydroxyl groups are directly linked to aromatic carbon atoms and all present carboxyl groups are directly linked to acyclic or cycloaliphatic carbon atoms*

- We believe that the wording of groups C10L 1/183 and 1/189 is exact.

- *the correctness of the wording of group 1/196*

- We appreciate that the wording of group C10L 1/196 is correct.

- *whether it is desirable, for improving the effectiveness of the search in the given area of IPC, to create an indexing scheme proposed by Germany (see Annex 21 to the project file), or the creation of the corresponding scheme for multiple classification should be preferred*

- We support the creation of the indexing scheme as proposed by DE and we prefer the indexing scheme from EPO's comments (12 September 2000).

Mariela Haulica

Projet IPC / C 363
Sous-classe C 10 L

A Sur le point de savoir si la présentation des nouvelles notes 1) et 2) suivant le groupe 1/10 nécessite des améliorations ?

Ces notes nous paraissent acceptables en l'état.

B Sur le point de savoir si le libellé des groupes 1/183, 1/189 et 1/196 est exact ?

Le texte actuel du sous groupe 1/183 conduit à penser que tous les groupes hydroxyle présents sont liés à des atomes de carbone aromatique. Cependant le texte initial anglais (Annexe 1 groupe 1/1833 having hydroxyl groups bound to - - -) permet une interprétation autre : à savoir que seulement certains des groupes hydroxyle sont liés directement à des atomes de carbone aromatique. Afin de lever cette ambiguïté nous proposons la formulation suivante :

N 1/183 au moins un des groupes hydroxyle étant lié directement à des atomes de carbone aromatique

De manière analogue , nous proposons pour les sous groupes 1/189 et 1/196 les formulations suivantes :

N 1/189 au moins un des groupes carboxyle étant lié directement à des atomes de carbone acyclique ou cycloaliphatique

N 1/196 Dérivés de monomères contenant au moins une liaison insaturée carbone-carbone et au moins un groupe carboxyle ou les sels, les anhydrides ou les esters de ce groupe

UK Patent Office**Date: 20 October 2000**

Rapporteur Report on Project C363, Subclass C10L

Background

The third meeting of the revision working group adopted the majority of the groups proposed but had the following questions:

- whether the presentation of new Notes (1) and (2) following group 1/10 needed any improvement;
- whether the wordings of groups 1/183 and 1/189 were correct, bearing in mind that the approved wordings provided, respectively, that all present hydroxyl groups are directly linked to aromatic carbon atoms and all present carboxyl groups are directly linked to acyclic or cycloaliphatic carbon atoms
- the correctness of the wording of group 1/196;
- whether it was desirable, for improving the effectiveness of the search in the given area of the IPC, to create an indexing scheme proposed by Germany (see Annex 21 to the project file), or the creation of the corresponding scheme for multiple classification should be preferred.

Comments

Comments were received from EP, FR, RO, RU, JP and GB

- whether the presentation of new Notes (1) and (2) following group 1/10 needed any improvement;

All comments considered the present note (1) to be OK. Rapporteur therefore suggests it remains as adopted.

JP, FR and RO think note 2 is OK, GB have reservations due to the last place rule. EP and RU think the note could be in more standard form and their proposals are very similar. Rapporteur thinks that the RU and EP proposals are in more standard form and therefore clarify.

- whether the wordings of groups 1/183 and 1/189 were correct, bearing in mind that the approved wordings provided, respectively, that all present hydroxyl groups are directly linked to aromatic carbon atoms and all present carboxyl groups are directly linked to acyclic or cycloaliphatic carbon atoms;

EP, JP, GB and RO have no problem with the wording of 1/183 and 1/189. RU would like clarification. FR think the wordings are ambiguous.

Rapporteur notes that the majority are satisfied with the adopted wording and therefore concludes that no amendment is necessary.

– the correctness of the wording of group 1/196

GB, EP and RO think the wording is OK. RU, FR think it needs clarification, as do JP who propose deletion of the words “derived from”.

Rapporteur notes EP comment that the wording is consistent with elsewhere in IPC and therefore suggests that no further change is desirable.

– whether it was desirable, for improving the effectiveness of the search in the given area of the IPC, to create an indexing scheme proposed by Germany (see Annex 21 to the project file), or the creation of the corresponding scheme for multiple classification should be preferred.

EP, RO and RU support the proposed indexing scheme although EP propose some modification. JP do not support the indexing scheme but would prefer multiple classification. GB also are not sure whether multiple classification would be more appropriate.

Rapporteur thinks that the proposal, maybe as modified by EP, is favoured by a small majority but it is very important to consider whether multiple classification would be better, depending on possible changes in use of such schemes as a result of IPC Reform.

Rapporteur proposal

C Note (2) *If an additive is a mixture of compounds, classification is made for each compound of interest*

n.b. This is the EP version, the substance of the RU version being very similar but slightly longer.

No actual proposal is made for indexing due to doubts regarding whether multiple classification may be more appropriate.

Jim Calvert

Projet IPC / C 363
Sous-classe C 10 L

VERSION FRANÇAISE

Ce document a été établi sur la base de notre proposition, après consultation des autres offices et du Bureau international.

(ref : annexe 38E du document IPC/WG/3/3)

C 10 L

Note(s)
après 1/10

- (1) Dans le présent groupe, sauf indication contraire, un composé est classé à la - - -
- N* (2) Si l'additif est un mélange de composés, chaque composé qui présente un intérêt à des fins de recherche doit être classé.
- (3) <ancienne note (2)>
- N* 1/183 les groupes hydroxyle étant liés directement à des atomes de carbone aromatique
- N* 1/189 les groupes carboxyle étant liés directement à des atomes de carbone acyclique ou cycloaliphatique
- N* 1/196 dérivés de monomères contenant une liaison insaturée carbone - carbone et un groupe carboxyle ou leurs sels, leurs anhydrides ou leurs esters
- N* 1/197 dérivés de monomères contenant une liaison insaturée carbone - carbone et un groupe acyloxy d'un acide carboxylique ou carbonique saturé
- N* 1/223 comportant des groupes amino liés à des atomes de carbone acyclique ou cycloaliphatique
- N* 1/233 contenant de l'azote et de l'oxygène dans le noyau, p.ex. oxazoles
- N* 1/2383 Polyamines ou polyimines, ou leurs dérivés
- N* 1/2387 Polyoxyalkylèneamines

The Canadian Intellectual
Property Office



L'Office de la propriété
intellectuelle du Canada

Project Number: C363

Date: 21 Sept. 2000

Class/Subclass: C10L

Page 1 of 1

In response to the questions raised at IPC/WG/3/3, CA would like to offer the following comment:

CA favours the presentation of the new notes following group 1/10.

CA has no comments on the other topics raised.

Gerry Guzzo



WORLD INTELLECTUAL PROPERTY ORGANIZATION
ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE
GENEVA/GENÈVE

COMMITTEE OF EXPERTS OF THE IPC UNION
COMITÉ D'EXPERTS DE L'UNION DE L'IPC

IPC REVISION PROJECT FILE/DOSSIER DE PROJET DE RÉVISION DE LA CIB

PROPOSAL BY: PROPOSITION DE :	DE	REVISION OF IPC AREA: RÉVISION DU DOMAINE DE LA CIB :	C 10 B
KIND OF REVISION: TYPE DE RÉVISION :	Clarification of wordings Clarification de libellés		

ANNEX/ ANNEXE	CONTENT/CONTENU		SEE/VOIR C 391/97	ORIGIN/ ORIGINE	DATE
1	Revision request with detailed proposal	/ Demande de révision avec proposition détaillée		DE	18.02.97
2	Comments	/ Observations		EP	07.98
3	Comments	/ Observations		FR	07.98
4	Comments	/ Observations		SE	07.98
5	Revision request with detailed proposal	/ Demande de révision avec proposition détaillée		RU	02.99
6	Comments	/ Observations		EP	02.99
7	Comments	/ Observations		DE	02.99
8	Rapporteur report	/ Rapport du rapporteur		RU	02.99
9	Rapporteur proposal	/ Proposition du rapporteur		RU	02.99
10	Comments	/ Observations		DE	05.99
11	Comments	/ Observations		RO	05.99
12	Comments	/ Observations		RO	05.99
13	Rapporteur report	/ Rapport du rapporteur		NO	05.99
14	Rapporteur report	/ Rapport du rapporteur	Rev.1	RU	07.99

ANNEX/ ANNEXE	CONTENT/CONTENU	SEE/VOIR C 391/97	ORIGIN/ ORIGINE	DATE
15	Rapporteur proposal / Proposition du rapporteur	Rev.1	RU	07.99
16	Decision of the Working Group / Décision du groupe de travail	Rev.1	WG	07.99
17	Comments / Observations	Rev.1	EP	10.99
18	Comments / Observations	Rev.1	CA	10.99
19	Comments / Observations	Rev.1	RO	10.99
20	Comments / Observations	Rev.1	DE	10.99
21	Comments / Observations	Rev.1	SE	11.99
22	Rapporteur report / Rapport du rapporteur	Rev.1	RU	11.99
23	Rapporteur proposal / Proposition du rapporteur	Rev.1	RU	11.99
24	Comments / Observations	Rev.2	JP	03.00
25	Decision of the Working Group / Décision du groupe de travail	Rev.3	WG	06.00
26	French version of approved amendments / Version française des modifications approuvées	Rev.3	CH	11/00

EXCERPT FROM DOCUMENT IPC/WG/3/3/
EXTRAIT DU DOCUMENT IPC/WG/3/3

ANNEX	44	C 08 J	[Project-Rapporteur : 391/RU]	<SC03053E>
	11/10	<ul style="list-style-type: none">• • --- original monomer C 07; production of liquid hydrocarbon mixtures from rubber or rubber waste C 10 G 1/10)		

ANNEX	45	C 10 B	[Project-Rapporteur : 391/RU]	<SC03054E>
<i>N</i>	53/07	<ul style="list-style-type: none">• <i>of synthetic polymeric materials, e.g. tyres (recovery or working-up of waste materials of organic macromolecular compounds or compositions based thereon by dry-heat treatment for obtaining partially depolymerised materials C 08 J 11/10; production of liquid hydrocarbon mixtures from rubber or rubber waste C 10 G 1/10)</i>		

IPC/Session
TECHNICAL ANNEXES / ANNEXES TECHNIQUES

Session:	IPC/WG
Subclass:	C 08 J
Project(s):	C 391
Language:	F
Translator office:	CH
Translation source session:	IPC/WG/3/3
Translation source annex filename:	Annex: 44

Mod. type	IPC entry (interval)	Text or Instruction
	11/10	<ul style="list-style-type: none"> • • – – – monomère d'origine C 07; production de mélanges d'hydrocarbures liquides à partir de caoutchouc ou de déchets de caoutchouc C 10 G 1/10)

Session:	IPC/WG
Subclass:	C 10 B
Project(s):	C 391
Language:	F
Translator office:	CH
Translation source session:	IPC/WG/3/3
Translation source annex filename:	Annex: 45

Mod. type	IPC entry (interval)	Text or Instruction
<i>N</i>	<i>53/07</i>	<ul style="list-style-type: none"> • <i>de matériaux polymères synthétiques, p. ex. pneumatiques (récupération ou traitement des déchets de composés organiques macromoléculaires ou des compositions à base de tels composés par traitement thermique à la chaleur sèche pour obtenir des matériaux partiellement dépolymérisés C 08 J 11/10; production de mélanges d'hydrocarbures liquides à partir de caoutchouc ou de déchets de caoutchouc C 10 G 1/10)</i>



IPC/C 412/98 Rev.2
ORIGINAL: English/French
DATE: November 13, 2000

WORLD INTELLECTUAL PROPERTY ORGANIZATION
ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE
GENEVA/GENÈVE

COMMITTEE OF EXPERTS OF THE IPC UNION
COMITÉ D'EXPERTS DE L'UNION DE L'IPC

IPC REVISION PROJECT FILE/DOSSIER DE PROJET DE RÉVISION DE LA CIB

PROPOSAL BY: PROPOSITION DE :	ES	REVISION OF IPC AREA: RÉVISION DU DOMAINE DE LA CIB :	A 61 K
KIND OF REVISION: TYPE DE RÉVISION :	Creation of subgroups Création de sous-groupes		

ANNEX/ ANNEXE	CONTENT/CONTENU	SEE/VOIR C 412/98	ORIGIN/ ORIGINE	DATE
1	Revision request with detailed proposal / Demande de révision avec proposition détaillée		ES	12.98
2	Revision request with detailed proposal / Demande de révision avec proposition détaillée		ES	12.98
3	Comments / Observations		EP	05.99
4	Comments / Observations		SE	05.99
5	Comments / Observations		CA	05.99
6	Comments / Observations		RO	05.99
7	Comments / Observations		US	05.99
8	Rapporteur report / Rapport du rapporteur		ES	07.99
9	Comments / Observations		DE	07.99
10	Comments / Observations		ES	09.99
11	Comments / Observations		CA	10.99
12	Comments / Observations		RO	10.99
13	Proposal / Proposition		EP	11.99
14	Comments / Observations		SE	11.99

RAPPORTEUR : ES **TECHNICAL FIELD/DOMAINE TECHNIQUE :** C

ANNEX/ ANNEXE	CONTENT/CONTENU	SEE/VOIR C 412/98	ORIGIN/ ORIGINE	DATE
15	Rapporteur report / Rapport du rapporteur	Rev.1	ES	12.99
16	Comments / Observations	Rev.1	JP	12.99
17	Decision of the Working Group / Décision du groupe de travail	Rev.1	WG	12.99
18	Proposal / Proposition	Rev.1	EP	03/00
19	Comments / Observations	Rev.1	DE	03/00
20	Comments / Observations	Rev.1	SE	05.00
21	Comments / Observations	Rev.1	RO	05.00
22	Rapporteur report / Rapport du rapporteur	Rev.1	ES	05.00
23	Decision of the Working Group / Décision du groupe de travail	Rev.2	WG	09.00
24	Comments / Observations	Rev.2	EP	09.00
25	Comments / Observations	Rev.2	ES	09.00
26	Comments / Observations	Rev.2	RO	09.00
27	Comments / Observations	Rev.2	CA	09.00
28	Comments / Observations	Rev.2	DE	09.00
29	Comments / Observations	Rev.2	GB	09.00
30	Comments / Observations	Rev.2	SE	09.00
31	Comments / Observations	Rev.2	JP	11.00
32	Rapporteur report / Rapport du rapporteur	Rev.2	ES	11.00

EXCERPT FROM DOCUMENT IPC/WG/3/3/
EXTRAIT DU DOCUMENT IPC/WG/3/3

Project C 412 (chemical) – The Working Group noted a detailed proposal, relating to the new group A 61 K 8/00, submitted by the EPO (see Annex 18 to the project file). In discussing how to proceed with the Project, the Working Group agreed that the problem of classifying patent documents, where a specific application of “cosmetics or toilet preparations” was not indicated, should be addressed, since a large number of such documents would lead to the overloading of the superior group 8/00. The Working Group identified three possible solutions of the mentioned problem, namely:

- (a) elaborate a primary classification scheme based on the chemical nature of cosmetic preparations in combination with a secondary classification scheme based on specific applications;
- (b) create a set of chemically-oriented subdivisions for classifying documents with non-specified application;
- (c) follow the approach, earlier proposed by the EPO, which was disclosed in Note (2) following group A 61 K 7/00 (see Annex 13 to the project file).

Comments were invited on which of those solutions was preferable for implementation in the classification scheme for cosmetic preparations.

Comments were also invited on the borderline between the classification area of cosmetic preparations and the area of “surface-active detergents” in subclass C 11 D, in view of the transfer of group A 61 K 7/075 to subclass C 11 D proposed by the EPO (see Annex 18 to the project file).

The Working Group noted that Project C 412 related to the category of the pilot projects in which the rapporteurs were authorized to implement flexible working methods in order to accelerate elaboration of the projects. In this regard, the Working Group agreed that the requested comments should be submitted at an early date and invited the Rapporteur to prepare, as a first step, with the assistance of the EPO, a restricted version of the classification scheme of group A 61 K 8/00, taking into account the comments received, and to submit it for further comments in time for the next session of the Working Group so that the said version could be discussed by the Working Group.

Projet C 412 (chimie) – Le groupe de travail a pris note d’une proposition détaillée présentée par l’OEB au sujet du nouveau groupe A 61 K 8/00 (voir l’annexe 18 du dossier de projet). Examinant les moyens de faire avancer ce projet, il a convenu de la nécessité d’étudier le problème du classement des documents de brevet dans lesquels aucune application des “cosmétiques ou préparations pour la toilette” n’est indiquée, étant donné que le grand nombre de ces documents se traduirait par une surcharge du groupe supérieur 8/00. Le groupe de travail a recensé trois solutions possibles pour résoudre ce problème :

- a) élaborer un schéma de classement primaire fondé sur la nature chimique des préparations cosmétiques en combinaison avec un schéma de classement secondaire fondé sur les différentes applications;
- b) créer une série de subdivisions axées sur la chimie aux fins du classement des documents dans lesquels l’application n’est pas précisée;
- c) suivre la méthode proposée antérieurement par l’OEB dans la note 2) placée après le groupe A 61 K 7/00 (voir l’annexe 13 du dossier de projet).

Des observations ont été demandées sur le point de savoir quelle solution il convient de retenir pour le schéma de classement des préparations cosmétiques.

Des observations ont aussi été demandées sur la ligne de démarcation entre le domaine de classement des préparations cosmétiques et celui des “détergents tensio-actifs” dans la sous-classe C 11 D, compte tenu du transfert du groupe A 61 K 7/075 vers la sous-classe C 11 D proposé par l’OEB (voir l’annexe 18 du dossier de projet).

Le groupe de travail a noté que le projet C 412 fait partie des projets pilotes pour lesquels les rapporteurs sont autorisés à mettre en œuvre des méthodes de travail souples afin d’en accélérer l’élaboration. À cet égard, le groupe de travail a convenu que les observations demandées devront être présentées rapidement et a invité le rapporteur à élaborer à titre préalable, avec le concours de l’OEB, une version restreinte du schéma de classement du groupe A 61 K 8/00 tenant compte des observations reçues, et à la présenter aux fins de nouvelles observations avant sa prochaine session pour qu’il puisse l’examiner à cette occasion.

Project: C412 Subclass: A61K

The WG invited comments concerning the classification of documents with no specific application indicated.

We acknowledge the problem of classifying the rather important number of documents disclosing cosmetic or toilet preparations where no specific application is indicated. The present philosophy of classification would indeed lead to a huge number of documents in the proposed head-group A 61 K 8/00.

We would like to make some remarks concerning the three solutions proposed by the WG.

1. Concerning solution (b), i.e. create a set of chemically orientated subdivisions for classifying documents with non-specific application:

We believe that this would not necessarily facilitate the search, which is the primary purpose of classification; it would mean the systematic duplication or even multiplication of searchable groups for a particular compound.

2. Concerning solution (c), i.e. follow the approach of Note (2) of Annex 13:

This approach would spread out the documents to be classified according to the chemically-defined subgroups under A 61 K 8/461 (care of the skin) instead of A 61 K 8/00.

However, it will substantially increase the size of these subgroups, compared to other application-related subgroups, like for instance A 61 K 7/063 (hair compositions).

3. Concerning solution (a), i.e. elaborate a primary classification scheme based on the chemical nature of cosmetic preparations combined with a secondary classification scheme based on specific applications:

This idea would certainly solve the above mentioned problems; it would be the same principle as A 61 K 31 and A 61 P. However, we see several drawbacks that we would like to mention.

- rather often it happens that the claims do not specify at all the application of the composition but the application is exemplified in the description. For instance, there are documents where claims disclose " an external application composition " or " cosmetic composition ", having specific examples of sun screen compositions, hair lotions, lipsticks, etc... in the description, see EP-985410, EP-882447, EP-875241.

These kind of documents, with solution (a), will get a classification for the composition and not for the application, when some specific applications were indeed described. This would most certainly entail a loss of information for the search.

- for the offices like the EPO having an internal classification system, the creation of a classification scheme based on a different philosophy will encompass a divergence with the way of classifying the future applications, which might lead to a lack of consistency; the number of documents already classified in the field will certainly prevent envisaging the reclassification of past documents.

We believe that the first problem mentioned under 3. could be solved using the non-obligatory classification foreseen in the Guide paragraphs 83b and 87.

Documents having specific applications only in the examples will be properly classified; the remaining documents could be classified under the skin compositions, in a way which is proposed in Note (2) of Annex 13.

Solution proposed

We would prefer to follow an amended solution (c):

- keep the scheme as it is presented in Annex 18, which is already based on chemical nature and specific application classification criteria.
- add a non-obligatory classification symbol and use the local last-place rule as proposed by the SE office in Annex 20
- reintroduce the philosophy of Note (2) of Annex 13, in the case where no specific applications are mentioned.

Additional comment concerning the transfer of A 61 K 7/075 to C 11 D

Because of the lack of agreement, we would like to withdraw this proposal.

Anne Glanddier.

SPANISH PATENT AND TRADEMARK OFFICE

ES Comments	
IPC Project: 412	Date: 14.08.2000
Subclass: A61K	

COMMENTS RELATING TO IPC/WG/3/3

- During its third session in June 2000, the WG identified three possible solutions to classify patent documents relating to cosmetics or toilet preparations where a specific application was not indicated. Comments were invited on which of those solutions were preferable for the implementation in the classification scheme for cosmetic preparations.

We favour the third proposed solution, namely the approach disclosed in Note (2) in Annex 13. Nevertheless, this note relates not only to compositions for general use or without specific application, but also to compositions used both for hair and skin. We would prefer to keep the first part of the note as it is, but not the rest of the note.

With regard to patent documents relating to compositions used both for hair and skin, we are of the opinion that they should be classified in both places, and not only in the skin related subgroups. Therefore, we would suggest that the note reads as follows:

(2) Compositions for general use or without specific use, e.g. a thickener for a cosmetic formulation, are to be classified in the subgroups A 61 K 8/461 to 8/669.

(3) Compositions used both for hair and skin are to be classified in subgroups A 61 K 8/063 to 8/287 and also in the subgroups 8/461 to 8/669.

- Comments were also invited on the borderline between the classification area of cosmetics preparations and the area of surface-active detergents in subclass C 11 D, in view of the transfer of group A 61 K 7/075 to subclass C11 D proposed by the EPO.

We have considerable doubts about the total transfer of A61 K 7/075 to C11D. We agree that to classify in C 11 D according to the ingredients in the shampoo would be very helpful but, on the other hand, we believe that A61K 7/075 should be kept in order to distinguish those preparations specially adapted for washing the hair. The same idea is already being used in A 61 K 7/50.

OFICIUL DE STAT PENTRU

Date: August

15,2000

INVENTII SI MARCI

RO COMMENTS

Project : C 412

Class/Subclass : **A 61 K**

Comments were invited on which solution is thought to be preferable for the implementation in the classification scheme in the case of cosmetic or toilet preparations with no specific application indicated, given the three solutions indicated by the WG at its third session.

Having to choose one of the three possible solution we would like to suggest to follow the approach proposed EPO, disclosed in Note (2) from Annex 13 to the project file in the amended form proposed by ES in its comment from 14.08.2000.

Regarding the borderline between the classification area of cosmetic preparation and the area of Asurface-active detergents@ as proposed by EPO in Annex 18 to the project file:

We maintain our pervious point of view not to transfer the subject matter from 7/075 to C 11 D.

Mariela Haulica

ANNEX 27

CANADIAN PATENT OFFICE	PROJECT : C412 SUBCLASS: A61K	26 JULY, 2000
COMMENTS		

We support rapporteur's proposal (Annex 22) in its entirety, even though it would seem that subgroups 8/025, 8/027 and 8/029 would be more effective if transferred under 8/005, which is the approach taken in 9/00+. As to item #5 in rapporteur's proposal, we would support the establishment of a last place rule.

Concerning the options to classify patent documents where two specific application of "cosmetic or toilet preparations" was not indicated (Annex 23), we would support the elaboration of a primary and secondary scheme of classification.

Finally, concerning cosmetic preparations and C11D, we suggest that classification of ambiguous compositions in both schemes should in most cases ensure adequate classification.

Nancy Beauchemin

DEUTSCHES PATENT- UND MARKENAMT German Patent and Trademark Office	Class/Subcl.: A61K
	Date : 05.09.2000
DE - Comments — C412	

Re: Comments on IPC/WG3/3 Project C412

1. Which solution is preferable for the classification of patent documents relating to cosmetic or toilet preparations where a specific use is not specified ?

The best solution could be a primary classification scheme based on the chemical and physical nature in combination with a secondary classification scheme based on specific applications. But it is impossible to reclassify the old documents because of the big number of documents and the total change of the classification system in this field leads to an inconsistent classification.

We prefer to follow the approach from Note (2) following group A61K 7/00 from Annex 13 proposed by EPO with some amendments therefore. The title of the group 8/461 should be amended relating to these preparations without specific use into a two part title. We support the proposed references by ES from Annex 25 to classify compositions used for hair and skin in both places. The overall last place rule should be replaced by a local last place rule as proposed by SE in Annex 20 and by EPO in Annex 24 in order to avoid the collection of too many documents in 8/461 and subgroups and the loss of information for specific applications. Subgroup 8/678 should not be introduced in this respect.

2. Should group A61K 7/075 be transferred to subclass C11D ?

The group A61K 7/075 should not be deleted and totally transferred to C11D. But the borderline between cosmetic preparations and surface-active detergents has to be clarified.

In A61K 7/075 and in the existing group 7/50 (8/671 in Annex 18) should be classified washing or bathing preparations only which are specially adapted for washing the skin or the hair, i. e. where the invention relates to compounds or compositions which are "cosmetically active". In C11D should be classified preparations, where the invention relates to compounds or compositions concerning the cleaning or washing properties, e.g. surfactant mixtures. A reference in 7/075 to C11D like in 7/50 is necessary. The introduction of an informative note how to classify in these subgroups could be helpful as well. Multiple classification in both schemes should not be avoided.

H. P. Gerster

UK Patent Office Comments	IPC Revision Project C412
Subclass A61K	Date 15 September 2000

General Comments

We generally support the solution proposed by EP in annex 24, that is to encourage a secondary classification using the last place rule, rather than dismantle the scheme proposed in Annex 18, which in principle seems to work well in ECLA. Also we don't think the input justifies a more radical solution.

Jim Calvert

Swedish Patent and Registration Office

IPC Revision Project C 412, subclass A61K

September 21st, 2000

COMMENTS relating to IPC/C 412/98 Annex 23

Comments were invited on which of three different solutions that was preferable regarding the problem of classification of documents with no specific application indicated.

For compositions for general use or without specific use, we prefer to follow the approach from Note (2) following group A61K 7/00 from Annex 13. However, we want to exclude compositions used both for hair and for skin from that note.

For documents where more than one application are indicated, such as applications concerning both hair and skin, we want to apply multiple classification. Without a last place rule the natural solution will be multiple classification and the special case for compositions used both for hair and skin will not be necessary to mention in a separate note.

However, we still are in favor of local last place rules, valid in the chemically subdivided parts of the scheme.

Helena Danielsson

Japanese Patent Office

21 September 2000

Project:C-412

Subclass:A61K

(1) We do not agree the transfer of A61K 7/075 to C11D (EP proposal in Annex 13 or18),

but support Rapporteur's proposal (No.2. in Annex 22 P3).

Reason

1. Under the existing classification scheme of C11D, there is no subdivision from an aspect of "objects to be washed". It is the classification mainly based on compounding ingredients (e.g. surfactants, soap, etc.). Even if new main groups will be created to cover preparations specially adapted for washing based on each object to be washed (e.g. hair, relevant part of human body), they could not be in C11D, as they will not match the scheme of C11D.

Besides, there may already exist such classification places other than C11D to cover "detergent" or "detergent compositions" for the relevant object as a part of classification for treatment of the object per se. Therefore, the creation of new groups based on specific objects to be washed in C11D would not be consistent with other existing classification.

2. The transfer would not be practical either. Considering the volume of documents to be transferred, it would not be realistic to reclassify them under C11D based on compounding ingredients, physical properties, physical forms, etc.

3. If EP proposal meant to cover even these inventions related to shampoo containing hair rinsing or conditioning substances (so called "rinse in shampoo") also in C11D, it would be more unreasonable and inappropriate than present condition. They are more hair-care preparations than a plain shampoo. We could not find any consideration for this in the EP proposal.

In this relation, we do not agree with the EP proposal without a proper suggestion on

how to position the transferred documents in C11D.

(2) We do not agree the transfer of A61K 7/50 to 8/671 modifying the wording from "washing or bathing preparations---" to "bathing preparations ---" (EP proposal in Annex 13 or18).

Reason

We classify so called "body soaps" in A61K 7/50 at present. According to the EP proposal, the group 7/50 was transferred to 8/671 and the wording "washing" in 7/50 was deleted in 8/671. We understand it means that conditioners, moisturizers, etc. are left in 8/671, but body soaps and the like should be transferred to C11D. But, where in C11D?

In this relation, the same problem as in the case of 1 and 2 of (1) above may arise here again. We do not agree with the EP proposal without a proper suggestion on these matters.

(3) If there would be no appropriate proposal regarding our comments above (1) and (2), we think it desirable to assign A61K 7/075 and A61K 7/50 to preparations specially adapted for washing as before. If necessary, further subdivision within a group A61K 7/- would be a better solution for these problems.

SPANISH PATENT AND TRADEMARK OFFICE

ES Rapporteur Report	
IPC Project: 412	Date: 06.11.2000
Subclass: A61K	

Introduction

1. The Working Group identified three possible solutions where a specific application of Acosmetics or toilet preparations@ was not indicated:
 - (a) elaborate a primary classification scheme based on the chemical nature in combination with a secondary classification based on specific application.
 - (b) create a set of chemically-oriented subdivisions with non-specific application.
 - (c) follow the approach, earlier proposed by the EPO, which was disclosed in Note (2) Annex 13.
2. The WG also invited comments in view of the possible transfer of group A61K 7/075 to subclass C 11 D

Comments have been received from: CA, DE, EP, ES, JP, RO, SE and UK.

Comments and Discussion

1.-

Comments concerning Note (2) in annex 13 as one of the three possible solutions to classify patent documents relating to cosmetic or toilet preparations.

The proposal of ES in favour of the third possible solution, creating a note (3) for compositions used both for hair and skin, has been supported by other offices; this note would be reflected as note (4) (see below).

On the contrary, SE proposes multiple classification, in this case, note (4) would be substituted by: **A**In each set of groups 8/066 to 8/212, 8/292 to 8/36, 8/374 to 8/404, 8/418 to 8/446 and 8/464 to 8/661 in the absence of an indication to the contrary, classification is made in the last appropriate place@.

ES considers this a very cumbersome solution.

2.-

Comment concerning the transfer of A61K 7/075 to C11D

There is a general consensus not supporting this transfer. The EPO has withdrawn this proposal. Therefore, there is no need for more comments on this subject, but with the following observations:

C *Transference of groups A61K 7/075 and 7/50*

It seems appropriate to transfer group A61K 7/075 to 8/220 and not to the C11D. Likewise, group 7/50 should be transferred to 8/671.

C *Possible subdivisions of A61K 8/220 and A61K8/671*

Following JP last comment, if necessary, further subdivision within a group A61K 8/- would be a solution. For example, a preliminary division of A61K 8/220 and 8/671 could be done by active ingredients (e.g. containing surfactants such as ionic, anionic, amphoteric, and their mixtures).

Preliminary proposal for Subclassification of A61K 8/220

- A61K 8/220 .. Preparations specially adapted for washing the hair, e.g. containing hair conditioning substances
 - ... Compositions based essentially on surface-active compounds
 - Polymeric surface-active agents
 - Anionic compounds
 - Mixtures of compounds all of which are anionic
 - Cationic compounds
 - Mixtures of compounds all of which are cationic
 - Mixtures of anionic with cationic compounds
 - Non-ionic compounds
 - Mixtures of compounds all of which are non-ionic
 - Mixtures of non-ionic with anionic compounds
 - Mixtures of non-ionic with cationic compounds
 - Mixtures of anionic, cationic, and non-ionic compounds
 - Ampholytes; Electroneutral compounds

- Mixtures with anionic, cationic, or non-ionic compounds
- . . . Compositions based essentially on non surface-active compounds
- . . . Compositions based essentially on mixtures of surface-active and non surface-active compounds
- . . . Special methods of preparation

C *Wording of A61K 8/671*

Concerning the transfer of A61K 7/50 to 8/671, the original wording of **W**ashing or bathing preparations@ should be maintained.

C *Possible reference to C11D in groups 8/220 and 8/671*

With reference to DE comments based on the application of the composition (e.g. for the human body or not) we propose to cancel any reference to C11D in any A61K 8/- groups.

Following this reasoning we propose to include a new note in C11D:

Note

C11D Detergent compositions (preparations specially adapted for washing the hair A61K 8/220 and the skin A61K 8/671; special washing).

* * * * *

Proposal of a Restricted version@ of the classification scheme of group A61K 8/00

The general outline is the following :

A 61 K	8/001 to 8/031	Physical form
	8/033 to 8/047	Make-up
	8/049 to 8/061	Nail cosmetics
	8/063 to 8/287	Hair cosmetics
	8/289 to 8/369	Dentifrices
	8/371 to 8/409	Deodorants
	8/411 to 8/446	Barrier compositions , e.g. sun screens
	8/451	Perfume compositions
	8/461 to 8/667	Skin cosmetics
	8/671	Washing or bathing preparations

ES suggests the following restricted version of the classification scheme of group A61K 8/00.
For the sake of clarity and for the time being, since the numbering depends on the level of
subdivision to be decided by the WG, we have kept the numbering proposed by the EPO in annex
18.

N 8/00 **Cosmetics or similar toilet preparations** (casings or accessories for
storing or handling of solid or pasty toilet or cosmetic substances A 45
D 40/00)

Notes

- (1) Where a preparation primarily used for a non-medical purpose is stated to have
therapeutic activity, classification is also made in subclass A 61 P.
- (2) Subgroups 8/001 to 8/031 contain cosmetics in a special physical form either for
multiple application e.g. hair, skin, teeth or without specific application.
- (3) Compositions for general use or without specific use, e.g. a thickener for a cosmetic
formulation, are to be classified in the subgroups 8/461 to 8/667.
- (4) Compositions used both for hair and skin are to be classified in subgroups 8/063 to
8/287 and in the subgroups 8/461 to 8/667.

- N 8/001 . characterised by a special physical form
N 8/003 .. Liquid compositions with two or more distinct layers
N 8/005 .. Dispersions
N 8/009 ... Emulsions
N 8/019 .. Encapsulated compositions
N 8/025 .. Vesicles, e.g. liposomes
N 8/031 .. according to two or more of the preceding groups 8/003 to 8/025
- N 8/033 . Make-up materials; Preparations for removing them; Body powders
N 8/035 .. Preparations containing skin colorant, e.g. pigments (face powders
8/045; tanning preparations 8/661; pigments per se C 09 C)
N 8/037 ... for lips
N 8/039 Lipsticks
N 8/041 ... for cheeks, e.g. rouge
N 8/043 ... for eyes, e.g. eyeliner
N 8/045 .. Face or body powders for grooming, adorning or absorbing

- N 8/047 .. Make-up removing compositions
- N 8/049 . Manicure or pedicure compositions
- N 8/055 .. Nail coatings
- N 8/061 .. Nail coating removers
- N 8/063 . Preparations, e.g. lotions or powders, for the care of the hair; preparations to promote hair growth or to aid in hair removal, e.g. shaving preparations
- N 8/066 .. containing inorganic compounds
- N 8/07 .. containing organic compounds
- N 8/076 ... containing oxygen
- N 8/094 ... containing nitrogen
- N 8/108 ... containing sulfur
- N 8/11 ... heterocyclic
- N 8/124 ... containing phosphorus
- N 8/128 ... containing atoms other than carbon, hydrogen, halogen, oxygen, nitrogen, sulfur or phosphorus
- N 8/132 ... Sugars; Derivatives thereof
- N 8/138 ... Proteins ; Peptides; Polypeptides; Derivatives or degradation products thereof
- N 8/144 ... Compounds according to two or more of the preceding groups 8/07 to 8/132
- N 8/15 .. containing organic macromolecular compounds
- N 8/152 ... Polysaccharides
- N 8/166 ... obtained by reactions involving only carbon-to-carbon unsaturated bonds
- N 8/17 ... obtained by reactions otherwise than those involving only carbon-to-carbon unsaturated bonds
- N 8/178 ... Polysiloxanes
- N 8/186 ... Block copolymers
- N 8/188 ... Graft copolymers
- N 8/19 ... Macromolecular compounds according to two or more than the preceding groups 8/152 to 8/188
- N 8/198 .. Oils, fats, waxes according to two or more of the preceding groups 8/066 to 8/19; Derivatives thereof, e.g. hydrogenation products thereof
- N 8/206 .. Products of undetermined constitution; Derivatives or reaction products thereof
- N 8/208 ... of vegetal origin, e.g. plant extracts
- N 8/21 ... of mammals or birds
- N 8/212 ... of species other than mammals or birds
- N 8/217 .. characterised by a special form, e.g. preparation coated on a comb
- N 8/219 .. Hair powders
- N 8/220 .. Preparations specially adapted for washing the hair, e.g. containing hair conditioning substances

- N 8/221 .. Preparations for rinsing the hair
- N 8/225 .. Preparations for waving or straightening the hair
- N 8/231 .. Preparations for fixing the hair
- N 8/233 .. Preparations for bleaching the hair
- N 8/237 .. Preparations for dyeing the hair
- N 8/24 ... containing phenolic, aminophenol or phenylamine dyes
- N 8/242 ... containing anthraquinone dyes
- N 8/244 ... containing indophenol, indoaniline, or indamine dyes
- N 8/246 ... containing heterocyclic dyes
- N 8/256 ... Dyes according to more than one of the preceding groups 8/24 to 8/246
- N 8/258 Direct dyestuffs
- N 8/264 ... Nitro dyes
- N 8/266 ... Dyes of plant or animal origin

- N 8/269 .. Shaving preparations ; Preparations for removing hair
- N 8/277 ... Depilatories
- N 8/287 .. Preparations for inhibiting or slowing hair growth

- N 8/289 . Preparations for care of the teeth or the oral cavity; Dentifrices, e.g. tooth-pastes; Mouth rinses
- N 8/292 .. containing inorganic compounds
- N 8/294 ... Fluorides
- N 8/296 ... Oxides; Hydroxides
- N 8/304 ... Phosphates
- N 8/306 .. containing organic compounds
- N 8/308 ... containing oxygen
- N 8/314 ... containing nitrogen
- N 8/32 ... Sulfur compounds, e.g. sulfuric acids
- N 8/322 ... Heterocyclic compounds
- N 8/33 ... Phosphorus compounds
- N 8/334 ... Sugars; Derivatives thereof
- N 8/336 ... Proteins; Peptides; polypeptides; Derivatives or degradation products thereof
- N 8/338 ... Macromolecular compounds
- N 8/342 .. Compounds according to two or more of the groups 8/292 to 8/338
- N 8/356 .. containing products of undetermined constitution, e.g. antibodies
- N 8/358 ... of plants
- N 8/36 ... of animals
- N 8/363 .. characterised a special physical form
- N 8/369 .. Preparations for deodorizing, bleaching or disinfecting dentures

- N 8/371 . Anti-perspirants or body deodorants (deodorants for non-body applications A 61 L 9/01)

- N 8/374 . . containing inorganic compounds
- N 8/376 . . . of zirconium
- N 8/378 . . . of zinc
- N 8/38 . . . of aluminium
- N 8/384 . . containing organic compounds
- N 8/39 . . . Heterocyclic compounds
- N 8/394 . . . containing products of undetermined constitution; Derivatives or reaction products thereof, e. g. of plants
- N 8/398 . . containing compounds according to two or more than of the preceding groups 8/374 to 8/394
- N 8/404 . . containing macromolecular compounds, e.g. ion-exchange resins
- N 8/409 . . characterised by a special physical form, e.g. microcapsules

- N 8/411 . Barrier compositions; Chemical agents brought into direct contact with the skin of living human or animal bodies for affording protection against external influences, e.g. sunlight, X- or other active rays, corrosive materials, bacteria, insect stings (chemical means for combating harmful chemical agents A 62 D 3/00)
- N 8/415 . . Topical sun or radiation screening or tanning preparations
- N 8/418 . . . containing inorganic U.V. absorbers
- N 8/42 . . . containing organic U.V. absorbers
- N 8/422 containing oxygen
- N 8/43 containing nitrogen, e.g. aromatic aminocarboxylic acids
- N 8/432 containing sulfur, e.g. sulfonamides
- N 8/434 heterocyclic
- N 8/442 containing atoms other than carbon, hydrogen, halogen, oxygen, nitrogen or sulfur, e.g. organosilicon
- N 8/444 . . . Preparations containing organic macromolecular U.V. absorbers; Reaction products of U.V. absorbers; Reaction products of U.V. absorbers with monomers or with macromolecular compounds
- N 8/446 . . . U.V. absorbers according to two or more of the preceding groups 8/418 to 8/444

- N 8/451 . Formulations and additives for perfume compositions (essential oils 11B 9/00) C

- N 8/461 . Preparations for the care of the skin
- N 8/464 . . containing inorganic compounds
- N 8/474 . . containing organic compounds
- N 8/48 . . . containing oxygen
- N 8/498 . . . containing nitrogen
- N 8/512 . . . containing sulfur
- N 8/514 . . . heterocyclic

- N 8/526 . . . containing phosphorus
- N 8/53 . . . containing atoms other than carbon, hydrogen, halogen, oxygen, nitrogen, sulfur or phosphorus
- N 8/534 . . . Sugars; Derivatives thereof
- N 8/538 . . . Steroids
- N 8/54 . . . Proteins; Polypeptides; Derivatives or degradation products thereof
- N 8/546 . . . Compounds according to two or more of the preceding groups 8/474 to 8/54
- N 8/564 . . containing organic macromolecular compounds
- N 8/566 . . . Polysaccharides
- N 8/58 . . . obtained by reactions involving only carbon -to-carbon unsaturated bonds
- N 8/584 . . . obtained by reactions otherwise than those involving only carbon -to-carbon unsaturated bonds
- N 8/602 . . . Polysiloxanes
- N 8/61 . . . Block copolymers
- N 8/612 . . . Graft copolymers
- N 8/614 . . . Macromolecular compounds according to two or more of the preceding groups 8/464 to 8/612; Derivatives thereof
- N 8/622 . . Oils, fats or waxes according to more
- N 8/632 . . Preparations containing products of undetermined constitution; derivatives or action products thereof
- N 8/636 . . . of vegetal origin, e.g. plant extracts
- N 8/64 . . . of mammals or birds
- N 8/65 . . . of species other than mammals or birds
- N 8/656 . . Preparations according to two or more of the preceding groups 8/464 to 8/65
- N 8/659 . . . Preparations for chemically bleaching or whitening of the skin
- N 8/661 . . . Preparations for chemically tanning the skin
- N 8/667 . . . characterised by a special form, e.g. facial masks or patches
- N 8/671 . . Washing or bathing preparations



IPC/C 413/98 Rev.2
ORIGINAL: English/French
DATE: November 13, 2000

WORLD INTELLECTUAL PROPERTY ORGANIZATION
ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE
GENEVA/GENÈVE

COMMITTEE OF EXPERTS OF THE IPC UNION
COMITÉ D'EXPERTS DE L'UNION DE L'IPC

IPC REVISION PROJECT FILE/DOSSIER DE PROJET DE RÉVISION DE LA CIB

PROPOSAL BY: PROPOSITION DE :	GB	REVISION OF IPC AREA: RÉVISION DU DOMAINE DE LA CIB :	B 01 D
KIND OF REVISION: TYPE DE RÉVISION :	Creation of subgroups Création de sous-groupes		

ANNEX/ ANNEXE	CONTENT/CONTENU	SEE/VOIR C 413/98	ORIGIN/ ORIGINE	DATE
1	Revision request with detailed proposal / Demande de révision avec proposition détaillée			12.98
2	Comments / Observations		EP	05.99
3	Counterproposal / Contre-proposition		EP	05.99
4	Comments / Observations		SE	05.99
5	Comments / Observations		CA	05.99
6	Comments / Observations		RO	05.99
7	Comments / Observations		JP	07.99
8	Comments / Observations		DE	07.99
9	Rapporteur report / Rapport du rapporteur		GB	09.99
10	Rapporteur proposal / Proposition du rapporteur		GB	11.99
11	Decision of the Working Group / Décision du groupe de travail	Rev.1	WG	12.99
12	Proposal / Proposition	Rev.1	EP	03.00
13	Comments / Observations	Rev.1	EP	03.00
14	Comments / Observations	Rev.1	GB	03.00
15	Comments / Observations	Rev.1	DE	03.00

RAPPORTEUR : GB TECHNICAL FIELD/DOMAINE TECHNIQUE : C

ANNEX/ ANNEXE	CONTENT/CONTENU	SEE/VOIR C 413/98	ORIGIN/ ORIGINE	DATE
16	Comments / Observations	Rev.1	RO	03.00
17	Comments / Observations	Rev.1	CA	05.00
18	Comments / Observations	Rev.1	CA	05.00
19	Rapporteur report / Rapport du rapporteur	Rev.1	GB	05.00
20	Rapporteur proposal / Proposition du rapporteur	Rev.1	GB	05.00
21	Decision of the Working Group / Décision du groupe de travail	Rev.2	WG	09.00
22	Comments / Observations	Rev.2	EP	09.00
23	Proposal / Proposition	Rev.2	EP	09.00
24	Comments / Observations	Rev.2	JP	09.00
25	Comments / Observations	Rev.2	CA	09.00
26	Comments / Observations	Rev.2	RO	09.00
27	Comments / Observations	Rev.2	DE	11.00
28	Comments / Observations	Rev.2	GB	11.00
29	French version of approved amendments / Version française des modifications approuvées	Rev.2	FR	11.00
30	Comments / Observations	Rev.2	SE	11.00

EXCERPT FROM DOCUMENT IPC/WG/3/3/
EXTRAIT DU DOCUMENT IPC/WG/3/3

Project C 413 (chemical) – The Working Group agreed that “sorber chromatography materials” should be classified under group B 01 J 20/00 and approved a number of new groups covering those materials (see Annex 54 to this report), following the Rapporteur’s proposal.

Comments were invited on:

- whether the hierarchical position of groups B 01 J 20/60 to 20/68, proposed by the Rapporteur (see Annex 20 to the project file), was correct in view of the last place rule applied in the given area;
- whether the wording of the proposed group 20/60 was correct;
- whether the desired philosophy of classifying “preparatory chromatographic methods” was better reflected by the Note after group 15/08, proposed by the Rapporteur (see the said Annex 20), or by the Note (1) after the same group, proposed by the EPO (see Annex 3 to the project file);
- how “preparatory gas chromatography” should be classified, in the light of the information provided under item 9 of the rapporteur report (see Annex 19 to the project file).

Projet C 413 (chimie) – Le groupe de travail a convenu que les “matériaux adsorbants ou adsorbants pour la chromatographie” doivent être classés dans le groupe B 01 J 20/00 et a approuvé, conformément à la proposition du rapporteur, un certain nombre de groupes nouveaux couvrant ces matériaux (voir l’annexe 54 du présent rapport).

Des observations ont été demandées :

- sur le point de savoir si la position hiérarchique des groupes B 01 J 20/60 à 20/68 proposés par le rapporteur (voir l’annexe 20 du dossier de projet) est exacte compte tenu de la règle de la dernière place appliquée dans ce domaine;
- sur l’exactitude du libellé du groupe 20/60 proposé;
- sur le point de savoir si le principe de classement souhaité des “méthodes de chromatographie préparatoires” est mieux traduit dans la note suivant le groupe 15/08 proposée par le rapporteur (voir l’annexe 20) ou dans la note 1) suivant ce même groupe proposée par l’OEB (voir l’annexe 3 du dossier de projet);
- sur le point de savoir comment classer la “chromatographie préparatoire en phase gazeuse”, compte tenu des informations données au titre du point 9 du rapport du rapporteur (voir l’annexe 19 du dossier de projet).

Guide Heading before 20/00	<u>--- aid compositions; Sorbents for chromatography; Catalysts</u>
C 20/00	<i>--- or filter aid compositions; Sorbents for chromatography; Processes for --- separation B 01 D 53/02, 53/14)</i>
N 20/281	<ul style="list-style-type: none"> • <i>Sorbents specially adapted for preparative, analytical or investigative chromatography</i>
N 20/282	<ul style="list-style-type: none"> • • <i>Porous adsorbents (ion exchange 39/00 to 41/00)</i>
N 20/283	<ul style="list-style-type: none"> • • • <i>based on silica</i>
N 20/284	<ul style="list-style-type: none"> • • • <i>based on alumina</i>
N 20/285	<ul style="list-style-type: none"> • • • <i>Polymers</i>
N 20/286	<ul style="list-style-type: none"> • • <i>Phases chemically bonded to a substrate, e.g. to silica or to polymers</i>
N 20/287	<ul style="list-style-type: none"> • • • <i>Non-polar phases; Reversed phases</i>
N 20/288	<ul style="list-style-type: none"> • • • <i>Polar phases</i>
N 20/289	<ul style="list-style-type: none"> • • • <i>via a spacer</i>
N 20/29	<ul style="list-style-type: none"> • • <i>Chiral phases</i>
N 20/291	<ul style="list-style-type: none"> • • <i>Gel sorbents</i>
N 20/292	<ul style="list-style-type: none"> • • <i>Liquid sorbents</i>

Project: C413 **Subclasses: B01D,B01J,G01N**

Ref.: Annex 21 to the project file

1. Questions raised in the report of IPC/WG3/3

1-1 Sorbent phases (Questions one and two)

EP is happy with the B01J20 groups as adopted at WG 3.

The total number of documents to be classified in these new groups is difficult to estimate in the present situation. Taking into account existing G01N30/48 and the fact that some documents will come from other B01 entries, we made a very rough estimation of 1000 to 1100 documents. Assuming this estimation is correct, the number of adopted groups seems to be sufficient and EP therefore is of the opinion that there is no need to create the series B01J20/60 to 20/68. It could however be useful to create the following extra entry (in stead of suggested B01J20/60):

N B01J20/295 . . Characterised by their form or by physical properties not covered by groups B01J20/282 to B01J20/292

A group, somewhat analogue to existing group B01J20/28.

1.2 Wording of new note after B01D15/08 (Question three)

Distinction should be made between the formal and the technical aspect of this question.

To the formal aspect: class B01 is a general entry (see its title). Even if the result would be the same, formally it would be more correct to state that specific applications are also classified here, rather than to state that specific applications are also classified in the specific entries.

To the technical aspect: to our understanding the objective of this note is nor a systematic multi-classification nor a systematic reference out.

The note after B01D15/08 is thus complementary to the notes in the specific places. As the last ones are the most important ones to achieve the intended purpose (multiple classification in cases of interest), the note in B01D could be kept as short as possible, in the sense that one example could be sufficient.

For all these reasons EP prefer its own note of annex 3, be it that it could be shortened as follows:

*N New note after
B01D15/08*

Note

The classification of chromatography is provided for in several classes, most of which are confined to the preparation of a particular compound or group of compounds, e.g. peptides C07K1/16. However, in order that group B01D15/08 may provide a basis for a complete search with respect to chromatography in general, all subject matter of general interest is classified in this group even though it may be classified in the application oriented groups.

As stated before the wording of this note was inspired by note (6) after subclass B32B.

1.3 Gas-chromatography (Question four)

We agree with R that IPC7 does not provide for a specific entry for gas chromatography. To deal with this matter in a detailed way would activate a project of similar "dimensions" as the present one. For the time being the EP is not in a position to come up with a detailed proposal for this matter. Keeping in mind however the (near) future two layered structure of the New IPC, the WG could consider just to create "corn level" entry or entries to cope with this omission. As a first attempt to come to such a "core" solution the following changes in IPC could be considered:

- C B01D53/00 - - - - or vapours, e.g. by gas chromatography; Recovering - - -
- C B01D53/02 - - - (selective adsorption, e.g. gas chromatography B01D53/13)
- N B01D53/13 . by selective adsorption, e.g. gas chromatography
- C G01N30/00 - - - - production of components B01D15/00, 53/00)

2. Other points

2.1 Rapporteur Proposal of annex 20

* B01D15/00: we prefer the following wording:

Separating processes involving the treatment of liquids with solid adsorbents (using liquid sorbents B01D11/00; ion exchange processes, sorbent materials in general B01J, e.g. sorbents for chromatography B01J20/36; for investigating or analysing materials G01N30/00); Devices therefor

* New subgroups for B01D15/08: as the proposed scheme probably contains to many subgroups we propose to consider for further discussions the reduced scheme, joined to these comments as "Condensed proposal".

2.3 Ion-exchange:

Main group B01D15/00 is referring out ion exchange in general to B01J. In this subclass we thus find entries for chromatographic ion exchange (B01J39/06 for cation, B01J41/06 for anion exchange). Nevertheless there is group B01D15/04 relating to separation using ion-exchange adsorbents. At the EPO this complicated situation is avoided by not using B01D15/04 and classifying the related documents in B01J39/06 or 41/06.

Accepting R-proposal (group B01D15/52 of annex 20) would give the following situation:

- B01J39/06 and B01J41/06: ion-exchange sorbent materials for chromatography
- B01D15/04: non chromatographic separation processes using ion-exchange sorbent materials
- B01D15/52: chromatographic ion-exchange processes

The wordings of B01J39/06 and 41/06 should be changed to exclude processes then !!!
(See also annex 19, point 7)

Paul Daeleman

Project C413/Subclasses B01D/G01N

This is a simplified version of the proposal of annex 20. As a general rule groups with up to three dots have been retained. Some three dots groups for which only few documents have to be expected are deleted (i.e. B01D15/48, 15/62, 15/66 to 15/70). In a number of cases, the wording of the deleted groups are re-used as examples in the remaining higher groups. To complete the scheme, two new three dots groups for B01D15 are added (i.e. 15/27 and 15/53). This gives a total of 17 new B01D groups.

Subclass B01D

- N 15/09 . . . characterised by constructional or operational features
- N 15/11 . . . relating to the preparation of the feed
- N 15/13 . . . relating to the introduction of the feed to the apparatus
- N 15/15 . . . relating to the conditioning of the fluid carrier
- ~~N 15/153 Temperature conditioning~~
- ~~N 15/155 Fluid pressure or speed conditioning~~
- ~~N 15/157 Fluid composition conditioning, e.g. gradient~~
- N 15/17 . . . relating to flow patterns
- ~~N 15/173 using counter current, e.g. fluidised beds~~
- ~~N 15/175 with recycling of the fraction to be distributed, e.g. simulated moving beds~~
- ~~N 15/177 using two or more columns~~
- ~~N 15/179 The sorbent material moving as a whole, e.g. continuous annular chromatography~~
- N 15/19 . . . relating to the conditioning of the sorbent material
- ~~N 15/193 Equilibration or regeneration~~
- ~~N 15/195 Packing or coating~~
- N 15/21 . . . relating to the construction of the column
- N 15/23 . . . relating to the treatment of the fractions to be distributed
- ~~N 15/233 Intermediate storage of effluents~~
- ~~N 15/235 Adding materials to the effluent~~
- ~~N 15/237 Fraction collectors~~

- N 15/24 . . characterised by the kind of separation mechanism
- N 15/26 . . . Adsorption or partition chromatography
- N 15/27 . . . Partition chromatography**
- N 15/28 . . . Bonded phase chromatography, e.g. normal bonded phase, reversed phase or with hydrophobic interaction
- ~~N 15/30 Normal phase~~
- ~~N 15/32 Reversed phase~~
- ~~N 15/34 with hydrophobic interaction~~
- ~~N 15/36 involving the formation of complexes~~
- ~~N 15/38 Affinity or ligand chromatography~~
- ~~N 15/40 using chiral phases~~
- ~~N 15/71 using imprinted phases~~
- N 15/44 . . . Size-exclusion chromatography; Gel filtration; Permeation
- ~~N 15/46 Perfusive chromatography~~
- ~~N 15/48 Micellar chromatography~~
- N 15/50 . . . involving ionic interaction, e.g. ion-exchange, ion-pair, ion-suppression, ion-exclusion
- ~~N 15/52 Ion exchange~~
- N 15/53 . . . involving specific interaction not covered by one or more of groups 15/26 to 15/50, e.g. affinity-, ligand-, chiral- or complexation chromatography**
- ~~N 15/54 Ion exclusion~~
- ~~N 15/56 Ion suppression~~
- ~~N 15/58 Ion pair~~
- N 15/60 . . . supercritical fluid used as mobile phase or eluent
- ~~N 15/90 . . . using (ultra) sound~~
- N 15/64 . . characterised by the development mode, e.g. displacement-, frontal- or elution mode
- ~~N 15/66 Displacement mode~~
- ~~N 15/68 Frontal mode~~
- ~~N 15/70 Elution mode~~

Japanese Patent Office

21 September 2000

Project:C-413

Subclass:B01J

1. Whether the hierarchical position of groups B01J 20/60 to 20/68 was correct in view of the last place rule applied in the given area

We do not think it correct in view of the last place rule applied in the area. For example, B01J 20/38 covers porous adsorbents, which may fall into a category of "structure". They may not be properly classified where the last place rule is applied. If 20/38 (porous adsorbents) were hierarchically lower than 20/60 (characteristics by the structure), there would be no such problems related to the last place rule.

2. Whether the wording of the proposed group 20/60 was correct

We think the wording "characteristics by the structure" has so wide meaning that it would be better to limit the meaning to "characteristics related to pore". As all the subdivisions from 20/62 to 20/66 are related to pore distribution, it would not be required to cover any other structural characteristics than porous one.

3. Which is better as the Note after group 15/08 in Annex 20 (Rapporteur proposal) or Annex 3 (EP proposal) in order to classify "preparatory chromatographic methods"

We find that the note in Annex 20 would be more desirable as having full description of related subgroups with clear and concise explanations.

4. Where to classify "preparatory gas chromatography"

If it would fall outside both B01D 15/00 and G01N 30/00, we think there would be no other place more suitable than B01D 53/04 to classify the subject matter.

CA COMMENTS	
IPC Project: C413/98	Date: 22 Sept. 2000
Class \ Subclass: B01D	Page 1 of 2

Before offering our comments on the questions raised at IPC/WG/3/3, we would like to state our interpretation of the main terms used in this project. In the Canadian office, we interpret the term “selective adsorption” to be as broad as “separation by adsorption”. Indeed, if the process involved were not selective for one component of the mixture, then no separation can take place and the process does not belong in B01D. CA plans to use the groups indented under 15/08 for most of the incoming application relating to liquid adsorption.

We differentiate between chromatography and general adsorption separation processes on the basis of the presence (or absence) of a band of one of the components of the feed moving through the length of the adsorbent. CA applies the term “chromatography” to column chromatography plus the minor areas of paper chromatography and thin-layer chromatography. All other processes which take place in beds or tanks are considered to be broad adsorption separation processes. The sorbents for these broad adsorption processes should, therefore, be classified in B01J 20/00 to 20/28 and not in the proposed new area, B01J 20/36+. We expect the new area, B01J 20/36+ to consist mostly of documents from G01N 30/48 and very few from B01D 15/08.

That being said, CA would like to offer comments on the questions raised in IPC/WG/3/3.

Re: B01J 20/60 to 20/68

Based on the size of our national file, and our strict interpretation of the word, chromatography, we doubt that there are sufficient patents to fill both B01J 20/60+ and B01J 20/38+ (as numbered in Annex 20). CA would prefer that B01J 20/60+ not be created.

Re: wording of B01J 20/60

CA does not favour creation of this group.

Re: Note after B01J 15/08

In drafting notes for this area, we feel that it is important to cover the entire content of the subgroup B01D 15/08 and not just the chromatography documents. We favour fairly broad wording to delineate the relationship between B01D 15/08 and the compound and composition areas. Also, we note that practically none of the compound/composition areas to which the note refers (with the exception of C07C & K) specifically mentions chromatography.

CA favours the approach taken by **EPO** in Annex 3 rather than the approach taken by the Rapporteur in Annex 20 because the **EPO** directs that the primary classification of these processes for particular compounds be with the compounds or compositions. The **EPO** repeats this direction in Annex 12 comment #2. The 12 chromatography references proposed in Annex 20 echo this priority which is consistent also with **CA**'s claim interpretation in Annex 17. Such a priority assigns the primary classification to 12 different subclasses, thereby facilitating distribution of work in all offices which use the primary IPC for distribution of incoming work.

While **CA** does not favour the creation of classifications for processes of general interest when not explicitly claimed, the new note could contain *permissive* wording patterned on the 12 proposed chromatography references in Annex 20.

With these thoughts in mind, **CA** offers the following suggestion for discussion:

“Selective adsorption or chromatographic processes for separating specific materials are classified with those materials. Classification *may* also be made in group B01D 15/08 insofar as subject matter of general interest relating to selective adsorption or chromatography is concerned.”

CA favours inclusion of the extensive list of specific materials as in Annex 20, provided that the chromatography limitation is removed.

Re: preparatory gas chromatography

CA favours classification of such processes in B01D 53/04.

Our comments have been directed to the questions raised by the working group. We trust that there will be a further round of comments concerning the details of the breakdown, itself.

Gerry Guzzo

OFICIUL DE STAT PENTRU

Date : September 2000

INVENȚII ÎN MARCI

RO COMMENTS

Project : C 413

Class/Subclass : **B 01 D**

- Comments were invited on the

- whether the hierarchical position of groups B01J 20/60 to 20/68, proposed by the Rapporteur (see Annex 20 to the project file), was correct in view of the last place rule applied in the given area and whether the wording of the proposed group 20/60 was correct

- We appreciate that the groups B01J 20/60 to 20/68 being structural characteristics aren't correctly placed. We prefer the group B01J 20/295 proposed by EP.

- whether the desired philosophy of classifying "preparatory chromatographic methods" was better reflected by the Note after group 15/08, proposed by the Rapporteur (see the said Annex 20) or by the Note (1) after the same group, proposed by EPO (see Annex 3 to the project file)

- We rather support a Note after group 15/08 like that proposed by EPO in Annex 3 to the project file, or a more concise and suggestive Note, to that one from Annex 20 to the project file, proposed by Rapporteur, which seems to us too broad containing too many examples. Or we could support a Note after B01D 15/08 as in Annex 20, but which is limited to the first part of the proposed wording (without the examples).

- how "preparatory gas chromatography" should be classified, in the light of the comments submitted by Japan (see Annexes 8 and 9 to the project file)

- We also believe that the gas chromatography has no a right place for classification in B01J 15/00 or G01N 30/00. As the Rapporteur has suggested at point 9 from Annex 19 the most adequate place seems to be under B01D 53/00. We support the more specific entry B01D 53/13 proposed by EPO, together with the other proposed modifications regarding this subject matter, in the comments from 12 September 2000.

Mariela Haulica

DEUTSCHES PATENT- UND MARKENAMT German Patent and Trademark Office	Class/Subcl.: B01D
	Date : 06.10.2000
DE - Comments — C413	

Re: Comments on IPC/WG3/3 Project C413 Annex 21 to the project file

1. Hierarchical position of groups B01J 20/60 to 20/68 and wording of group 20/60?

We are not in favour to create groups 20/60 to 20/68. The adopted scheme 20/281 to 20/292 is fine enough. The proposed groups 20/60 to 20/68 would collect too many documents from the proposed scheme because of the last place rule. It could be probably useful to create a single group at the end of the scheme like the one proposed by EP in its comments from 12. September 2000 in Annex 22.

2. Note after group 15/08 ?

We prefer the Note proposed by the Rapporteur in Annex 20. The Note (1) after 15/08 proposed by the EPO in Annex 3 is not clear. Especially the expression "subject matter of general interest" is interpretable and makes the classification probably inconsistent and incomplete.

3. Classification of "preparatory gas chromatography" ?

We agree with the Rapporteur in Annex 19 that there is no specific home for "preparatory gas chromatography" in IPC 7. This subject should not be classified in B01D 15/00 or G01N 30/00. The best place for "preparatory gas chromatography" is in B01D 53/00 (separation of gases or vapours) and some amendments and provisions should be done to collect all documents of interest in this area. The working group should discuss if it is necessary to deal with that subject matter in this project in a limited way or if it is advisable to start a new project with a detailed proposal.

H. P. Gerster

UK Patent Office**Date: 10 October 2000**

Comments on Project C413, Subclass B01D

In response to the question arising from WG3 (Annex 21):

- 1&2: *Concerning (i) the hierarchy and (ii) the wording of B01J 20/60 to 20/68.*
We would be content for B01J 20/60 to 20/68 not to be created at this time. The alternative offered by EP in Annex 22 (namely B01J 20/295) is agreeable.
- 3: *Concerning the note after B01D 15/08 (Annex 3 versus Annex 20).*
GB regrets that the wording of the note after B01D 15/08 is still causing so much debate. We believe that a full note punctuated with many examples is of assistance to classifiers, but accept that others prefer brevity. GB will reconsider the submissions of EP and others in the next Rapporteur Report to follow soon.
- 4: *Where to classify preparative gas chromatography.*
GB is pleased that others have agreed with the observations made in Annex 19 paragraph 9 concerning preparative gas chromatography. We originally suggested to use the existing group B01D 53/04, but on reflection prefer EPO's bolder suggestion (Annex 22) to create a new subgroup B01D 53/13.

One other comment: GB noted remarks in the fringes of WG3 that the words »sorbent= and »adsorbent= were being used interchangeably and inconsistently (cf: B01J 20/-- *et seq.*). This is the result of different authors being responsible for different parts of this hybrid scheme. GB will rectify the terminology to make it consistent at the next Rapporteur Report.

Jeremy Philpott
UK Patent Office

Projet IPC / C 413
Sous-classe B 01 J

VERSION FRANÇAISE

Ce document a été établi sur la base de notre proposition, après consultation des autres offices et du Bureau international.

(ref : annexe 54 du document IPC/WG/3/3)

B 01 J

**Rubrique-
guide avant
20/00**

- - - **facilitant la filtration ; Absorbants ou adsorbants pour la chromatographie ; Catalyseurs**

- C 20/00 - - - facilitant la filtration; Absorbants ou adsorbants pour la chromatographie; Procédés pour leur - - - réactivation (utilisation - - - séparation de gaz B 01 D 53/02, 53/14)*
- N 20/281 . Absorbants ou adsorbants spécialement adaptés pour la chromatographie préparative, analytique ou de recherche*
- N 20/282 . . Adsorbants poreux (échange d'ions 39/00 à 41/00)*
- N 20/283 . . . à base de silice*
- N 20/284 . . . à base d'alumine*
- N 20/285 . . . Polymères*
- N 20/286 . . Phases reliées chimiquement à un substrat, p. ex. à de la silice ou à des polymères*
- N 20/287 . . . Phases non polaires ; Phases inversées*
- N 20/288 . . . Phases polaires*
- N 20/289 . . . par l'intermédiaire d'un espaceur*
- N 20/29 . . Phases chirales*
- N 20/291 . . Absorbants ou adsorbants sous forme de gel*
- N 20/292 . . Absorbants ou adsorbants liquides*

Swedish Patent and Registration Office

IPC Revision Project C 413, subclass B01D

October 27th, 2000

COMMENTS relating to IPC/WG/3/3 (Annex 21)

Comments were invited on

- **whether the hierarchical position of groups B01J 20/60 to 20/68 in Annex 20 was correct**

We think that the groups 29/60 to 20/68 are not necessary. It could, however, be useful to create an extra group, as proposed by **EP** in Annex 22.

- **whether the wording of the proposed group 20/60 was correct**

We do not favour the creation of this group, as mentioned above.

- **whether the desired philosophy of classifying “preparatory chromatographic methods” was better reflected by the Note after group 15/08, proposed by the Rapporteur (Annex 20) or by the Note (1) after the same group, proposed by the EPO (Annex 3)**

We prefer Note (1) after group B01D 15/08 as it is amended by **EP** in Annex 22.

- **how “preparatory gas chromatography” should be classified, in the light of the information provided under item 9 of the rapporteur report (Annex 19)**

We prefer to create an entry in B01D 53/02 for the classification of preparatory gas chromatography, since it is related to separation by adsorption.

Helena Danielsson



IPC/C 422/00 Rev.1
ORIGINAL: English/French
DATE: November 13, 2000

WORLD INTELLECTUAL PROPERTY ORGANIZATION
ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE
GENEVA/GENÈVE

COMMITTEE OF EXPERTS OF THE IPC UNION
COMITÉ D'EXPERTS DE L'UNION DE L'IPC

IPC REVISION PROJECT FILE/DOSSIER DE PROJET DE RÉVISION DE LA CIB

PROPOSAL BY: GB, US PROPOSITION DE :	REVISION OF IPC AREA: C 15/40 B RÉVISION DU DOMAINE DE LA CIB :
KIND OF REVISION: Creation of subgroups TYPE DE RÉVISION : Création de sous-groupes	

ANNEX/ ANNEXE	CONTENT/CONTENU	SEE/VOIR C 422/00	ORIGIN/ ORIGINE	DATE
1	Revision request with detailed proposal / Demande de révision avec proposition détaillée		GB	12.99
2	Proposal / Proposition		US	03.00
3	Comments / Observations		RU	05.00
4	Comments / Observations		GB	05.00
5	Comments / Observations		DE	05.00
6	Comments / Observations		JP	05.00
7	Comments / Observations		EP	05.00
8	Comments / Observations		SE	05.00
9	Comments / Observations		US	06.00
10	Decision of the Working Group / Décision du groupe de travail	Rev.1	WG	09.00
11	Rapporteur report / Rapport du rapporteur	Rev.1	GB	09.00
12	Rapporteur proposal / Proposition du rapporteur	Rev.1	GB	09.00
13	Comments / Observations	Rev.1	EP	09.00
14	Comments / Observations	Rev.1	JP	09.00
15	Comments / Observations	Rev.1	RU	09.00

RAPPORTEUR : GB **TECHNICAL FIELD/DOMAINE TECHNIQUE :** C

ANNEX/ ANNEXE	CONTENT/CONTENU	SEE/VOIR C 422/00	ORIGIN/ ORIGINE	DATE
16	Comments / Observations	Rev.1	DE	11.00
17	Comments / Observations	Rev.1	SE	11.00
18	Comments / Observations	Rev.1	US	11.00

EXCERPT FROM DOCUMENT IPC/WG/3/3/
EXTRAIT DU DOCUMENT IPC/WG/3/3

Project C 422 (chemical) – The Working Group noted that this Project related to the recently emerged and rapidly developing technology of “combinatorial chemistry”, for which no appropriate single place existed in the IPC, and that elaboration of a relevant classification scheme for the next edition of the IPC was of paramount importance. The Working Group agreed that a new subclass for “combinatorial chemistry” should be created in section C.

The Working Group also noted that provisional classification schemes had been elaborated by the EPO, the United Kingdom and the United States of America (see Annexes 7, 1 and 2 to the project file, respectively) and that those schemes, although different in detail, contained some common basis.

The Working Group indicated that selection of subject matter appropriate for the inclusion in the new subclass should be prerequisite for its elaboration and agreed that such selection could be made on the basis of main groups included in the classification scheme proposed by the United Kingdom, with the addition of the subject matter relating to “chemical libraries”.

The Working Group noted, with appreciation, that the United Kingdom volunteered to act as Rapporteur for the Project and requested the United Kingdom to submit a consolidated proposal, initially at main group level, accommodating already available proposals, and including classification definitions.

Comments were invited on the proposal to be submitted.

The Working Group underlined the need to determine areas of the IPC which could have relationship with the area of “combinatorial chemistry”, in order to establish boundaries of the new subclass and investigate possibilities of its use for multiple classification in combination with related areas.

Members of the Working Group were invited to submit comments indicating the above-mentioned areas.

Finally, the Working Group agreed that, when a basic classification scheme of the new subclass has been established, it should be investigated how relevant patent documents could be populated thereto. In this regard, it was noted that the Internet site “www.5z.com” (“Diversity Information Pages”) contained a large collection of patent and non-patent documentation relating to “combinatorial chemistry”.

Projet C 422 (chimie) – Le groupe de travail a noté que ce projet porte sur la technique récente et en pleine évolution de la “chimie combinatoire”, pour laquelle il n’existe pas d’endroit unique approprié dans la CIB, et que l’élaboration d’un schéma de classement pertinent pour la prochaine édition de la CIB revêt une importance cruciale. Le groupe de travail a convenu de la nécessité de créer une sous-classe intitulée “chimie combinatoire” dans la section C.

Le groupe de travail a aussi noté que des schémas de classement provisoires ont été élaborés par les États-Unis d’Amérique, l’OEB et le Royaume-Uni (voir respectivement les annexes 2, 7 et 1 du dossier de projet) et que ces systèmes, bien que différents dans le détail, ont néanmoins une base commune.

Le groupe de travail a indiqué que le choix de la matière devant figurer dans la nouvelle sous-classe est un préalable à la création de cette sous-classe et que ce choix pourra s’effectuer sur la base des groupes principaux figurant dans le schéma de classement proposé par le Royaume-Uni, addition faite de la matière relevant des “bibliothèques chimiques”.

Le groupe de travail a noté en s’en félicitant que le Royaume-Uni se propose d’assumer les fonctions de rapporteur pour ce projet et a prié le Royaume-Uni de présenter une proposition de synthèse, dans un premier temps au niveau des groupes principaux, tenant compte des propositions existantes et incluant des définitions relatives au classement.

Des observations ont été demandées sur la proposition devant être présentée.

Le groupe de travail a souligné la nécessité de déterminer les domaines de la CIB qui peuvent avoir un lien avec le domaine de la “chimie combinatoire”, afin d’établir les lignes de démarcation de la nouvelle sous-classe et d’étudier les possibilités de classement multiple avec les domaines correspondants.

Les membres du groupe de travail ont été invités à présenter des observations afin d’indiquer quels sont ces domaines.

Enfin, le groupe de travail a convenu qu’une fois établi le schéma de classement de base pour la nouvelle sous-classe il conviendra d’étudier les moyens d’y classer les documents de brevet correspondants. À cet égard, il a été noté que le site Internet “www.5z.com” (“*Diversity Information Pages*”) contient une vaste collection de documents de brevet et de documents non-brevet relatifs à la “chimie combinatoire”.

UK Patent Office**Date: 14 July 2000**

Rapporteur Report on Project C422/99, Subclass C 15 B

Background

GB submitted a proposal in December 1999 to provide a new subclass for combinatorial chemistry. There was much interest and several counter-proposals so the third meeting of the Revision Working Group asked GB to provide a consolidated proposal.

Notes

The consolidated proposal for C15B combinatorial chemistry at main group level is presented. This has necessarily been informed by the deeper classification presented in the expanded version, which derives from the proposals of the **US**, **EP** and **SE** offices and therefore, the main group proposal should reflect actual usage by the offices. There is clearly scope for incorporating further detailed sub-divisions from the proposals suggested by these offices as and when required. To this end we have also included a consolidated proposal for possible further subgroups to speed progress.

The view is held that libraries themselves have a purpose as individual entities, i.e. to provide a source of molecular diversity, and accordingly libraries are expected to be classified within C15B rather than in other parts of the IPC where the individual compounds in a library would be expected to be found.

With regard to the comments made by the SE office, they are correct in their interpretation that ~~»screening=~~ involves selecting library member(s) according to some chosen criteria without necessarily knowing what the structure of the member(s) is/are, and subsequent determination of this structure or structures is ~~»identification=~~.

~~»Directed molecular evolution=~~ has been added to the title for group 1/00, this is a method involving repeated screening and should belong in this main group.

The question of what subject matter rightly belongs in this new subclass and what should remain in existing parts of the IPC is raised. To begin this discussion, a few ideas are presented below:

Combinatorial libraries, their preparation, the screening of such libraries and directed molecular evolution are clearly areas which belong in C15B.

Methods of identification of selected compounds where such methods are specially adapted for use in situations where the selected compound is a combinatorial library member should also be included in this subclass. This should exclude most ~~»run of the mill=~~ spectroscopy methods, though spectroscopy designed to detect very low quantities of compounds (a central problem in combinatorial chemistry) or such compounds when bound to a target may well belong in C15B.

The inclusion of apparatus will depend on how specific the apparatus is to combinatorial chemistry, though it is envisaged that combinatorial chemical synthesisers will be classified in C15B. Solid supports will normally have uses for non-combinatorial synthesis and should be classified outside C15B, though supports having radio transponders or other readable tagging means should be classified in C15B.

Particular reagents and protecting groups described as used in combinatorial chemistry will properly belong in existing parts of the IPC.

Graham Lynch
U.K. Patent Office

UK Patent Office**Date: 14 July 2000**

Rapporteur Proposal on Project C422/99, Subclass C15 B

C15B Combinatorial chemistry**Classification subgroups**

- 1/00 screening of combinatorial libraries; directed molecular evolution
- 3/00 identification of selected compounds present in combinatorial libraries
- 5/00 preparation of combinatorial libraries; libraries *per se*
- 7/00 apparatus specially adapted for use in the synthesis of combinatorial libraries
- 9/00 combinatorial chemistry subjects not covered by 1/00 to 7/00

C 15 B Combinatorial chemistry**Subclass definitions**

This subclass is primarily concerned with combinatorial chemistry, *ie* the creation of large populations of compounds *en masse* (known as a chemical or combinatorial library). Combinatorial synthesis may be followed by screening for desired activity and identification of individual compounds in the chemical library.

In this subclass the following terms are used with the following meanings:

Combinatorial chemistry: the systematic and repetitive connection of a set of different `building blocks` of varying structures to each other to yield a large array of diverse molecular entities

Screening: the process of determining whether compounds in a chemical library have a desired chemical or biological activity, *without* necessarily identifying the precise chemical nature of the compound(s) being screened

Iterative deconvolution: a method of identifying compounds in a chemical library involving the successive comparison (eg for activity) of an unknown compound with each of a set of sub-libraries, each sub-library having a fixed, known sub-unit in one of the positions, the set covering all possible sub-units for each other position.

Example:

Consider a library of 100 different esters of formula $R_1\text{-CO}_2\text{-R}_2$, formed by the reaction of 10 different carboxylic acids of formula $R_1\text{-CO}_2\text{H}$ with 10 different alcohols of formula $R_2\text{-OH}$, and where one ester of highest activity is detected.

Iterative deconvolution, is used to find the highest activity ester, as follows:

10 sub-libraries of formula $R_1\text{-CO}_2\text{-R}_2$ are formed, each being formed from **one** of the 10 acids $R_1\text{-CO}_2\text{H}$, and all 10 of the alcohols $R_2\text{-OH}$, thus each sub-library has 10 members and R_1 is known (R_1 is the fixed, known sub-unit). The most active sub-library tells us which R_1 is likely to be present in the most active ester in the 100 member library.

Then 10 further sub-libraries are formed, each being formed from **one** of the 10 alcohols $R_2\text{-OH}$, and all 10 of the acids $R_1\text{-CO}_2\text{H}$ thus each sub-library has 10 members and R_2 is known. The most active sub-library tells which R_2 is likely to be present in the most active ester in the 100 member library.

Thus the identity of the highest activity ester is suggested by the result of the iterative deconvolution. (It should be noted that the most active ester need not be the ester corresponding to the R_1 and R_2 sub-libraries showing highest activity - iterative deconvolution is not necessarily definitive.)

C 15 B Combinatorial chemistry

Classification definitions for subgroup 1/00 - screening of combinatorial libraries; directed molecular evolution

Screening is defined as the process of determining whether compounds in a chemical library have a desired chemical or biological activity, *without* necessarily identifying the precise chemical nature of the compound(s) being screened

Directed molecular evolution is a process where library members displaying a desired activity are amplified/reproduced and fed through further, increasingly stringent rounds of selection for the desired activity. >Mutations= are often introduced at the amplification/reproduction stage in order to provide further diversity closely related to those compounds selected in the screening process.

Classification definitions for subgroup 3/00 - identification of selected compounds present in combinatorial libraries

3/00 includes identification by methods dependent on the particular synthetic methodology used to prepare the library, e.g. :-

identification by position in space, *e.g.* by use of grids of phials

identification by tagging/labelling, i.e. association with an identifiable moiety (*eg* using nucleotides or radioactive markers)

identification by iterative deconvolution

3/00 also includes identification by methods independent of the particular synthetic methodology used to prepare the library, e.g.:-

spectroscopy

Classification definitions for main group 5/00 - preparation of combinatorial libraries; libraries *per se*

Chemical natures including:-

inorganic libraries

peptide libraries (*including* polypeptide and protein libraries)

amide-linked oligomeric libraries (e.g. peptoid)

nucleic acid libraries

oligomeric or polymeric libraries

non-oligomeric libraries

C 15 B Combinatorial chemistry

Proposal for possible further subgroups

- 1/00 screening of combinatorial libraries; directed molecular evolution

- 3/00 identification of selected compounds present in combinatorial libraries
- 3/10 . by methods dependent on the particular synthetic methodology used to prepare the library
- 3/12 . . by the spatial position of the selected compound(s)
- 3/14 . . by detection of tags or labels associated with the selected compound(s)
- 3/20 . by methods independent of the particular synthetic methodology used to prepare the library (e.g. spectroscopy)
- 3/30 . by iterative deconvolution

- 5/00 preparation of combinatorial libraries; libraries *per se*
- 5/10 . characterised by the chemical nature of the library members produced
- 5/12 . . inorganic libraries
- 5/14 . . peptide libraries (including polypeptide and protein libraries)
- 5/16 . . amide-linked oligomeric libraries not provided for in group C15B 5/14
- 5/18 . . nucleic acid libraries
- 5/22 . . oligomeric or polymeric libraries not provided for in groups C15B 5/12 to 5/20
- 5/24 . . non-oligomeric libraries not provided for in groups C15B 5/12 to 5/22
- 5/30 . characterised by the form/presentation of the library
- 5/40 . characterised by the synthetic methodology used
- 5/42 . . biochemical synthesis
- 5/44 . . solid phase synthesis
- 5/46 . . solution phase synthesis

- 7/00 apparatus specially adapted for use in the synthesis of combinatorial libraries

- 9/00 combinatorial chemistry subjects not covered by 1/00 to 7/00

Questions raised :

1. How to break down main group C15B 1/00 (screening), possibilities include :
 - by chemical nature of library being screened, e.g. peptide, oligonucleotide, as suggested in the detailed proposal provided by **US** (C422 Annex 2)
 - by type of activity being selected for, e.g. binding, catalytic, physical properties such as superconductivity,
 - by presentation of target of library members, e.g. bound to solid phase, solution phase, attached to biological entity (e.g. phage display).
 - as suggested by **SE** (C422 Annex 8) ?
2. Should a sub-group for disclosures relating to monitoring, control and optimisation of the preparation of combinatorial libraries appear as a one dot entry under C15B 5/00 (preparation) ?
3. Should the main-group title of C15B 7/00 be widened to include apparatus also relating to screening and identification in combinatorial chemistry, or should such disclosures fall into C15B 1/00, 3/00, perhaps as one dot entries ?
4. Should libraries *per se* be included with disclosures of preparation of libraries in C15B 5/00 as in this proposal ?

Graham Lynch
U.K. Patent Office

Project: C422 Subclass: C 15 B

Comments on the GB proposal from 14.07.2000

We agree on the *Notes* of Pages 1 and 2.

Classification subgroups:

- a) We think that the wording "combinatorial" should be avoided in the head groups, since this new C 15 B subclass will also encompass library technology features which do not involve combinatorial processes (for example, an array of selected compounds already synthesized by classical chemistry or isolated from a plant).
- b) Concerning the order of the groups, we think that it would be more logical to have first the preparation, then the screening and finally the identification.
- c) The preparation of libraries and the libraries per se should be two different subgroups.
- d) We would like to change the title of subgroup 7/00 (see below) in order to take apparatus used for screening and identification into account (i.e. this subgroup should not be restricted to apparatus used in the synthesis of libraries).

Following these previous remarks, we would like to suggest the following:

1/00	Preparation of libraries
3/00	Libraries per se
5/00	Screening of libraries
7/00	Identification of selected products present in libraries
9/00	Apparatus or devices specially adapted for use in library technology
11/00	Library technology aspects not provided for in groups C 15 B 1/00 to C 15 B 9/00

Subclass definitions:

We think that the wording used should also encompass inorganic and non-biological entities, e.g. oxides, alloys. Therefore, the wording "molecular entities" seems too specific and limiting. Similarly, the word "product(s)" should be used instead of "compound(s)".

Classification definitions and Proposal for possible further subgroups:

1. Subgroups of 1/00

a) As we wrote above, it must be made clear that wordings such as "activity" also include non-biological phenomena, such as catalytic activity for instance, in order not to exclude the screening of alloys, materials, oxides or even of crystallisation conditions from this subgroup.

b) The second part of the title "directed molecular evolution" should be further explained: are dynamic libraries included there and if they are, would it not be better to classify such documents in the preparation subgroups ?

2. Subgroups of 3/00

We are in favour of the one-dot subdivisions, but it would be useful to have examples of documents classified in the subgroups: it may often be difficult to decide whether a method of identification of active compounds is independent of the synthetic methodology used.

3. Subgroups of 5/00

a) 5/10 We are not in favour of using the subdivisions 5/12 to 5/24 for classifying, but documents classified in this section 5/10 should also be classified in the groups of the library members, should they be inorganic compounds, organic compounds or biological entities.

b) 5/30 We do not understand what "form / presentation of the library" implies, whether it means purification or not.

c) 5/40 We agree with the subdivisions, but would like to suggest other two-dots subgroups and their three-dots subgroups. We also would like to introduce another one-dot subgroup concerning the purification method used.

5/48 ^ ^ Chemical synthesis

5/50 ^ ^ ^ solution phase

5/52 ^ ^ ^ solid phase

5/54 ^ ^ Virtual or mathematical conception of libraries

5/56 ^ ^ Method not provided for in groups C 15 B 5/42 to C 15 B 5/54

5/58 ^ characterised by the purification method used

4. Subgroups of 7/00 and 9/00

We would prefer the wording that we proposed above, and as subgroups 9/00 and 11/00:

9/00 Apparatus and devices specially adapted for use in library technology

11/00 Library technology aspects not provided for in groups C 15 B 1/00 to C 15 B 9/00

Questions raised:

1. How to break down main-group 1/00?

We think it should be either by the type of activity being selected for (2), or as suggested by SE (with some amendments) (4), i.e. according to the method of screening used.

In the context of multi-aspect classification, it could also be envisaged to use both kinds of subdivisions, i.e. to give a class for the kind of activity tested and for the method of screening used.

2. Should a subgroup for disclosures relating to monitoring, control and optimisation of the preparation appear as one-dot entry under 5/00?

We think they should if virtual or mathematical conceptions are disclosed.

If they are not disclosed, then the emphasis should be put on the monitoring, control or optimisation devices and they should then be classified in the apparatus or devices main-group.

3. Should the main-group title of 7/00 be widened?

We think it should, since an apparatus can be used for all the facets of library technology.

4. Should libraries per se be included in 5/00?

We strongly think that libraries per se should constitute a separate subgroup.

Anne Glanddier.

Japanese Patent Office

21 September 2000

Project:C-422

Subclass:C40B

JP Comments on Revision Proposal in the Field of Combinatorial Chemistry Technology for 8th Edition of IPC**1. Implementation of new subclass**

We support the opinion that the new subclass B40B or C15B should be used as secondary classification, similar to A61P (or as unlinked indexing code or multi-aspect classification). This consideration is shared by EPO and Sweden, and similar to DE comments.

In other words, in case that the subject matter could be classified in the present classification, such as “library” shown by general chemical (Markush-type) formulae, it should be given the current IPC, and then given the new classification as well. We do not deny a possible case where a subject matter is quite innovative and cannot be classified in the current IPC.

(Reasons why we propose such implementation)

- (1) Among patent applications of combinatorial-chemistry-related technologies, many are only application of traditional methods or processes used in manufacture or analysis of individual material to a plural of materials. Thus, where similar compounds or methods of manufacture or analysis are used in two patent applications, a search of both documents is required. The current IPC should be given to both documents in order to conduct an appropriate and efficient search from both sides.
- (2) If we give the current IPC and the new combinatorial chemistry classification to a single application, we can effectively limit the number of documents to be searched by crossing both relevant classifications. Number of documents obtained by this limited cross-search would be far more less than those obtained by a search using only “organic compounds” in the new subgroup. This would improve search efficiency very much.

(Example)

In case of searching documents related to thiazole compound library:

* Implementing new classification only:

Having no means for limiting the search, we must search all the documents belong to “libraries of organic compounds” (C15B 5/10 as proposed by GB). Because, the new scheme of combinatorial chemistry would not show the subject manner in such a fine manner as “libraries of C07D 277”.

* Implementing new classification as secondary one to be assigned together with the current IPC:

We can limit the search effectively by crossing “C07D 277 in the current IPC” and “new classification related to libraries”.

- (3) USPTO noted that JP-proposed implementation would be impractical when there are 10,000 compounds classifiable in 60 different classifications for a single application. However, it is not the specific case only in combinatorial chemistry applications, as there were many such cases in the applications related to compounds shown by general chemical (Markush-type) formulae. Also, libraries are compounds and should have those current classifications as C07C to C07K for compounds as a technical information.
- (4) USPTO also stated against EPO proposal that “Only if the novelty is in the individual compounds, per se, should it be also classified in the existing classifications for individual compounds”. However, we cannot find “the novelty is in the individual compounds” until we finish the relevant search. Furthermore, all the member compounds of the claimed “library” are not well-known. Such library generally contains novel compounds.
- (5) UK shows in Notes (Rapporteur Report dated 14 July 2000) the examples to be classified in new classification and not. However, there is no common recognition what “a central problem in combinatorial chemistry” is among the industry, and it would change with technological progress. Classification based on such uncertain matters is not desirable in view of consistency and continuation in assignment of classification.

2. Definition of “Combinatorial Chemistry Technology”

We propose the definition of “combinatorial chemistry technology” as follows.

“Combinatorial Chemistry Technology” means the technology to efficiently create many chemical materials (libraries) by combining a plurality of partial chemical structures or ingredients which are selected to obtain various types of chemical libraries.

“Combinatorial Chemistry Technology” includes:

- (1) Methods to synthesize chemicals using combinatorial chemistry techniques and those typically used in such process (e.g. synthesizing devices, linkers, carriers, building blocks, etc.)
- (2) Various kinds of chemical libraries synthesized by combinatorial chemistry techniques
- (3) Methods to identify or screen various kinds of chemical libraries synthesized by combinatorial chemistry techniques, and those means and things used in the method (e.g. screening devices, tags, etc.) with characteristics specially adapted for combinatorial chemistry technology

Where the technical subject of an invention relates to “Combinatorial Chemistry Technology” above, it should be given the relevant classification.

3. Our comments on each classification

- (1) We propose to reconsider whether the subclass related to combinatorial chemistry should be C40B or C15B, after determining the area to be covered by the subclass. We would like to ask US and UK to present their reasons why they selected their own subclasses.

- (2) We agree to create main groups for “libraries per se” and “preparation” separately. We do not think it necessary to subdivide the main group for “libraries per se”, when multi-aspect classification is implemented. In this relation, we agree with EP proposal.
- (3) We propose to illustrate the nature and area of compounds to be covered in a new main group of “libraries per se”, as shown in EP proposal (Annex 7, P1). We propose, as such an illustration, “organic compounds (e.g. low molecular organic compounds, polymer, polynucleotides, polypeptides, enzyme, and inventions using them), inorganic compounds (e.g. glass, ceramics, metal, alloy, and inventions using them)”.
- (4) As we cannot clearly distinguish “screening” from “identification”, we propose to create a single main group for covering both. Regarding the subgroup, “by methods independent of the particular synthetic methodology used to prepare the library”, we propose not to subdivide further. Where multi-aspect classification is implemented, the classification of G01N would be assigned as before.
- (5) As for “Preparation”, “Apparatus, devices of processes specially adapted for use in the synthesis of chemical libraries”, we present our proposal which simplified EP proposal. Here again, we propose not to subdivide further, since the current classification would be assigned as before where multi-aspect classification is implemented.

We agree with EP proposal to create 1/34 (virtual or mathematical conception of libraries) as we expect there would be more increasing number of applications to be filed in this field.

It is not clear how the technological development would be for “preparation using tags or linkers”, and we think it unnecessary to subdivide the subject matter at present.

“Apparatus” should not to be subdivided further, since Class B of the current classification would be assigned as before where multi-aspect classification is implemented. Also, we propose to classify “apparatus” and “preparation” together in a single main group, as both have close relationship each other.
- (6) We agree with EP proposal to create subgroups 13/02 and 13/04 for “linkers per se” and “solid supports” respectively. Similarly, we propose to create a subgroup for “tags per se” and “labels per se”.

4. JP Proposal

Definition

“Combinatorial Chemistry Technology” means the technology to efficiently create many chemical materials (libraries) by combining a plurality of partial chemical structures or ingredients which are selected to obtain various types of chemical libraries.

“Combinatorial Chemistry Technology” includes:

- (4) Methods to synthesize chemicals using combinatorial chemistry techniques and those typically used in such process (e.g. synthesizing devices, linkers, carriers, building blocks, etc.)
- (5) Various kinds of chemical libraries synthesized by combinatorial chemistry techniques
- (6) Methods to identify or screen various kinds of chemical libraries synthesized by combinatorial chemistry techniques, and those means and things used in the method (e.g. screening devices, tags, etc.) with characteristics specially adapted for combinatorial chemistry technology

Where the technical subject of an invention relates to “Combinatorial Chemistry Technology” above, it should be given the relevant classification.

Notes

(1) This subclass covers such elements as already classified in sections A, B, C or G.

(1) Documents classified in this subclass should also be classified in appropriate subclasses providing for their structural or functional features in their corresponding fields.

(2) The classification symbols of this subclass are not listed first when assigned to patent documents.

(3) The main group 7/00 (Libraries per se) covers organic compounds (e.g. low molecular organic compounds, polymer, polynucleotides, polypeptides, enzyme, and inventions using them), inorganic compounds (e.g. glass, ceramics, metal, alloy, and inventions using them).

- 1/00 Screening of combinatorial libraries, identification of selected
- 1/10 · by methods dependent on the particular synthetic methodology used to prepare the library
- 1/12 · · by the special position of the selected compound(s)
- 1/14 · · by detection of tags or labels associated with the selected compound(s) (tags per se or labels per se 13/06)
- 1/20 · by methods independent of the particular synthetic methodology used to prepare the library (e.g. spectroscopy)
- 1/30 · by iterative deconvolution

- 5/00 Preparation of combinatorial libraries, apparatus or devices of processes specially adapted for use in the synthesis of chemical libraries
- 5/02 · characterized by the chemical nature of the library members produced (libraries per se 3/00)
- 5/04 · characterized by the method used
- 5/06 · · organic chemistry synthesis
- 5/08 · · · solution phase synthesis
- 5/14 · · · solid phase synthesis
- 5/32 · · biochemical synthesis
- 5/34 · · virtual or mathematical conception of libraries
- 5/38 · inorganic chemistry synthesis
- 5/40 · characterized by the use of particular apparatus, apparatus or devices of processes specially adapted for use in the synthesis of chemical libraries

- 7/00 Libraries per se (e.g. low molecular organic compounds, polymers, polynucleotides, polypeptides, enzymes, and inventions using them)
- 7/02 · arrays
- 7/04 · mixtures

- 13/00 Subjects not provided for in groups 1/00 to 9/00
- 13/02 · linkers per se
- 13/04 · solid supports
- 13/06 · tags per se, labels per se

FEDERAL INSTITUTE OF INDUSTRIAL PROPERTY

RU comments	
Project: C 422	Date: 05/10/00 11:19 AM
Class/subclass: C 15B	Page of

We support the GB consolidated proposal for subclass C 15 B at the main group level and think the proposed classification definitions are clear.

We believe that subclasses A 01N, A 61K, A 61P, B 01D, B 01J, B 01L, C 01B - C 30B and some subclasses of section G can have relationship with the area of combinatorial chemistry.

We have minor experience in this area, so our comments in response on GB questions have general character.

1. How to break down main group 1/00 (screening only) ?

We have strong opinion that chemical nature of library should not be feature of subdividing group 1/00. Perhaps this group could be divided by presentation of target of library members or by type of activity being selected for.

2. As there are no exemplifying documents and it is unclear what matters are covered by monitoring, control and optimization of the preparation of combinatorial libraries, in our opinion these operations can be considered as features of the preparation or apparatus and classified according to them.

3. In our viewpoint it doesn't matter whether subgroups for apparatus specially adapted for screening and identification can be created, i.e. under 1/00 and 3/00 or under 7/00. It is necessary to define this subject matters now in the considered scheme on the main group level. In connection with it our examiner is in favour of the subdivision for apparatus, proposed by the EPO (Annex 7 to the project file).

4. We support the subdivision of group 5/00 as it is presented in the GB proposal (5/10 - 5/46). We think that chemical libraries per se should be combined with the preparation of them (5/10 - 5/30), though we feel that classification of individual compounds according to their structure should be made also if it possible, e.g. in C 07 or C 12. Besides it is desirable to add subgroups for arrays and mixtures under group 5/30.

DEUTSCHES PATENT- UND MARKENAMT German Patent and Trademark Office	Class/Subcl.: C15B
	Date : 19.10.2000
DE - Comments — C422	

Re: Comments on GB proposal from 14.07.2000 (Annex 12 of the project file)

We apologize for our late comments.

General remarks

Patent applications concerning combinatorial libraries and related technologies/subjects are frequently encountered in IPC section chemistry, for example in the IPC classes C 07 B, C 07 C, C 07 D, C 07 H or C 07 K.

The following basic types of claims related to combinatorial libraries occur especially in these subclasses:

- a) library claims with an entity of compounds defined by Markush-type formulae,
- b) (carrier-bound) arrays of compounds defined by Markush-type formulae,
- c) product-by-process claims wherein the product library is defined by the educts, the educts being represented by Markush-formulae,
- d) process claims defined by multi-step/multi-component reactions, the educts being represented again by Markush-formulae,
- e) claims directed to methods and/or devices for the screening of libraries in order to develop new biologically active leads.

These claims may be accompanied by normal-type Markush-claims, use claims etc.

Whereas for claim types b) through e) the creation of C 15 B is of utmost importance, library claims directed to an entity of compounds defined by a Markush formula (type a) deserve special attention not only for classification reasons.

With respect to its informational content, a library claim comprising compounds defined by a Markush formula and possessing no other technical teaching is equivalent to a conventional Markush-type compound claim, irregardless of the presence of the wording "library", "combinatorial library" or "substance library".

Since classification of an application paves the way to search and examination, creation of C 15 B should not lead to a completely new classification strategy of library claims neglecting chemical facts and probable scope of patent protection.

Another example for the strong relationship of the current IPC and the new subclass is subclass C12Q especially group 1/68.

Therefore we do not agree with R to use the proposed new subclass as primary classification without any relationship to the existing classes in A,B,C or G. We share the opinion of EP (Annex 7), SE (Annex 8) and JP (Annex 14) to use this subclass for secondary classification or for multi-aspect classification in combination with the existing IPC. Libraries per se have to

be classified in both ways. The classification in the new subclass only should not be forbidden for documents, which cannot be classified in the current IPC.

Proposed scheme from Annex 12

C15B

We agree to the subclass definitions. Notes for the use of the new subclass for double- or multiple classification in connection with the current IPC should be added.

C15B 1/00, 3/00

There is not a well-defined borderline between screening and identification of selected products (selection process, for example SELEX). The subdivision of group 3/00 and the possibilities to break down group 1/00 given by R go in the same direction. Therefore we prefer to combine the proposed two main groups 1/00 and 3/00 in one main group.

C15B 5/00

Bearing in mind that a substance library as well as a Markush formulae is merely a way of representing a systematic/permutative combination of residues/building blocks to a group of individual compounds, C 15 B should definitely be not the only place where to classify groups of (novel) chemical compounds. In addition, basic chemical processes used in the preparation of libraries should be classified in the current IPC as well. Therefore notes under C 15 B 5/00 should guide the user where to classify chemical substances and processes properly.

We agree to the proposed main group 5/00 to combine processes for preparation of libraries and libraries per se in one and the same main group (compare RU comment 21.9.00). We support groups 5/10 to 5/24 and 5/40 to 5/46. The scope of group 5/30 is not clear. This group should be deleted. Groups for libraries in the form of arrays or mixtures could be added. Where would be an adequate place for phage libraries and cell libraries under the proposed C 15 B schemes? Are the indexing symbols under C 12 R sufficient or are there other appropriate IPC symbols presently available to describe the types of organisms?

C15B 7/00

We support a group for apparatuses. But we prefer the wording proposed by EP in Annex 13 for that subject matter.

C15B 9/00

The introduction of a residual group is necessary.

P. Egerer, H. P. Gerster

Swedish Patent and Registration Office

IPC Revision Project C 422, subclass C15B

October 27th, 2000

COMMENTS relating to IPC/WG/3/3 and Annex 12

We apologise for the late submission of our comments.

Comments were invited on the proposal to be submitted from GB (Annex 12)

Regarding the second part title of the proposed group 1/00 in Annex 12, page 3, we consider that the subgroup “directed molecular evolution” is more related to the preparation of combinatorial libraries, than it is to screening of combinatorial libraries. We suggest that a subgroup for “directed molecular evolution” is placed as a three-dot group 5/43 after the two-dot group 5/42 “biochemical synthesis”:

5/42 .. biochemical synthesis
5/43 ... directed molecular evolution

We further think that a subgroup for virtual methods is needed, for example “virtual and mathematical conception of libraries” as proposed by **EP** in Annex 7. Subgroups with this content could be placed in both the proposed groups 5/00 for “preparation of combinatorial libraries; libraries *per se*” and 3/00 for “identification of selected compounds present in combinatorial libraries”.

Further questions raised in Annex 12:

- **How to break down main group C15B 1/00?**

We prefer to break down main group 1/00 according to the method of screening used as we suggested in Annex 8, but with some amendments such as more one-dot groups.

We have not considered whether a sub-group for disclosures relating to monitoring, control and optimisation of the preparation of combinatorial libraries should appear as a one-dot entry under C15B 5/00?

- **Should the main group title of C15B 7/00 be widened to include apparatus also relating to screening and identification in combinatorial chemistry?**

We prefer to include apparatus relating to screening, identification and screening in one group, for instance the suggested 7/00. We believe that the development will lead to apparatuses where one device is used for all steps in managing a library.

- **Should libraries *per se* be included in C15B 5/00?**

A library could be regarded on as a product and the preparation of the library is a process. The process for preparing the product and the product *per se* can be regarded on as two different inventions. Therefore, we think that libraries *per se* should not be included in C15B 5/00, i.e. the main group for the preparation of libraries. We would like to have a separate main group for libraries *per se*.

Areas of the IPC in relationship with the area of “combinatorial chemistry”

We would like to mention G01N 30/00, 31/00 and 33/00 and their subgroups as areas of the IPC that could have relationship with the area of “combinatorial chemistry”. We suggest a note in C15B that directs all processes that can be classified in G01N also should be classified there.

Other comments

We agree with the **EP** suggestion in Annex 13 to change the order of the groups to have first the preparation, then the screening and finally the identification.

Helena Danielsson

USPTO COMMENTS	
REVISION PROJECT: C422/99 Class/subclass: C15 B	Date: 30 October, 2000

At its last session (3), the IPC Revision Working Group (WG) agreed that a new subclass should be created in Section C for the new and rapidly developing “combinatorial chemistry” technology. The WG also noted the provisional classification schemes in this technology that have been submitted by EP, GB, and the US respectively in Annexes 7, 1, and 2. The WG agreed that selection and elaboration of subject matter appropriate for the new subclass could be made on the basis of the main groups in the classification scheme proposed by GB.

GB volunteered to act as Rapporteur for the project and, as such, has submitted a consolidated proposal including definitions as requested by the Working Group.

The following statements are US views relating to the Rapporteur Report and Rapporteur Proposal (Annexes 11 and 12) submitted by GB. Also included therewith are our opinions on some of the comments (to Rapporteur’s report and proposal) received from other Offices.

Main Groups 1/00 – 9/00

We agree with the concepts presented in main groups 1/00 – 9/00. We also consider the *arrangement* of the main groups as presented by EP on page 1 of Annex 13 to be a good one. Rapporteur raises a substantive question with regard to the means by which one breaks down groupings in combinatorial chemistry. This question has been considered at some length in our Office, particularly with respect to the number of applications in this area. Clearly, the main group directed to ‘screening’ specific compounds cannot be set forth without eventually a breakout of relevant subgroups, as this would result in reclassification in a relatively short time. We have considered at length several different means by which to break down screening methods. Of these methods, we favor subdivision by chemical nature, as the use of various properties will result in inappropriate combinations of art being classified in the same areas. For example, if fluorescence is used as a property, then fluorescence activated cell sorting using libraries expressing green fluorescent proteins as inducible labels would be classified in the same group as screening for fluorescent inorganic materials. Not only are the technologies used different, but it is also unclear as to *what* properties are important for classification when multiple properties are relevant. In direct contrast, the nature of the compositions being screened does not change (e.g., a peptide will remain a peptide). Nevertheless, unless the WG can reach clear agreement on the best means to subdivide screening methods, US favors deferring its subdivision until later in the advance level of the IPC after additional search experience.

How to further break down Main Group 1/00

We support all of the proposed bases for subdivision suggested by Rapporteur. We suggest that groups 1/04 – 1/16 and groups 1/20 – 1/36 of Annex 2 (US proposal) be considered as possible indents under main group 1/00, as well as groups 1/321 – 1/327 of Annex 8 (SE proposal). We no

longer support inclusion of group 1/18 of Annex 2 since it is based upon a property rather than a composition.

Main Group 5/00

US supports the creation of a one-dot subgroup under 5/00 relating to monitoring, control and optimization of the preparation of libraries. However the title of this group must clarify if computer methods directed at optimization of libraries are to be classified therein or in main group 9/00.

Expanding the Title of C15B 7/00

US supports expanding the title of C15B 7/00 to include apparatus for screening and identification, as well as the apparatus for synthesis. Additional subgroups could be added, if necessary, for this subject matter at another time in the advanced level.

“Libraries *per se*” as a Separate Subgroup

After weighing carefully the advantages and disadvantages of separate and combined groups for libraries *per se* and their preparation, the US prefers that ‘libraries *per se*’ **not** be set forth as a separate group from the ‘preparation of libraries’ group.

A Detailed Analysis of The Combinatorial Chemistry Subclass Proposals By US:

It is our opinion that the subclass’ definition must be stated in limitative terms, rather than in purely descriptive terms. The subclass’ definition must be written in a manner to make clear exactly what the metes and bounds of the subject matter encompassed are. The IPC Reform's Definitions Task Force should provide clear guidance as to how subclass definitions are written.

The proposed US definition on page 6 of Annex 2 with some additional modifications accomplishes this goal. As modified, it states:

A library is an intentionally created unitary collection of a plurality of biologicals, compounds, or other chemical materials. The collection is useful (includes at least one library member which exhibits a patentable use) as a test vehicle for determining which of its members possess useful properties. The library exists as

- (1) a solution,
- (2) a physical admixture.
- (3) an ordered array,
- (4) a plurality of members present on a support and affixed thereto by chemical bonding, by physical attractive forces, or by coating, or
- (5) a virtual library, i.e., one whose members exist only as representations within a computer or on a computer-readable medium.

While other Offices may take issue with one portion or another of the above definition, the point is that the US definition is **limitative**. To be a library according to the US definition, a collection **must** be

- intentionally created,
- a plurality of the named substances (at least two),
- unitary (i.e., considered as a whole),
- useful as a test vehicle, and
- in one of the named forms.

If the invention fails any one of these tests, it is not proper for the subclass.

In contrast to this limitative definition approach, the GB definition (Annex 12, page 1) states:

Combinatorial chemistry, i.e., the creation of large populations of compounds *en masse* (known as a chemical or combinatorial library). Combinatorial synthesis may be followed by screening for desired activity and identification of individual compounds in the chemical library (I)

and

Combinatorial chemistry: the systematic and repetitive connection of a set of different 'building blocks' of varying structures to each other to yield a large array of diverse molecular entities. (II)

In GB's definition, the scope of inventions to be encompassed by the subclass is unclear. First, what constitutes a 'large population' or a "large array" – two compounds, twenty, one hundred, ten thousand?

Second, it is unclear whether the definition intends to cover only 'compounds' – if so, inventions specifying a library of alloys (reasonable people can differ about when an alloy becomes a compound) would not be covered. Further, it is unclear whether a library consisting of an ordered array of two-component compositions would be embraced by GB's definition? Additionally, collections of biologicals would certainly be excluded from such a subclass.

Third, in (II) above, GB uses the terminology 'connection' of 'building blocks' 'to each other'. This language, taken literally, sounds like creation of a copolymer from different monomers. It is not clear whether the language encompasses placing individual compounds, which may have been previously prepared, in an ordered array for purposes of screening. An expert in the art would probably know what GB **intends**. However, a subclass definition must be a self-contained entity that apprises a user of its exact scope even if the user approaches it with no a priori conception of its scope.

Fourth, what about the situation where a library is created by attachment of various carboxylic acyl radicals to a polymer backbone? This situation is covered (albeit broadly) by the US definition. It would appear that the GB definition does not cover this situation.

Fifth, GB's definition states that 'combinatorial synthesis' **may** be followed by screening for desired activity. Does this mean that a GB library **must** be useful as a screening tool, or does it mean that a GB library **may** be useful as a screening tool?

Sixth, GB on page 2 of its proposal in Annex 12 defines screening as determining “a desired chemical or biological activity”. Yet the main definition (page 1 of Annex 12) speaks simply of screening for “desired activity”. The main definition encompasses a desired physical property, yet the only main group dealing with this area narrows the activity to a “chemical or biological” one. Thus no main groups provide for the full range of ‘screening’ within the scope of the subclass definition.

US also notes in this regard, question 1 on page 4 of Annex 12, wherein superconductivity, a physical property, is mentioned as a possible screening subject but is not within the scope of the subclass definition for this term.

The point here is not whether the definition proposed by US is correct in each and every particular. The WG may decide that any given feature of the US definition is not proper for the scope of this subclass. The point is that the subclass definition we approve must be **complete and limitative**. It must enable any searcher (novice or expert) who reads it to discern immediately (in the overwhelming majority of situations) whether particular inventive subject matter fits within its scope.

Combinatorial libraries should be classified differently than Markush-type compounds.

Some offices liken libraries to Markush groupings of compounds. In our opinion this is clearly not the case; libraries are clearly distinct from Markush groupings. A Markush grouping in the compound area must be prefaced with the statement ‘A compound selected from the group consisting of . . .’ The important limiting words in this preface are ‘a compound’. A Markush claim separately encompasses each individual compound within its scope. Consequently, the Markush claim format is merely a shorthand method that serves as a substitute for multiple individual claims, one to each individual novel compound. A claim to a library, on the other hand, encompasses the entire library as a single unitary entity.

We believe that library compositions useful as testing vehicles should be classified separately from the individual compounds that make up libraries, just as other compositions useful as pharmaceuticals, herbicides, lubricants, detergents, etc. are classified separately from the compounds of which such compositions are comprised.

Nonetheless, it is clear that *individual compounds* within any composition can themselves constitute inventive subject matter. When this is the case, such compounds should be classified in the appropriate compound area(s). The question for the WG is “how to determine which compound(s) within the scope of a library constitute inventive subject matter?” Since the novelty of the library is determined as a whole, and is not based on the novelty of individual members, there is no need to search individual compounds to determine its patentability. We do not believe that a search of all possible compound classifications solely for the purpose of determining whether to classify individual compounds is a judicious use of valuable search time.

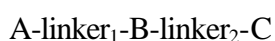
Another approach to this problem, which we also do not support, is to classify obligatorily in compound areas any **potentially** inventive individual library compound that is fully described (i.e., ultimate species -one compound with no variables) in the disclosure. We believe that this approach may add extensive useless classifications since it would be unclear whether most of the fully

described library compounds constitute inventive subject matter. US firmly believes that any blanket obligatory classification of the entire scope of all compounds within these libraries into the groups providing for individual compounds is not a cost-effective path to a solution.

We believe that a better alternative is to add additional obligatory classifications for inventive compounds within a library if the disclosure appears to indicate that they are inventive, as would be most clearly shown by presentation of claims to the compounds *per se*. In the instance when a compound is not separately claimed from the library, but is clearly disclosed as novel, then according to the rules of "What to Classify", a second invention may exist and both the novel compound and the library could be obligatorily classified. Examiner expertise should be utilized in determinations of whether fully identified compounds constitute inventive subject matter and should be classified.

JP encourages searching of applicable compound areas, and gives the example of a library of 'thiazoles'. While the 'thiazole' example may not be too aggravated a situation (there being only one main compound group involved), what would one do with a claim with no fixed central core - for example, a claim that reads:

A library of compounds of the formula



wherein each of A, B, and C can be independently selected from any of a large number of variously substituted hetero ring or non-hetero ring radicals, and each linker is independently selected from a large number of different linking groups.

To classify obligatorily such a claim into compound classifications for a large number of applications would itself require a large expenditure of time and effort, and it is not at all clear how such an approach would facilitate resolution of any search problems. As implied above, searchers determining the novelty of a library are not looking for individual compounds from individual references. They are looking for a reference that discloses all, or at least substantially all (it is not clear what it takes to render one library obvious over another library) of the compounds within the library.

US recognizes that its suggestion is an imperfect one, and hopes that a more comprehensive solution may be found, but we are strongly against comprehensive searching of all library-encompassed compound groups, and strongly against automatic classification of a library into all possible compound areas.

Perhaps a viable alternative may be for WG to develop a mode of claim presentation which would be amenable to computerized comparison against other libraries. If this could be done, it presumably could also be used in searching Markush-type claims as well.

Generally, a library and a process for its preparation should be classified together.

Most patent documents that present a library will also at least disclose a method of preparation of the library. To separate the library and its synthesis into two separate groups is to multiply

unnecessarily the number of patent documents in the search file. We have observed that preparation of a compound is ordinarily classified with the compound. It is our opinion that the same principle should also apply to a library and its preparation.

If the invention were to generic methods of preparing libraries, groups directed exclusively to such processes would be useful. One manner of accomplishing this is presented in the US proposal in Annex 2. There may well be other better methods.

The manner in which GB has constructed its main group 5/00 portion of the schedule is not clear. Given the existence of subgroup 5/24, it is not clear what subject matter will be proper for subgroup 5/10. It also appears that inorganic (5/12), oligomeric or polymeric (5/22), and non-oligomeric (5/24) cover the range of possible GB-intended libraries, and thus there is no subject matter left to populate 5/10.

Biologicals should also be considered under combinatorial chemistry.

The original US proposal (Annex 2) included libraries of biologicals (e.g., viruses, cells, etc.) in its scope. While recognizing, belatedly, that such inclusion would have required the change of the C15B title to something like “Library Technology”, it appears that none of the papers presented by IPOs have addressed the inclusion of biologicals at all.

The issue of biologicals should be considered. We believe that whether chemicals per se or biologicals are concerned, the basic thrust of the technology is the same – to create a large unitary collection of materials for screening and subsequent identification.

In our opinion, if it is valuable to collect this technology with respect to chemicals, it should then be valuable to collect the corresponding biologicals-related technology. Even if biological libraries were not made part of the new subclass, a parallel subclass should be created for them. Working on both of these concepts at the same time and in the same project would seem a timesaving expedient.