

# WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

SPECIAL UNION FOR THE INTERNATIONAL PATENT CLASSIFICATION  
(IPC UNION)

IPC REVISION WORKING GROUP

Ninth Session

Geneva, June 2 to 13, 2003

ELABORATION OF A STANDARDIZED APPROACH TO CLASSIFYING OF  
CHEMICAL MIXTURES OR COMPOSITIONS

*Document prepared by the Secretariat*

1. At its eighth session, held in December 2002, the IPC Revision Working Group agreed that a standardized approach to classifying of chemical mixtures or compositions and their ingredients should be elaborated. Sweden was invited to submit a proposal concerning a standardized note which could be applicable as a basis for the classification of chemical mixtures or compositions.
2. Annex I to this document contains the proposal submitted by Sweden. Annexes II to VII contain comments submitted by Japan, Romania, the Russian Federation, the United Kingdom, the United States of America and the European Patent Office (EPO), respectively, and finally, Annex VIII contains a rapporteur report submitted by Sweden.
3. *The Working Group is invited to consider the standardized note for the classification of chemical mixtures or compositions contained in Annex VIII to this document.*

[Annexes follow]

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## ANNEX I

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# Swedish Patent and Registration Office

Conversion of indexing schemes

January 14th, 2003

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## PROPOSAL FOR STANDARDISED NOTE (as invited by IPC/WG/8)

We propose the following note to be used when converting double-purpose schemes that have been used in order to identify ingredients of mixtures or compositions:

**In groups <xxx to xxx>, in the absence of an indication to the contrary, <"a subcombination"> is classified in the last appropriate place. <"A piece of combined subject matter"> containing two or more <"subcombinations"> is classified in the last of groups <xxx to xxx> that provides for one of those <"subcombinations">. It is desirable to enable searching for <"Combined subject matter"> using classification symbols of more than one of <"its subcombinations">. In order to achieve this, <"subcombinations"> that are not identified by the classification described above may be indicated by additional classification.**

### Explanation of the proposed standardised note:

- The proposed note is made as general as possible. In the chemical field a "subcombination" is of course an ingredient or a component, while "a piece of combined subject matter" is a mixture or a composition.
- Singular is preferred over plural in the first and second sentences, since it appears clearer. The proposed wording can not be misunderstood to mean that several alternatives should only be classified in one place.
- We propose to add a short sentence describing why it is desirable to classify "other" subcombinations. We think it is useful to make this a bit more informative than the usual "of interest" phrase.
- The proposed note should when possible replace both the "last place rule note" and the "indexing note", since the two are so intimately related. However, it is realised that other solutions will be necessary in some cases.

### Example for A01N (replacing notes (2) and (10) before 25/00):

- (2) In groups 27/00 to 65/00, in the absence of an indication to the contrary, an active ingredient is classified in the last appropriate place. A composition containing two or more active ingredients is classified in the last of groups 27/00 to 65/00 that provides for one of those active ingredients. It is desirable to enable searching for compositions using classification symbols of more than one of their components. In order to achieve this, components that are not identified by the classification described above may be indicated by additional classification in groups 25/00 to 65/00.

**Observations regarding the existing notes before A01N 25/00:**

- The last place rule is only applied for active ingredients, not for the matter covered by 25/00. This means that the standardised note can not be applied exactly as proposed above, at least not if the exact meaning of the two existing notes is to be preserved.
- Note (9) is a definition of what is to be considered as an active ingredient. Despite the doubts expressed by some delegates at WG/8 we do not think it is relevant for the application of the last place rule or for multiple classification.

Anders Bruun  
Carolina Gómez Lagerlöf

[Annex II follows]

## ANNEX II

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**Japan Patent Office**

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February 14, 2003

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**Project: Standardised note**

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**Conversion of indexing schemes  
JP Comments on SE proposal Dated January 14, 2003**

We generally support the standardized note proposed by SE.

However, we do not think the standardized note should be adopted in F16H (H031) where the last place rule is not appropriate. Discussion in detail will be continued in the project H031.

**(1) F16H 59-63**

We think the notes discussed in Project H031 are preferable to the "standardised note." The last place rule is not appropriate for the scheme in this area. The object to index additional symbols in this area is to classify the subject matters relating to control inputs to change-speed gearing into F16H 59 and those relating to types of gearing in F16H 61/66-70.

**(2) F16H 48/00**

We also propose to delete the existing Notes (1) and (2) after 48/02. Although it is found that Note (1) shows the adoption of the last place rule, the structure of F16H48/00 and its subdivisions is inappropriate for the rule.

Note (2) will not be necessary, because double-purpose use of the scheme will be abolished and converted to the classification as additional information, which means people just follow the principle of the IPC and no special note is necessary.

[Annex III follows]

ANNEX III

**STATE OFFICE FOR INVENTIONS AND TRADEMARKS**

**Date** : 19, February 2003 **Page**: 1

**RO COMMENTS**

**Subject : Conversion of indexing schemes/ Standardized note**

Re: SE proposal for standardized note

We support EP proposal for the standardized note as being more clear and easy to use.

We consider that, the terms used in that notes referring to active ingredients, ingredients per se, active component, essential constituent etc. must be adapted in the notes depending on technical subjects the subgroups refer to. For example, in C08F 210/00 to 238/04 the term active component or constituent is more adequate than active ingredient since the polymers and the copolymers are chemical compounds, not physical or physico-chemical mixtures.

Mirela Georgescu

[Annex IV follows]

ANNEX IV

**FEDERAL INSTITUTE OF INDUSTRIAL PROPERTY**

<b>RU comments</b>		
<b>Subject:</b>	<b>Conversion of indexing schemes / Standardised note</b>	<b>Date: 17.02.2003</b>

Re: SE proposal for standardised note

We believe that all ingredients of the mixture which are determined to be invention information should be indicated by obligatory classification. Particularly it concerns subclasses A01N and A61K. So we support EP proposal for the standardised note.

E. Brill  
M. Sobolev

[Annex V follows]

## ANNEX V

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**UK Patent Office****Date: 27 February 2003**

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**GB Comments on: Conversion of Indexing Schemes / Standardised note for mixtures or compositions**

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We thank SE for their original proposal of 14 January 2003, but support the EP and US counterproposals of 12 and 14 February, which appear clearer and easier to use. However we recommend minor modifications. Taking the US-modified EP proposals:

**Standardised Note**

In Notes (1) and (2), we agree with US that “<last or first> appropriate place” should be mentioned, just in case such mixtures do exist in first place rule areas.

In Notes (3) and (4), we prefer the US wording of “compounds **already classified** according to Note ...”, rather than “identified by the classification ...” - it sounds better in English.

In Notes (3) and (4), we prefer not to see the expression “compound **per se**” (proposed by US). This reminds us of organic compound subclasses such as C07C, and is likely to confuse the user.

We feel that the word “compound” is a little restrictive in this context since mixtures or compositions may have individual constituents or ingredients that can be defined more widely than just “compounds”. We suggest that the word “constituent” or “ingredient” should be included; we note that US like “ingredient”. See our proposal below.

**US Comments on EP’s A01N proposal**

We agree with US, apart from wanting “per se” deleted.

**US proposal for a General Purpose Note**

We agree.

**GB Proposal**

- (1) In groups - - - - - to - - - - - , in the absence of an indication to the contrary, a <compound or ingredient> is classified in the <last or first> appropriate place.

- (2) A <composition, i.e. a mixture of two or more compounds or ingredients> is classified in the <last or first> of groups - - - - - to - - - - - that provides for one of these <compounds or ingredients>.
- (3) A <compound or ingredient in a mixture> which is not already classified according to Note (2), and which is determined to be invention information, must also be classified according to Note (1).
- (4) A <compound or ingredient in a mixture> which is not already classified according to Note (2) or (3), and which is considered to represent information of interest for search purposes, may also be classified according to Note (1).

Martin Price

[Annex VI follows]



## ANNEX VI

<b>United States Patent and Trademark Office</b>	
<b>WIPO Revision Working Group</b>	
<b>Topic: US comments on PROPOSALS FOR STANDARDISED NOTE</b>	<b>Date: February 14, 2003</b>

**General Comments**

US supports EP's counterproposal (12, February 2003) for a "standardized note", but recommends some minor changes in the comment sections below. In our opinion, EP's proposal takes into account the essential features of SE's proposal (14, January 2003) as well as the standardized wording adopted by the 8<sup>th</sup> Reform WG and is clear and easy to follow.

US agrees with EP that Note (3) may not be needed since this rule is part of the approved "What to Classify" guidelines. However, until users get more familiar with these guidelines, it cannot hurt to include this information.

US also agrees with EP that Note (4), as previously worded, could lead to overpopulation of search groups. However, with EP's addition of the phrase "which is considered to represent information of interest for search purposes", we believe overpopulation will be less likely to happen.

US also agrees with EP, that this "standardized note" will definitely need to be amended in certain cases and should not be considered "set in stone".

**Comments on EP's General Chemical Proposal**

Concerning Notes (1) and (2), US is not certain that the language "last" appropriate place will always be the case in the future. We would prefer the use of "<last or first>" or some other way to show that this item has alternatives.

In Notes (3) and (4), US suggests changing the first part of the notes to "A < compound per se, of a mixture, >" to make it clear that we are classifying individual compounds and not the mixtures in part or as a whole in these two notes. US also recommends replacing the phrase "identified by the classification" with "already classified".

*EP's Proposal with US recommendations in bold, colored, italics*

- (1) In groups ----- to -----, in the absence of an indication to the contrary, a <compound> is classified in the *<last or first>* appropriate place.
- (2) A <composition, i.e. a mixture of two or more compounds> is classified in the *<last or first>* of groups ----- to ----- that provides for one of those <compounds>.
- (3) A < compound *per se, in of* a mixture, > which is not ~~identified by the classification~~ *already classified* according to note (2), and which is determined to be invention information must also be classified according to note (1)

(4) A < compound *per se*, ~~in~~ *of* a mixture, > which is not ~~identified by the classification~~ *already classified* according to note (2) or (3) and which is considered to represent information of interest for search purposes, may also be classified according to note (1)

#### **Comments on EP's A01N proposal**

US suggests using uniform wording in all four notes when specifying an ingredient (or component) in a composition. We suggest changing Notes (3) and (4) from “component” to “ingredient” to be consistent with Notes (1) and (2). In addition, based on the comments above, we suggest the following modified wording for Notes (3) and (4).

*(3) An ingredient per se, of a composition, which is not already classified according to note (2), and which is determined to be invention information must also be classified according to note (1).*

*(4) An ingredient per se, of a composition, which is not already classified according to note (2) or (3) and which is considered to represent information of interest for search purposes, may also be classified according to note (1).*

#### **US proposal for a General Purpose Note**

We suggest using EP's proposed language for the chemical version of the notes with some of the language used in SE's proposal to create a more general version of the note that can be used in other technologies. We recommend substituting “combination” in place of “mixture or composition” and “subcombination” in place of “component, compound, or ingredient”. In place of “compound of a mixture”, we believe that “subcombination of a combination” could be used. Since combination and subcombination are defined in the glossary of the reformed IPC, they will be known standard terms.

[Annex VII follows]

## ANNEX VII

**Subj.:                    Conversion indexing schemes / Standardised note**

Re.: SE proposal for standardised note (14-01-03)

**1. Comments.**

In the counter proposal below, we tried to combine the SE proposal with the standardised wording for notes specifying multi-aspect classification, resp. for obligatory and non-obligatory classification, as adopted by the Ref WG in its last session (see IPC/REF/8/2, p.3, par. 10).

For an easier understanding (by chemists), the "chemical version" of the standardised note is presented. The parts between "< >" can be replaced by other "pieces of subject matter". The glossary of the reformed IPC will define the terms used (compound, ...)  
Also for an easier understanding we propose a multi-part note.

Note (3) actually only relates to general IPC classification practice (each piece of invention information has to be classified) and thus might be omitted in a number of cases. On the other hand notes (3) and (4) are complementary.

In some cases, classification according to part (4) of this proposal might preferable not be done to avoid overpopulation of search groups.

In conclusion, as we are trying to formulate a "standard" note, while in different places different philosophies and/or needs exist, the WG should receive sufficient freedom to amend the finally adopted version of the standardised note, according to the specific needs in each case.

We tested our own proposal for the H-projects for which EP is rapporteur. In some cases adaption was needed because of the specific situation in the field, but in general we think our proposal will work well. To illustrate this we add an example (see point 3.)

**2. Proposal**

## Notes

(1) In groups ----- to -----, in the absence of an indication to the contrary, a <compound> is classified in the last appropriate place.

(2) A <composition, i.e. a mixture of two or more compounds> is classified in the last of groups ----- to ----- that provides for one of those <compounds>.

(3) A <compound in a mixture> which is not identified by the classification according to note (2), and which is determined to be invention information must also be classified according to note (1)

(4) A <compound in a mixture> which is not identified by the classification according to note (2) or (3) and which is considered to represent information of interest for search purposes, may also be classified according to note (1)

**3. Example.            Project: H002    Subclass: A01N**

EP proposal:

- (1) In groups 27/00 to 65/00, in the absence of an indication to the contrary, an active ingredient is classified in the last appropriate place.
- (2) A composition containing two or more active ingredients is classified in the last of groups 27/00 to 65/00 that provides for one of those active ingredients.
- (3) A component in a composition which is not identified by the classification according to note (2), and which is determined to be invention information must also be classified according to note (1).
- (4) A component in a composition which is not identified by the classification according to note (2) or (3) and which is considered to represent information of interest for search purposes, may also be classified according to note (1).

Anne Glanddier / Paul Daeleman

[Annex VIII follows]

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# Swedish Patent and Registration Office

Conversion of indexing schemes

March 20th, 2003

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## RAPPORTEUR REPORT ON STANDARDISED NOTE (as invited by IPC/WG/8)

SE was invited to submit a proposal for a standardised note to be used for conversion of double-purpose indexing schemes that are used for identifying ingredients of mixtures or compositions. This proposal was submitted on January 14th.

Comments have been received from EP (February 12th), US (February 14th), JP (February 14th), RU (February 17th), RO (February 19th) and GB (February 27th).

EP submitted a counterproposal, which is more adapted for the chemical field and uses wording that more exactly repeats the agreed standard wordings for obligatory and non-obligatory classification. The EP counterproposal also adds a fourth note (note 3), which does not relate to the conversion of indexing, but to general IPC practice of classifying inventive subcombinations. US supported the EP counterproposal, but proposed some changes, mainly for enabling the use of the note in first-place rule areas and adding the words "per se". US also suggested making a general note that can be used in fields other than chemistry. JP generally supported the SE proposal, but stated that it should not be applied in F16H. RU and RO supported the EP counterproposal. GB supported the notes proposed by EP and US, but made some proposals for improvements.

Rapporteur thinks the US proposal of both a chemical version and a general purpose version of the notes is a good idea. The immediate need is for a chemical version, since the big majority of indexing schemes to be converted are in the chemical field. However, a general version will be good for the future. Rapporteur suggests that the general version addresses both the first and the last place rules, but that the chemical version only mentions the last place rule.

### **Chemical version:**

#### **Note (1)**

Rapporteur suggests using the GB version, which is less restricted than the others since it talks about "*compounds or ingredients*". It of course has to be born in mind that these words will be replaced by relevant expressions in the place where the notes will be applied.

#### **Note (2)**

Rapporteur suggests using the GB version, which is less restricted than the others since it talks about "*compounds or ingredients*".

### Note (3)

- US propose adding the expression "*per se*", to which GB objects. Rapporteur thinks "*per se*" is too restrictive, since it is more limited than what is stated in the "Guidelines on What to Classify", which say that "*whenever a part of an "inventive thing" is determined to also be novel and unobvious, that part should also be classified*". Basic compounds per se are not the only relevant "parts" of a mixture - it could be argued that "sub-mixtures", that is "the whole mixture except one or more ingredients", are just as relevant.

Take the example of a novel and inventive mixture of known compounds, which in addition contains an additive. If the additive is the ingredient classified according to the last place rule, then the mixture without that additive, even though novel and inventive, can not be given further obligatory classifications, since all its compounds are known per se.

Rapporteur proposes to use "parts" of compositions, rather than "compounds or ingredients". This might look like an overcomplication, but it appears necessary in order to completely reflect the guidelines on what to classify.

"*A compound per se*" means "*a compound in itself, as opposed to a combination of which it is a part*" (see paragraph 40 of the Guide). It seems strange to use these words, since the whole point of the proposed notes is classification of mixtures. Rapporteur also tends to agree with GB that "compounds per se" implies classification in the compound areas of section C, rather than in the application places where the proposed notes will occur.

- US and GB propose "*a compound ... not already classified*", while SE and EP propose "*a compound ... not identified by the classification ...*". Rapporteur thinks the SE/EP version is more correct, since the compound mentioned in note (3) is not necessarily the same as the one mentioned in note (2). It could be a different one, that is nevertheless classifiable in the same group, and then a second classification in the same group would be incorrect.
- **However, the important thing is to consider whether note (3) is desirable at all.**

A majority of the comments supported it, but in Rapporteur's opinion it might give more confusion than help. It is also not immediately related to the problem of converting hybrid systems. In Rapporteur's opinion it has to be worded very carefully in order to avoid misunderstanding and still be in line with the guidelines for what to classify. Rapporteur thinks it would be better to use the expression "novel and non-obvious" instead of "invention information".

### Note (4)

- The first two questions mentioned in relation to note (3) are also relevant for note (4).
- The SE proposal contained an example of when "other" ingredients are "of interest for search purposes". Rapporteur thinks that such an example would be helpful, especially to classifiers who are not experts in searching.

- When testing the proposed notes on real examiners it was noted that the distinction between "must" and "may" is not obvious to uninformed users, or perhaps even noticed. It should be considered whether a sentence should be added, saying that the non-obligatory classification should be given as "other information". Anyway, the Guide to the next edition must be very clear on these matters.

Anders Bruun  
Carolina Gómez Lagerlöf

**Rapporteurs' proposal (chemical version)**

- (1) In groups < - - - >, in the absence of an indication to the contrary, a <compound or ingredient> is classified in the last appropriate place.**
- (2) A <composition, i.e. a mixture of two or more compounds or ingredients> is classified in the last of groups < - - - > that provides for one of these <compounds or ingredients>.**
- (3) A part of a <composition> which is not identified by the classification according to note (2), and which itself is determined to be novel and non-obvious, must also be classified according to the relevant of note (1) or (2). The part can be either a single <compound or ingredient> or a <composition> in itself.**
- (4) A part of a <composition> which is not identified by the classification according to note (2) or (3), and which is considered to represent information of interest for search, may also be classified according to the relevant of notes (1) or (2). This can for example be the case when it is considered of interest to enable searching of <compositions> using a combination of classification symbols. Such non-obligatory classifications should be given as "other information".**

**Rapporteur's proposal, applied to A01N:**

- (1) In groups 27/00 to 65/00, in the absence of an indication to the contrary, an active ingredient is classified in the last appropriate place.
- (2) A composition containing two or more active ingredients is classified in the last of groups 27/00 to 65/00 that provides for one of these active ingredients.
- (3) A part of a composition which is not identified by the classification according to note (2), and which itself is determined to be novel and non-obvious, must also be classified according to the relevant of note (1) or (2). The "part" can be either a composition in itself or a single active ingredient.
- (4) A part of a composition which is not identified by the classification according to note (2) or (3), and which is considered to represent information of interest for search, may also be classified according to the relevant of notes (1) or (2). This can for example be the case when it is considered of interest to enable searching of compositions using a combination of classification symbols. Such non-obligatory classifications should be given as "other information".

**Rapporteurs' proposal (general version)**

- (1) In groups < - - - >, in the absence of an indication to the contrary, a <subcombination> is classified in the <first/last> appropriate place.**
- (2) A <combination of subcombinations> is classified in the <first/last> of groups <- - - > that provides for one of its <subcombinations>.**



- (3) A <subcombination of a combination> which is not identified by the classification according to note (2), and which is determined to be invention information, must also be classified according to the relevant of note (1) or (2).**
- (4) A <subcombination of a combination> which is not identified by the classification according to note (2) or (3), and which is considered to represent information of interest for search, may also be classified according to the relevant of notes (1) or (2). This can for example be the case when it is considered of interest to enable searching of <combinations> using a combination of classification symbols. Such non-obligatory classifications should be given as "other information".**

[End of Annex VIII and of document]