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ASSEMBLY

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RETURNING THE PREPARATORY IPC REVISION WORK
TO THE IPC COMMITTEE OF EXPERTS

Memorandum by the International Bureau

BACKGROUND

1. In October 1977, the WIPO Permanent Committee on Patent Information (PCPI) was established by decision of the Executive Committee of the Paris Union and the Coordination Committee of WIPO, in order to coordinate the PCT (Patent Cooperation Treaty), IPC (International Patent Classification) and (former) ICIREPAT activities (see documents AB/VIII/5 and AB/VIII/16, paragraphs 117 to 127). The main objective was to encourage and institute--in all matters concerning patent information--close cooperation among the States, among the Unions, and among the States, the Unions and the International Bureau, and to simplify the then existing structure of intergovernmental committees, subcommittees and working groups.

2. At its fifth session, in September 1978, the IPC Committee of Experts decided to entrust the PCPI with the planning and organization of the future revision of the International Patent Classification (IPC) and expressed confidence in the PCPI making appropriate recommendations to the IPC Committee of Experts (see document IPC/CE/V/11, paragraph 96). The main goals to be achieved were, on the one hand, to streamline the revision of the IPC and make the revision work more efficient--a goal that was to be achieved by transferring the revision work from the five IPC Working Groups that existed at that time to one newly created working group--and, on the other hand, to promote interest in the use of the IPC and its further development among States not members of the IPC Union--a goal that was to be achieved by carrying out the revision work in a working group of the PCPI, namely, the PCPI Working Group on Search Information.

3. The mandate of the PCPI Working Group on Search Information was to carry out the IPC revision work on the basis of a revision program laid down by the PCPI, and to deal with tasks concerning search file organization and maintenance, including search system development. The amendments to the IPC approved by the said Working Group were forwarded directly to the IPC Committee of Experts. Other conclusions and recommendations of the Working Group were considered by the PCPI Working Group on Planning, and most often by the PCPI itself, before being put before the IPC Committee of Experts.

4. When the PCPI was transformed, in December 1985, into the WIPO Permanent Committee on Industrial Property Information (PCIPI), the said Working Group was continued, under this new Permanent Committee, with the same mandate.

5. The Working Group on Search Information held its first session in February 1979. The Working Group has held altogether 30 sessions; each one of a two-week duration. Four States not members of the IPC Union have participated in 11 of the sessions of the Working Group, namely, Canada (five times), the Republic of Korea (three times), Romania (three times) and Tanzania (once). Since July 1, 1991, Canada is using the IPC as its sole classification system. Canada and Romania are studying the possibility of acceding to the Strasbourg Agreement Concerning the International Patent Classification.

PROPOSALS BY THE INTERNATIONAL BUREAU

6. The International Bureau proposes that:

(a) the revision of the IPC be carried out in a working group to be created under the IPC Committee of Experts, whose members would be all the States members of the IPC Union. The working group would have a mandate and working procedures that are identical with those that the PCIPI Working Group on Search Information has today. It is expected that the delegates attending the sessions of the new (IPC) working group would be the same as those attending the sessions of the PCIPI Working Group on Search Information. This, together with the intention of the International Bureau to keep the PCIPI Executive Coordination Committee informed in detail of the progress in the revision work, would mean that, in practice, the liaison between the said working group and the PCIPI bodies would be as good as now;

(b) the selection of IPC revision requests be made by the IPC Committee of Experts on the basis of the criteria laid down by the PCIPI Executive Coordination Committee (see the Annex to this document);

(c) IPC matters closely related to the matters concerning industrial property documentation and information that are the responsibility of the PCIPI--in particular those related to the matters referred to in Article 1(1)(vii) (development of systems and methods for the purposes of indexing, classifying and coding patent documents) and (viii) (extracting, storage and retrieval of the bibliographic data of industrial property documents) of the Organizational Rules of the PCIPI--be dealt with, as at present, by the PCIPI Executive Coordination Committee or the PCIPI Working Groups;

(d) the IPC Committee of Experts be invited to decide in a general way, in accordance with Rule 8(2) of the General Rules of Procedure of WIPO, that any member of the PCIPI Executive Coordination Committee not being a member of the IPC Union and any country or organization having the right to attend the sessions of the PCIPI Executive Coordination Committee as an observer be invited to be represented by observers at the sessions of the IPC Committee of Experts and at the sessions of the new working group.

7. The International Bureau's proposals are put forward for the following reasons:

(a) Carrying out the preparatory revision work in a working group of the IPC Committee of Experts would create an organizational structure which would reflect the current situation, since the PCIPI Working Group on Search Information, which in practice exclusively deals with the revision of the IPC and matters directly related to the revision work, forwards the amendments to the IPC approved by it directly to the IPC Committee of Experts. Further, any questions of a technical nature which at present are raised by the said PCIPI Working Group are handled by the IPC Committee of Experts, which possesses the necessary expertise. Also, carrying out the revision work as proposed is expected to simplify the work of the International Bureau, since there would be a more direct link between the IPC Committee of Experts, which is responsible for the revision and further development of the IPC, and the working group responsible for the preparatory revision work.

(b) re paragraph 6(b), above - The selection of the IPC revision requests will in future be made according to strict quantitative criteria, except in respect of requests which concern X-notations or relate only to the clarification of wordings (see the Annex to this document). However, the possibility will exist to accept, in the selection process, revision requests not meeting the criteria referred to above, provided that the proposing office has given persuasive reasons justifying the proposed revision. For such revision requests, it can be expected that discussion of the merits of the proposals from a technical point of view will be necessary in order to take a decision, in which case the IPC Committee of Experts, because of its greater expertise in such matters, would be better placed than the PCIPI Executive Coordination Committee.

(c) The second goal referred to in paragraph 2, above, namely, to broaden interest in the use of the IPC and its further development to States not members of the IPC Union, has not been achieved to the extent expected (only four States not members of the IPC Union have taken advantage of the possibility of participating in sessions of the PCIPI Working Group on Search Information; see paragraph 5, above). However, the possibility for States not members of the IPC Union to follow the IPC revision work by attending in an observer capacity the sessions of the working group which would be created under the IPC Committee of Experts (see paragraph 6(d) of the International Bureau's proposal) would equally well serve the achievement of that goal, in particular since the said proposal extends this possibility to the sessions of the IPC Committee of Experts itself.

8. Attention is drawn to the fact that the former PCPI at its first extraordinary session, in April 1987, considered whether the revision work should be returned to the IPC Committee of Experts and decided against such a move (see documents PCPI/XI/2, paragraph 43, and PCPI/XI/4, paragraph 17). However, the said consideration was made in the light of the then existing, unnecessarily cumbersome and slow process of selecting and working on the revision requests, and in the course of examination of proposals for simplifying the structure and streamlining the procedures of the PCPI (which examination led to the transformation of the PCPI into the PCIPI). Since the context within which the present proposals are made is quite different, the reasons for the decision taken in 1987 are no longer valid under the changed circumstances.

9. The Assembly of the IPC Union is invited to adopt the proposals made in paragraph 6, above.

[Annex follows]

ANNEX

CRITERIA FOR THE SELECTION OF IPC REVISION REQUESTS

adopted by the PCIPI Executive Coordination Committee
at its twelfth session

(see document PCIPI/EXEC/XII/10, paragraph 39 and Annex III)

The PCIPI Executive Coordination Committee has agreed:

1. that new requests for revision of the IPC should be divided into three categories, namely:

A: X-notations;

B: requests proposing revision that only relates to the clarification of wordings, in order to facilitate their interpretation or to improve consistency in classifying;

C: other requests.

2. that:

(a) revision requests belonging to category A or B should be selected without applying any quantitative criteria and be directly forwarded to the PCIPI Working Group on Search Information for action;

(b) revision requests belonging to category C should be selected, when appropriate, according to:

(i) the size of the PCT minimum documentation (as defined in Rule 34 of the the PCT Regulations) in the EPODOC file, for which the IPC groups proposed to be amended should contain at least an average of 300 patent documents (with one document per patent family) per group, and

(ii) the growth of the above-mentioned PCT minimum documentation for which, during the most recent year for which statistics are considered, at least 100 patent documents (with one document per patent family) should have been added (as an average) in each IPC group proposed to be amended;

(c) revision requests belonging to category C but not meeting the criteria set forth under (b), above, should be selected when the proposing office has given persuasive reasons justifying the proposed revision, for example, in respect of proposals for overcoming problems where the current IPC permits classification of a given subject matter but makes searching for relevant state of the art difficult.

3. to instruct the PCIPI Working Group on Search Information to:

(a) avail itself of the possibility to refer back to the PCIPI Executive Coordination Committee for reconsideration any revision project that in the course of the revision significantly breaches the above-mentioned selection criteria or goes beyond the initial scope of the project;

(b) bear in mind, when creating new groups, that as an average 100-150 patent documents (with one document per patent family), from the above-mentioned PCT minimum documentation, are expected to be covered by each such new group.

[End of Annex and of document]