

WIPO



IPC/WG/8/3

ORIGINAL: English only

DATE: November 14, 2002

WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

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

IPC REVISION WORKING GROUP

Eighth Session

Geneva, November 25 to December 5, 2002

ELABORATION OF CLASSIFICATION DEFINITIONS

Document prepared by the Secretariat

1. At its seventh session, held in June 2002, the IPC Revision Working Group provisionally approved the Guidelines for Drafting Subclass Definition Proposals (see Annex F to document IPC/WG/7/7).
2. The Working Group agreed to finally consider those Guidelines at its next session and requested its members to comment on them, in particular on a proposal by Sweden to change the title of the section "Limiting References" and the subheadings within that section (see document IPC/WG/7/7, paragraphs 12 to 14).
3. Annex I and II to this document contain comments, submitted by Sweden and the United States of America, on the Guidelines for Drafting Definitions.
4. *The Working Group is invited, upon consideration of the comments contained in the Annexes to this document, to approve the Guidelines for Drafting Subclass Definition Proposals.*

[Annexes follow]

ANNEX I

Swedish Patent and Registration Office

Guidelines for Drafting Definitions

November 11th, 2002

COMMENTS

(in response to IPC/WG/7/7, paragraphs 11-14)

Offices were requested to comment on the “Guidelines for Drafting Subclass Definition Proposals” prepared by the International Bureau, and in particular on the following proposals made by Sweden:

- (a) to change the title of the section “Limiting References” in order to reflect that this section contains “references giving guidance for classification”;
- (b) to change the subheadings within that section “References to Application Places” and “References to Non-Residual Places” as proposed in point 4 of Annex III to document IPC/WG/7/2

We have the following comments:

General

The guidelines should contain some instructions on what to do when inadequacies of the schemes are noticed, for example when subclass titles do not cover their main groups or when subclass titles are incomplete unless read together with titles of classes or sections.

“TITLE”

The second and third subsections are not guidelines for drafting of definitions, since a person drafting definitions cannot do anything about the titles. They should therefore be deleted. However, they are good rules and should be part of guidelines for drafting schemes

“DEFINITION STATEMENT”

The second subsection appears unrealistically strict in view of the fact that classification places implicitly cover also unnamed categories of invention not provided for elsewhere. A better wording would be something on the lines of:

“The scope of the definition statement should as far as possible be the same as the scope of title. In case a classification place also covers categories of invention not explicitly mentioned by its title these should be mentioned in the definition statement.”

“LIMITING REFERENCES”

This section, or at least its subsections 1, 2, 5 and 6, must be revised, since it is not compatible with the agreed definition of limiting references.

The definition of a limiting reference in the first subsection is not the same as the definition decided by the Committee of Experts (IPC/CE/31/8, paragraph 17), since it does not require that the reference *“excludes - - - subject matter - - - , when this subject matter would*

otherwise - - - be covered". The missing requirement of exclusion is a fundamental difference - the definition in the guidelines covers references from function to application places and references out of residual places, whereas the definition decided by the Committee of Experts does not.

We still support our earlier proposal for categorisation and placement of references (points 3 and 5 of Annex III to document IPC/WG/7/2). The decision to regard references from function places to application places is illogical as long as paragraph 59(b) of the Guide (paragraph 85 of the Guide under revision) is not changed. If it is allowed to classify one and the same technical subject in both a function place and an application place, a reference pointing between the two places can not be limiting, whichever direction it points to. If the decision to regard such references as limiting is upheld, paragraph 59(b) of the Guide must be modified, and the situation must also then be clarified in the "What to classify" guidelines. Such a clarification would include a requirement to consider separate classification of "things" disregarding the stated applications of the "thing" - something "less than the whole thing" in the same way as the requirement to consider classification of subcombinations of a whole "thing".

Whichever the decision, we think it is important to keep the relatively few "true" limiting references apart from references pointing between function places and application places. The "true" limiting references are more important, since they are absolute - they do in themselves define the coverage of a place, whereas references from function places to application places are relative - they require judgement over single documents or "things" in order to decide classification. This also has the consequence that a list of application places for a given "thing" can never be made complete - there can always be one further application.

We also strongly support excluding references from function places to application places, and references out of residual places, from the schemes. One only needs to take a look at the lists of references contained in notes in different subclasses of G05 and F16 in order to see how much they can clutter up the schemes. Residual places are also always relative - a list of "non-residual" places can never be made complete.

We still support the proposal for modification of the Definition Format given in point 4 of Annex III to document IPC/WG/7/2. However, the subheading of the section "References to application places" should be expanded to say

"Examples of places where the subject matter of this subclass is covered when specially adapted, used for a particular purpose, or incorporated in a larger system"

This would be more in line with the definition of application-oriented places given in the Guide.

We think references that are introduced into the definitions without existing in IPC7 should, as a rule, not be regarded as limiting. Introduction of new limiting references (at least in the case of "true" limiting references) is a change of scope, and this should be done by a revision project, not by a definition project.

"SPECIAL RULES OF CLASSIFICATION"

The first sentence of the last subsection is redundant. The second sentence should be moved to "GENERAL RECOMMENDATIONS".

“SYNONYMS AND KEYWORDS”

We have noted that this section is seldom used, and when it is used it is often used in an inconsistent way. We think it should be expanded by the introduction of some examples of wordings that might be used, for example:

- In patent documents the expression/word “---” is often used instead of “---” which is used in the classification scheme of this subclass.
- In patent documents the expression/word “---” is often used with the meaning “---”.
- In patent documents the expressions/words “---”, “---” and “---” are often used as synonyms.
- In patent documents the following abbreviations are often used:
<abbreviation> = <full wording>

Anders Bruun

[Annex II follows]

ANNEX II

United States Patent and Trademark Office	
WIPO Revision Working Group	
Topic: Guidelines for Drafting Definition Proposals	Date: November 12, 2002

Comments were invited on the Guidelines for Drafting Definition Proposals [IPC/WG/7/7, paragraph 17, (i)]. US supports the language of the proposed Guidelines with the minor changes suggested below.

GENERAL RECOMMENDATIONS

In the 2nd paragraph, US suggests changing the last sentence to “In the case of long phrases, bulleted or alphabetized subsections should be used instead.” This option is needed if the items within a phrase are part of a paragraph that is itself bulleted.

TITLE

In the 3rd paragraph, the concept ‘best’ is not clear. US suggests changing the 3rd paragraph to “The words of the title should be those which most accurately define the appropriate subject matter to users skilled in the technology.”

DEFINITION STATEMENT

In the 2nd paragraph, we suggest changing it to “The scope of the title and definition statement must be essentially equivalent.” This modification is required because it would often be impossible to make the title complete due to Guide paragraphs 62 – 69.

US suggests changing the first sentence of the 4th paragraph to “The definition statement should use words, which are alternatives to those used in the title when practical, in ---” and deleting the third sentence completely. Normally it is essential to define titles using alternative terminology since the purpose of a definition is to clear up ambiguous situations.

To allow for group definitions, the second sentence of the 5th paragraph should read “It should begin with either the phrase: “This subclass covers:” or “This group covers.””

In paragraph 6, for clarifying intent, US would modify the first sentence to “In the case of subclass schemes with a large number of main groups covering diverse types of technical subject matter, or of subclasses with ----” and the second sentence to “When parts of the title or scheme correspond ---”.

In paragraph 7, for clarifying intent, US would modify the first sentence to “The definition statement may include explanatory notes and graphics for clarifying or illustrating subject matter --.”

RELATIONSHIPS BETWEEN LARGE SUBJECT MATTER AREAS (e.g., SUBCLASSES)

US would like to add two paragraphs to this section in order to explain other situations where this section should be used to clarify the subject matter coverage or the relationships between subclasses. There are times when references alone are not enough.

“If the title or definition statement of the subclass being defined utilizes a categorizing phrase (e.g., ‘in general’, ‘or the like’, ‘residual’, or “not otherwise provided for’) when specifying its scope, use of this section is essential for clarifying relationships with other closely related subclasses. The use of this section is compulsory when the title(s) of one or more of the closely related subclasses also use a categorizing phrase (e.g., the relationship between a ‘general’ subclass and a related ‘not otherwise provided for’ subclass), since the exact coverage of both subclasses is difficult to determine.

This section may be divided using subheadings based on either the different types of invention information covered by distinct parts of the title of a classification place or different ‘categories of subject matter’ covered by a classification place.”

LIMITING REFERENCES

Since there may be cases where a group rather than a subclass is defined, the addition of a paragraph stating the following would be helpful:

“When the limiting references for a group include both references to places within its subclass and references to places in other subclasses, they are divided into two separate lists within their section of the definition. References pointing to places in the same subclass are listed first under the section heading in the alphanumerical order of their classification symbols. References pointing to classification places in other subclasses are separated and listed after the internal subclass references in the alphanumerical order of their classification symbols”.

In paragraph 7, US suggests limiting the 1st sentence to “Subclass definitions should include in this section ---”.

US suggests deleting paragraph 5 as it is currently worded and replacing it for clarity with the following paragraph:

“References from a place covering technical subject matter when it is general (function-oriented) to places covering this same type subject matter when it is application-oriented should appear in this section. The references can be grouped together under subheadings when useful that specifies the type of subject matter shared by the classification places (e.g., for subclass F16C the subheading ‘Bearings’).

US suggests deleting paragraph 6 as it is currently worded and replacing it for clarity with the following paragraph:

“References from a place covering technical subject matter when it is residual (defined as such by the title or the definition statement) to places covering this same type subject matter when it is non-residual should appear in this section. The references can be grouped together under subheadings when useful that specifies the type of subject matter shared by the classification places (e.g., for subclass B60R the subheading “Vehicles”).”

We have suggested the alternative wording for paragraphs 5 and 6 due to the fact that different parts of a subclass title are frequently ‘general’, ‘residual’ or ‘applications’ with only particular parts of other subclasses.

In paragraph 7, US suggests changing “big” to “large”. Also, we would like to add a statement to paragraph 7:

“All of the subheadings used should be distinct from each other and any reference to a particular classification place should be listed only once in the limiting reference section.”

INFORMATIVE REFERENCES

Since there may be cases where a group rather than a subclass is defined, the addition of a paragraph stating the following would be helpful:

“When the informative references for a group include both references to places within its subclass and references to places in other subclasses, they are divided into two separate lists within their section of the definition. References pointing to places in the same subclass are listed first under the section heading in the alphanumerical order of their classification symbols. References pointing to classification places in other subclasses are separated and listed after the internal subclass references in the alphanumerical order of their classification symbols”.

In paragraph 2, US suggests modifying the first sentence to “Subclass definitions should include in this section only informative references ----”.

SPECIAL RULES OF CLASSIFICATION

US believes the title of this section should now be “GENERAL OR SPECIAL RULES OF CLASSIFICATION”

US suggests deleting paragraph 1 as it is currently worded and replacing it for clarity with the following paragraph:

“For subclass definitions this section contains the general classification rules, such as the last place priority rule, of the subclass or several main groups.”

US suggests changing the 2nd paragraph to “Special classification rules, which affect only one main group within a subclass, are stated in its definition.”

GLOSSARY AND SYNONYMS AND KEYWORDS

US believes the borderline drawn between what is included in the ‘Glossary’ versus what is in the ‘Synonym and Keyword’ list is confusing. We believe the glossary should contain **any** terms that are defined in the scheme or definitions. We believe all useful synonyms and keywords whether found in definitions, patent documents, or literature should be placed under the synonym and keyword section.

To reduce confusion, we recommend deleting the last sentence of paragraph 1 and changing paragraph 2 to “This section may include explanations of the meaning of such terms when they are useful for translation purposes.”

[End of Annex II and of document]