

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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

COMMITTEE OF EXPERTS

**Twenty-Eighth Session
Geneva, March 1 to 5, 1999**

RECOMMENDATIONS OF THE ADVANCED IPC SEMINAR AND THE TASK FORCE

Document prepared by the International Bureau

1. Annexes 1 to 8 to this document contain proposals regarding implementation of the recommendations of the Advanced IPC Seminar, submitted by the following members of the Task Force established by the Seminar: Germany, Japan, Portugal, Russian Federation, Spain, Sweden, United Kingdom, United States of America.

2. Annex 9 to this document contains a plan of action for implementation of the recommendations of the Seminar elaborated by the International Bureau on the basis of the proposals submitted.

3. *The Committee of Experts is invited to adopt the plan of action proposed in the said Annex 9.*

[Annexes follow]

ANNEX 1/ANNEXE 1

DEUTSCHES PATENT- UND MARKENAMT German Patent and Trademark Office	IPC Taskforce Date : 18.01.1999
DE - Contribution Comments and Proposals	

Re: Document IPC/SEM/98/11 (Report), paras. 24 to 27 and 34

Introduction

If the IPC should survive in the new millennium, i.e. in the electronic age, it is necessary to undertake some modifications in the revision policy and revision procedure. Along that the IPC Advanced Seminar has put down a list of recommendations which had to be further elaborated.

The comments and proposals are made on the basis of the paras. 24 to 27 of the report, document IPC/SEM/98/11.

IPC general structure and principles

As to par. 24 a)

It seems to be necessary having a transitional revision period to prepare the IPC, its policy and revision, for the next millennium, i.e. for the electronic age.

As to par. 24 b)

Indeed, the IPC revision policy has to be adapted to the new electronic circumstances. Since fundamental changes are concerned the modification of the IPC Revision Policy as proposed by Netherlands Industrial Property Office should be considered and elaborated by a working group (WG).

As to par. 24 c)

We appreciate very much illustrating the IPC entries by examples. The IPC will then become more user-friendly.

Par. 26 d) "Introduce in IPC entries more technical terms illustrating the contents of the entry". seems to be in close relation with this paragraph, One could imagine adding the technical term by "e.g.". We think this subparagraph should be better placed under paragraph 24.

Both actions will increase the consistency in the application of the IPC (see also par. 24 g).

As to par. 24 d)

We feel it necessary creating such a Working Group, therefore the IPC/Committee could do it at its next meeting.

As to par. 24 e)

The last place rule and the precedence references were introduced in the IPC to limit the paper search file. Because of the increase and unlimitedness of electronic search files these restrictions are no longer needed. But such a decision cannot be taken ad hoc it has to be investigated by a WG.

As to par. 24 f)

In view of the increasing use of databases and the change from paper search files to electronic search files we feel it necessary that indexing codes should become obligatory. Moreover, the introduction of indexing schemes which can also be universally used should be considered.

As to par. 24 g)

In relation with this paragraph we see also the revision of the Guide in the light of clear wording and instructions in order to apply the IPC correctly.

Revision period and implementation of the results of the revision

As to par. 25 a)

Because of the rapidly increasing development, the present situation, i.e. the five years period, does not fulfil the needs neither of the searcher nor of the classifier.

A three years period would pay regard to the technological development, i.e. finished projects covering new technology would then earlier be available.

It should be considered whether intermediate issuing of adopted entries (approved by IPC/CE), e.g. every year, would improve the use of the IPC as search tool. Of course, these entries can only be semi-official.

As to par. 25 b)

At present there is no co-operation at all between the IPC/Committee and the SCIT. Both bodies should get at least information from each other about planning and results. This could be reflected in the agenda of the meeting of each body.

As to par. 25 c), d)

Both items can only be elaborated by a WG

Revision procedure

As to par. 26 b)

To accelerate revision work the rapporteur's mandate should be enhanced, e.g. the rapporteur should be authorised to ask for further comments. It should be the task of the rapporteur to say when a project is ready to be discussed in a meeting. We think only those projects should be put on the agenda of a meeting which "*are almost ready for adoption*". This would improve the effectiveness of the meeting.

As to par. 26 c)

Besides that, the Working Group for IPC Revision should also be given the competence for

- extending the scope of running projects
- determining the number of projects to be dealt with in one session.

As to par. 26 e)

This recommendation has to be elaborated by a WG.

Introduction of entries for novel technology should have priority over further subdivision of existing groups. The latter should be handled with care when revising.

In relation with this recommendation we think "the Criteria for the Selection of IPC Revision Projects" should be reconsidered since for an electronic search file it is not urgent to revise an entry if it contains more than 300 documents.

As to par. 27 a)

This item has to be seen in particular with respect to not satisfactorily classified PCT documents.

As to par. 27 b)

Improved IPC training should not be limited to developing countries but should also include the "established" Patent Offices.

General Outlook

Finally we like to suggest that the session work should be supported by modern means, e.g. by computer and projector for displaying the screen on the wall. Proposals could then be displayed at once, results easier be obtained, e.g. by comparison with the existing wording and approved of. By this it would be easier to focus on the core of the problems We believe that such means would improve the work during the session.

[Annex 2 follows/
L'annexe 2 suit]

ANNEX 2/ANNEXE 2

January 13, 1999
 Shin Ueno
 Director, R&D Office
 for Patent Information
 Japanese Patent Office

JP Proposal

Introduction

1. In the IPC advanced seminar held in Newport last December, many Offices pointed out that the existing IPC system had some difficulties as search tool in the electronic age. And all Offices had recognized the existing IPC system did not cope with the electronic documents and electronic search tool. After all, all Offices agreed that a classification system which did not depend on the language, would have an advantage to the word search system and should be developed for the electronic age.
2. First of all, let's check the situation what kind of search tool could use for the patent documents published by each office at present. And after that, look for the solutions to the difficulties in the electronic age that almost all documents were digitized. Through this process, the way to get the solution for the existing IPC system i.e. revision period, indexing system e.t.c. will automatically appear.

Number of Patent documents in 1996 and Non-IPC search tool for them

3. Fig.1 is the list of top 10s for the number of A-publication which was made from the WIPO statistics for the patent application in 1996. (US : grant, JP: almost all had published as PAJ)

IP/STAT/1996/A & PCT statistics(1996)

Offices	applications	grants	A-publication		non-IPC search tool
				percent	
<Total>	3613 925	809 414	3501 997		
Japan	401 251	215 100	401251	11.5%	FI, J-term
Germany	155 095	55 444	155095	4.4%	ECLA
United Kingdom	129 353	44 335	129353	3.7%	ECLA
Republic of Korea	113 994	16 516	113994	3.3%	
United States of America	223 419	109 646	109646	3.1%	USC, ECLA
France	98 508	49 245	98508	2.8%	ECLA
European Patent Office	86 614	40 069	86614	2.5%	ECLA
Spain	83 983	19 817	83983	2.4%	
Sweden	83 441	18 983	83441	2.4%	
Italy	80 852	37 935	80852	2.3%	

Fig. 1

4. Fig.1 shows that the office publishing a great volume of patent documents (JPO) and the office using its own classification system (USPTO) have non-IPC search tools (FI and USC), and many kind of documents are covered by ECLA.

Considering the fact that FI which has about 185,000 classification symbols and ECLA which has about 120,000 classification symbols are developing on the IPC, and both have the experiences and open to the public use (Search for Japanese patent documents using FI will open to the public free of charge this March in the Internet) , it will be the most realistic solution that these classifications should be taken account for the development of IPC system.

Difficulties and possible solutions proposed

5. In the last IPC advanced seminar, many Offices pointed out the difficulties and proposed possible solutions as shown in the Table.

(1) Growth of the Documentaion (SE)	Global Indexing (SE) Obligatory Indexing (GB)	<ul style="list-style-type: none"> - Consider the indexing system for a rapid revision procedure - Consider two step revision process for a stability of the IPC system - Support the proposals - Consider the development of the electronic concordance system - Support the proposal - Support the proposal
(2) High cost of Indexing (US)	Automated classification (US)	
(3) Slow reaction to advancing technology (GB)	Shorten revision period (US e.t.c.)	
(4) Long revision period (US)		
(5) Classifications containing too many or too few documents (US)		
(6) Difficulty of reclassification (RU e.t.c.)	Automated classification (US)	
(7) Instability of classification system (EP,JP)	Frozen IPC system (EP) Extend revision period (JP)	
(8) Inconsistent placement of patent documents (US)	Provide rules of placement e.t.c. (US) Investigate automated tools (US)	
(9) Not apply latest complete IPC (GB)		
(10) No use of patent family information (US)		
(11) Not reclassify the backfile of patent documents (US)	Automated classification (US)	
(12) Slow and cumbersome revision process (SE)	Give the rapporteur a more active role (SE)	
(13) No interface between SCIT and the IPC (US)	Establish a close cooperation (US)	

Table

The themes of these solutions can roughly summarize as follows;

- Indexing [(1),(2)],
- Revision period [(3) – (5)]
- Consistency of IPC [(7) – (10)]
- Reclassification [(6),(10)]
- Revision procedure e.t.c. [(12),(13)]

6. These themes should not be dealt with separately because each theme relates to others as pointed out in the Seminar. Then, it is necessary at first to consider the new IPC structure to solve the central problem that the existing IPC is insufficient as a search tool.
7. The simple and obvious solution to the central problem is a creation of appropriate classification entries in case of need. But this solution has some practical difficulties as follows;
 - (a) the difficulty in establishing non-overlapping relations among many other classification entries and in clarifying the definition of the new entries
 - (b) the difficulty for rapid creation of new classification entries in present circumstances like long revision period and slow revision procedure
 - (c) the difficulty for the reclassification in small Offices and for the change of search system in large Offices
8. A possible solution to overcome the difficulty-(a) proposed is the adoption of global indexing system or/and multi-classification system which adopted only in the electronic age. This proposal should be considered for the future IPC system.
9. The difficulty-(b) would be the most basic difficulty which relates to other difficulties, especially has close relation with (c), then should be considered altogether.

The revision period should be short in order to follow the progress of technology, though it needs enough time to examine the relations between new classification entries and the existing IPC, and it is hard to proceed revision process in the existing revision procedure.

On the other hand, some small Offices stated that it was hard to reclassify the search file, and large Offices wanted the stability of IPC system.

In case the revision period is shorter, the needs for the reclassification would be indispensable, and the search system based on the IPC should also be reconstructed frequently.

These show that the contradictory needs exist for the IPC.

[**Proposal**]

Proposals considering above-mentioned difficulties

10. After considering those, it is easy to reach the idea for the future indexing schemes and the revision period.

JPO would like to make the proposals corresponding to the conclusion of the Seminar as follows;

<IPC general structure and principles>

Extend the function of the indexing schemes or reconstruct the indexing schemes including the following detail functions

- Multi-classification schemes
- First entries for the creation of classification entries
- Non-obligatory in general but obligatory for the specific offices, for example, proposing office, rapporteur office in order to accumulate the experience results
- After accumulating sufficient experience, we should consider adopting them for the classification entries

<revision period>

Considering the double structure of the revision period answering the contradictory demands

- Annual revision for new technology as the indexing entries
- Long revision period (over 5 years) for the classification entries

<revision procedure>

Considering a procedure to work the revision project efficiently

- Give a rapporteur more active role as a project leader
- Use the electronic tools for substantial discussions of the project , i.e. e-mail, video conference

[Annex 3 follows/
L'annexe 3 suit]

ANNEX 3/ANNEXE 3

**INPI-INSTITUTO NACIONAL DA PROPRIEDADE INDUSTRIAL
PORTUGUESE INDUSTRIAL PROPERTY OFFICE**

**PROPOSALS IN THE FRAME OF THE TASK FORCE WORKING ON THE
BASIS OF RECOMMENDATIONS FROM IPC ADVANCED SEMINAR**

1. Introduction:

This paper offers our view on certain questions referred to paragraphs 24, 25 and 26 of the report contained in doc.IPC/SEM/98/11. In the Seminar we already gave some opinions, but we are giving now further elaboration. Obviously our views are based in our own experience, as illustrated on the paper titled “The utilisation of IPC in INPI” presented on the Seminar.

2. Duration of Revision Cycles:

In our view, the present cycle duration of five years is too long. We wait too much time for introduction of new improvements. We prefer a revision cycle of three years.

3. System of priorities for new revision proposals:

We defend that the decision of adoption (or not) of revision proposals should lay down on the Committee of Experts and not in any Working Group.

The criteria of adoption should be more qualitative than quantitative: many of good projects in the past didn't fulfil all the quantitative criteria.

Priorities on adopting new IPC revision proposals could be in our opinion:

- 1-Creation of classification places covering new technologies;
- 2-Solving overlapping problems (improve search efficiency);
- 3-Subdivision of existing entries where search is particularly difficult.
- 4-Improve wordings, examples, references.

4. Multiple Classification:

Multiple classification is already in practise in certain Offices. In our opinion it is necessary to regulate and harmonise this procedure, otherwise the file size can increase too much and search efficiency will decrease. What are the areas where this procedure will be implemented is something to be decided. In connection with this item, perhaps we can envisage to revise the IPC Guide on the Chapter “Classification of Technical Subjects of Inventions”.

5. Hybrid Systems:

They are more and more important in IPC. Indexing codes are not obligatory and for the time being we believe this is a good solution. Nevertheless in certain areas of IPC, the user should be aware of the necessity of using indexing codes to achieve fine results.

How to expand and encourage the utilisation of indexing codes is something that should be thought in combination with a more friendly presentation.

6. Ad hoc working group:

Questions as focused in points 4 and 5 should be dealt by this Ad hoc working group. The idea of producing a pamphlet with a questionnaire to be presented to users of IPC seems a very good idea. This will permit to the Committee of Experts find the best policy and procedure for the long term.

Any way this policy cannot forget in our view that IPC is the only classification used world-wide, and for that reason, its revision and improvement is a crucial matter for a largest majority of Offices.

Lisboa,1999-01-15

José Silva Carvalho

[Annex 4 follow/
L'annexe 4 suit]

ANNEX 4/ANNEXE 4

RU PROPOSAL

Having studied all the materials of the Seminar and its recommendations we agree with the main directions of actions proposed in these recommendations (IPC/SEM/98/11). We would like to pay attention to the following items.

24 (a) We consider expedient the introduction of a 3-year transitional revision period (1999-2002). We suppose it to be enough for the solution of the problems of further application of the IPC as a universal global patent classification for enabling efficient searches.

24(b) As to the IPC revision policy statements we support the proposals of the Netherlands Industrial Property Office.

24(c) We think useful the introduction of examples of patent documents (as it done in C 01B 39/14, 39/20, 39/28 etc.), detailed notes or classification definitions for new proposed entries in the IPC electronic version where it is necessary.

25(a) In our opinion the duration of revision cycles can be determined to the end of 3-year transitional revision period taking into account the accumulated experience.

25(c) We are interested in studying automated classification tools and we are ready to participate in pilot project on their use.

25(d) We consider expedient the cooperation between offices in reclassification of backlog patent files and we are ready to exchange reclassification lists.

26, 27 We maintain the recommendations relating to revision procedure and to training in the use of the IPC.

We confirm our intention to take part in the Task Force. And we are pleased to inform you that our representative is Mr. Gennady Nenakhov, the Head of the IPC division.

[Annex 5 follows/
L'annexe 5 suit]

Oficina Española de Patentes y Marcas

Spanish Patent and Trademark Office

IPC Task Force

Introduction

This document includes the ES proposal in relation to the recommendations of the IPC Advanced Seminar (IPC/SEM/98/11).

IPC general structure and principles

- 24.d)** We find necessary such a working group to be established in the next meeting of the CE, having in mind that it will be responsible of the study of the IPC revision policy and revision procedure modifications.
- 24.a)** A transitional period of three years (1999-2002) seems to be appropriate in order to elaborate the above mentioned modifications in the IPC revision procedure and policy.
- 24.c)** The introduction of electronic data as well as more technical terms illustrating the contents of IPC entries (**26.d**), will really make the IPC more user-friendly.
It will be very useful, for ex., to illustrate some definitions of subgroups, especially in the mechanical field, with figures.

In the implementation of this task it should be taken into account , when possible, the work already done by the different Offices.

24.e)

24.f)

24.g)

These are points linked by the fact that the consistency in the application of the IPC must be increased.

In this sense, the IPC guide should be revised and make the instructions and principles to be applied when classifying more clear.

The items of multiple classification, indexing systems, last place rule or principles such as function versus application should be studied all together in deep and detail, taking in account the different situations that we can find in different places or fields (Chemistry, for ex., is very much affected for the last place rule and the use of indexing systems).

As it was commented in **24.d)** above, the study of this modifications should be trusted to the ad hoc working group.

Revision period and implementation of the results of the revision

25.a)

The actual duration of the revision cycles seems to be unadequate in order to have an up to date IPC and to fulfil the needs of an always changing technology.

It could be studied the possibility of a revision cycle of three years.

Any case, this point has to be studied in relation to the reclassification of the backlog patent files.

25.c)

Any progress that could be done in this point will make easier the fact of shortening the revision cycles and the reclassification of the documents affected for the different editions of the IPC.

For the implementation of this item, it would be required that WIPO could contribute with different resources to the working group.

Revision procedure

26.e) The priorities for revision proposals should be established by the CE.

Nevertheless, priority for the revisions proposals could be as follows:

- 1- X- notations, creation of places for new technologies.
- 2- Subdivision of existing places
- 3- Number of documents involved in relation to the need of text searching in the field
- 4- Clarification of wordings.

Training in the use of IPC

27.a)

27.b) Both are necessary for making a more consistent use of the IPC. We think WIPO must play a relevant role in this point, providing as far as it is possible, modern training techniques and tools.

[Annex 6 follows/
L'annexe 6 suit]

Swedish Patent and Registration Office

IPC Policy and Procedure
Task Force
January 18th, 1999

COMMENTS on document IPC/SEM/98/11

We are a bit disappointed with the results of the seminar. Many of the recommendations are only of a cosmetic nature, or only deal with details. The seminar hardly touched on the three fundamental issues of long-term goals, resources and management. Before considering the recommendations of the seminar, we would like to make some general statements:

Development of the IPC must continue, and cannot be allowed to slow down.

Some delegations at the seminar were of the opinion that the IPC could be more or less "frozen", for example through a moratorium or by stopping pure subdivision of existing groups. This would quickly erode the usefulness of the system. For documents that are not part of the PCT minimum documentation, and even for some parts of the minimum documentation, there are no available additional or alternative classification tools. For documents that are not published in English, possibilities of text searching do not exist or are severely restricted, and in any case limited to the publishing language.

The general opinion is that patent information and intellectual property is of growing global importance. Patent systems are being developed and encouraged in competitive and quickly growing economies, for example in the Far East. Intellectual property is seen as a key to economic growth in developing countries. In view of this, a language-independent tool for access to patent information is very important.

A short term refocusing of resources is perhaps reasonable under the circumstances, but nobody would gain from a long-term slowing down of the development of the IPC. It would cause irreparable damage to let the only international system for retrieval of patent information degrade.

A substantial revision of the IPC will require considerable additional long-term resources, committed by patent offices or the WIPO.

The question of resources is crucial to any work. The IPC work is suffering from a serious shortage of manpower. Apart from the International Bureau, IPC development work has relied on resources committed by patent offices. There are probably no more than 30 - 40 people in the world with a knowledge of the IPC that is deep enough to enable them to participate in developing a high-quality classification system in a consistent way. Almost all of these people only work part time with IPC matters.

A substantial reengineering of the system will require additional resources. Just as an arithmetic example, it would take almost seven man-years to spend ten minutes on each of the 70000 IPC entries!

The IPC work is difficult to motivate in financial terms, such as quick pay-back of invested money. Patent offices are, with few exceptions, fund-starved government agencies. Changing priorities inside offices have immediate effect on the IPC work. It has to be asked whether the fickle resources of patent offices can, or should, be relied on for the long-term maintenance of the IPC. If patent offices cannot commit sufficient resources to IPC revision work, it must be considered whether resources can be organised from other sources, for example through WIPO.

Any substantial revision of the IPC will require active management.

The present situation is caused by lack of management and lack of response to "customer needs". There is no body within the existing IPC organisation structure that is capable of managing the process of overhauling the complete system. The Committee of Experts has no possibility to take that responsibility - such a process can not be managed by a committee which meets once or twice a year, and is formed by members who first look at what is good for their respective offices and only then at what is good for the IPC. If any major work is to be undertaken, some kind of "permanent" IPC revision staff has to be created.

Comments on the recommendations of the Advanced Seminar

24. Recommendations relating to the IPC general structure and principles:

We have no major objections against the recommendations put forward in points 24a - 24g.

However, it has to be observed that these recommendations will in themselves not solve any of the fundamental problems. We do not want to see a situation where we at the end of the next revision period have wasted three years on meetings and discussions about details without finding any new ideas or resources. The crucial questions of long-term goals, management and resources have to be resolved.

25. Recommendations relating to the revision period and implementation of the results of the revision:

a) Determine the most appropriate duration of revision cycles.

This question cannot be seen in isolation. Although in itself desirable, a shortening of the revision cycle also creates considerable problems. The complications caused by a multiplicity of editions of the IPC must be compensated by improved tools for dealing with those problems, such as an electronic version of the IPC with linking between different editions.

b) Establish a close co-operation between the Committee and the SCIT.

The lack of active management of the IPC is a major problem. The management of the development work, and the necessary assignment of WIPO resources to it, could be natural links between the Committee and the SCIT. Future developments of the IPC will make more and more use of information technology, and the IPC is a natural integral part of future IT tools for accessing patent information, for example via Internet.

c) Study automated classification tools and conduct pilot projects on their use, in particular for the reclassification of backlog patent files.

We have no objections to such a study, although we are not very optimistic about the possibilities of automatic classification of patent documents using text analysis. Not even true artificial intelligence, if it is achievable, will be able to deal with the most fundamental difficulty: The fact that the texts, especially the claims, are not produced in order to provide information.

d) Study the possibility of co-operation between offices in the reclassification of backlog patent files, including its outsourcing to external contractors.

This should of course also be studied, but again we have questions about the practicality: Can the reclassification information be used? Only a few patent offices have their own search databases. For other offices, including all small and medium size offices, the reclassification data will be useless unless it is introduced into the major readily available patent databases.

26. Recommendations relating to the revision procedure:

We support recommendations 26a - 26e.

27. Recommendations relating to training in the use of the IPC:

We have no objections, but we wonder who will do the work?

Conclusion:

We are very worried about the future of the IPC as a working international standard. We fear that continuous degradation will lead to irreparable damage to the IPC. Nobody would gain from letting it degrade to a point where it is of no use as a search tool, especially not the small and medium-sized offices and the developing countries.

The seminar made some interesting and necessary recommendations regarding details of procedure and policy, but hardly touched the most crucial points. If we want the IPC to survive as a working international standard, we must do something about the fundamental causes behind the degradation of the IPC: The lack of long-term goals, the shortage of resources and the lack of management.

Anders Bruun

[Annex 7 follows/
L'annexe 7 suit]

GB Contribution to IPC Taskforce

Introduction

Our contribution to this task force is primarily based upon the recommendations of the IPC Advanced Seminar. We believe that there were certain clear results from that seminar and that the IPC should move forward into the millennium with rapid but considered actions based upon the clear consensus which the seminar provided. We apologise if this involves some repetition of the seminar report but we think this is necessary. We have structured our submission on the basis of a problem and solution approach.

Problem

The IPC structure is not very user friendly and is not particularly suitable for searching electronic databases

Solution

All future and current revision projects should include linked explanatory text, including example patents if necessary, of most, if not all, classification and/or indexing codes.

Rules should be set up for structured multiple classification.

All hybrid schemes in IPC should be reviewed as regards ease of use and cost-effectiveness, and assessed with a view to conversion to multiple classification.

IPC Class should be thoroughly re-engineered and modernised to provide easy access to IPC for expert and non-expert users alike and consideration given to how the software could link to internet patent databases.

Problem

The IPC cannot react quickly enough to changes in technology.

Solution

The change to a three-year revision period should be established as soon as practicable.

The costs and benefits of a yearly electronic IPC revision should be considered.

The costs and benefits of translation into French at every stage of the revision procedure should be examined.

All existing and future revision projects should be scrutinised, as regards their position in a new revision priority list which would be structured primarily in terms of the importance of the project.

Rapporteurs should have more control over revision projects particularly as regards how and when discussions are carried out.

Subject matter working groups should be established by the Committee of Experts. These groups would have more freedom over where, when and how they would meet, i.e. they would not necessarily be tied to a twice-yearly meeting regime.

Revision requests should be submitted directly to subject matter working groups via WIPO. The subject matter working groups should be empowered to adopt revision projects without reference to Committee of Experts except in exceptional circumstances.

Problem

There appears to be no connection between SCIT and IPC Revision such that those Committees will work independently to the detriment of the work they are tasked with.

Solution

A mechanism for co-operation between the Committee of Experts and SCIT should be established immediately. Ideally this would involve attendance of Committee of Experts representatives at SCIT to establish a presence independent of national delegates and also vice versa.

Problem

Inconsistent application of IPC

WIPO should take a more proactive role in training, particularly developing countries, in the use of the IPC. Computer-based tools should be developed to enhance this role.

Problem

The difficulty of tracing back an IPC search using different editions.

Solution

Consideration be given to using data available from various patent offices' databases to provide effective backlog reclassification for revision projects and other suitable areas of IPC. Although the US idea of subcontracting backlog reclassification is attractive, we think it may not be practical. However, it certainly merits a rigorous analysis of its feasibility and cost-effectiveness.

Recommendations

- ***IPC revision should be temporarily suspended for all but the most important projects to allow Offices to concentrate resources on some of the above measures.***
- ***A priority list for outstanding projects should be established by Committee of Experts***
- ***A New Millennium Working Group (NWMG) should be set up by the Committee of Experts with the power to set up sub-groups for work to be carried out, for example corresponding in the broad category areas given in paras. 24 to 27 of IPC/SEM/98/11.***
- ***The change to a three-year revision period should be established by the Committee of Experts at the March 1999 meeting.***

[Annex 8 follows/
L'annexe 8 suit]

ANNEX 8/ANNEXE 8

USPTO PROPOSAL

For

**Implementation of the Recommendations of
The Advanced Seminar on the International Patent Classification**

Held at Newport, United Kingdom, December 7 to 11, 1998

BACKGROUND

The Advanced Seminar on the International Patent Classification (IPC) was convened by WIPO under the authorization of the IPC Committee of Experts (CE). The purpose of the Seminar was to consider the use and structure of the IPC, and its revision policy and procedure. Representatives of 28 national industrial property offices (IPO's), intergovernmental and non-governmental organizations attended the Seminar.

Numerous lectures were given and presentations made by attending representatives. The focus was on the IPC's strengths and weaknesses, and its role in the rapidly changing technology of patent information storage and retrieval. A consensus agreed that, while the IPC continues to be relevant and important, it is beset by many problems and that action to address those problems is necessary. To that end, Seminar attendees agreed to a set of conclusions and recommendations to be presented to the CE for their consideration.

It was further agreed that advantage would be taken of the CE's previous authorization for the forming of a Task Force to elaborate on the Seminar's work by developing recommendation details, including a plan of action for their implementation. Eleven national IPO's, including the USPTO, and two intergovernmental organizations volunteered to participate in the work of the Task Force. WIPO invited Task Force members to submit proposals concerning actions to be taken with respect to each recommendation of the Seminar. This document is the USPTO proposal submitted in response to the WIPO invitation.

SEMINAR RECOMMENDATIONS

The recommendations of the Seminar are set forth in the "Summary of Proceedings" adopted by the Seminar at its final session (see document IPC/SEM/98/11). These recommendations have been extracted and are presented in original order, in table form, at *Attachment A*.

The Seminar divided the recommendations in four groupings: Structure and Principles; Revision Period and Revision Results Implementation; Revision Procedure; and Training. The recommendations were further characterized by their potential for realization within either: the short term, i.e., capable of being implemented for the new revision period; or, the medium term, i.e., capable of being implemented after the completion of the “transitional period.” (The “transitional period” is defined by the Seminar in its first recommendation - see below - as 1999-2002.)

For convenience and as an aid to better understanding, this document will address separately the short term and medium term recommendations. A re-ordering of the recommendations on that basis can be found, in table form, at *Attachment B*.

SHORT TERM RECOMMENDATIONS

Structure & Principles

Ref. 24-a¹ Introduce a transitional revision period (1999 – 2002) during which modifications to the IPC revision policy and revision procedure and to the implementation of results of the revision should be elaborated.

The transitional period should be viewed as defining the beginning and end points of a multi-dimensional IPC modernization project -- a project to which well established project management techniques would be applied. For example, a timetable with, as needed, intermediate milestones should be developed for each recommendation. Timetable/milestones would be established to ensure the implementation of all short term recommendations by the end of the transitional period. Medium term recommendation timetables/milestones would ensure that their full elaboration and planning for their implementation were completed by 2002. Overall project management should also include coordination between related recommendation implementation tasks, as well as resource requirement identification and resource acquisition planning.

Certain of the short term recommendations seem capable of easy implementation and inappropriate for the application of project management techniques (see 24-b, below). However, their effective implementation requires subsequent actions be taken for which planning is required (for example, as noted in the discussion of 24-b, below). Other short term recommendations (see 24-c, below) clearly imply the need for implementation planning, resource commitment and coordination. Without the application of project management techniques, it is unlikely that such recommendations will yield satisfactory result within the transitional period.

¹ This and similar references to follow refer to the identified paragraph in WIPO Document IPC/SEM/11/98 - Summary of Proceedings of the Advanced IPC Seminar.

In adopting this transitional period recommendation, the CE should:

- establish it as a time-framework for encompassing the implementation of all short term recommendations and the planning for all medium term recommendations;
- direct that, within this period, a project management approach will be taken in the implementation and elaboration of all recommendations;
- constitute the recommended ad hoc working group (see below) as a project team; and
- request augmented International Bureau support for the team, to include skilled project management consultant support and automated project management tools.

The establishment of an ad hoc working group was characterized by the Seminar as a medium term recommendation (Ref. 24-d). However, the working group's charter is quite broad, encompassing modifications to IPC revision policy and procedure; and, in effect, it is the product of their work that is envisioned as medium term rather than the establishment of the working group, *per se*. The USPTO believes, therefore, that it is not inconsistent with Seminar recommendations to urge that the CE establish the ad hoc working group as a matter of priority. Further, ascribing a broad interpretation to "IPC revision policy and procedure", the CE should task the working group to assume overall project coordination responsibility - under CE supervision and with WIPO support - for short term recommendation implementation and medium term recommendation planning.

Ref. 24-b Modify IPC revision policy statements as proposed in the lecture by The Netherlands Industrial Property Office.

In their lecture, the Netherlands Industrial Property Office proposed the following revisions to IPC revision policy statements:

- Policy statements 1 and 7 be replaced by a new statement 1, as follows-
 1. Revision of the IPC, in conformity with the Strasbourg Agreement Concerning the International Patent Classification, is needed when, in order to enable efficient searches to be carried out through combination of IPC with other generally available search methods, such revision would significantly improve the selection of data in accordance with the relevance of those data to the question asked.
- Policy statement 2 be replaced with the following-
 2. Each revision request should be selected on the basis of the criteria currently agreed upon by the IPC Committee of Experts.
- Policy statements 3, 4, and 6 remain unchanged
- Policy statement 5 be deleted.

It would appear that the CE can easily implement this recommendation -- they need only agree and direct that the policy statements be revised as proposed. But revision of the policy statements is meaningless without implementation of the changed policy that the revisions suggest. This is not so easy.

Revised policy statement 2., leaves it to the CE to articulate criteria by which to measure proposed IPC revisions against the principle set forth in new policy statement 1. Past experience suggests that the development of acceptable and useful criteria will be a time consuming, interactive, multi-step process. In order for that to be accomplished expeditiously, the CE should - in addition to authorising revision of the policy statements - direct that implementing criteria be developed and assign that task to the ad hoc working group.

Ref. 24-c Introduce electronic data illustrating the contents of IPC entries: examples of patent documents, detailed notes and classification definitions.

Full implementation of this recommendation will require a large effort. The CE should seek, from among IPOs and intergovernmental IPC users, volunteers to:

- define and structure the task;
- establish necessary standards, e.g., textual and electronic;
- identify and allocate portions of the task among participants;
- finalize the initial electronic data product; and,
- develop procedures for product maintenance and improvement (see 26-d, below).

This task and its participants (a “task group”) may be separate from the ad hoc working group; but the activity should be included in the working group’s overall project coordination responsibility. Obviously, significant amounts of WIPO support and expert contractor assistance will also be necessary for the task group to successfully complete several stages of the above task.

Revision Procedures

Ref. 26-a During the transitional period continue the revision of the IPC on the basis of the revision projects deferred from the previous revision period and new revision proposals that may be submitted for the creation of classification places covering new technologies.

In considering new IPC revision proposals, even those characterized as involving new technologies, the CE should be mindful of the recommended changes to the IPC revision policy statements. If approved, and even in the absence of adopted implementing criteria, the changed policy intent should be used as a subjective filter in evaluating project proposals. During the transitional period, in anticipation of

major changes to the structure and principles of the IPC, the CE should err on the side of caution in its review of revision proposals.

Should the CE implement recommendation 26-c (see below), then its revision groups would be required to perform this initial filtering function. In that process the revision groups should exercise an equal or even greater degree of caution, referring for decision to the CE any revision requests/proposals where there is doubt about their appropriateness in light of adopted revision policy.

Ref. 26-b Augment the role of rapporteurs for revision projects by giving them a mandate to initiate further discussion of the projects.

Theoretically, the role of IPC revision project rapporteurs is a passive one; although, in practice, they often serve - in addition - as project expeditors and, sometimes, advocates for a particular approach. The essential thrust of this recommendation is to recognize the need for and usefulness of identified leadership for each IPC revision project, both to make the revision process more efficient and to achieve a greater consistency and coherence in the final product. The recommendation would sanction a leadership responsibility for the rapporteur function. The USPTO feels that the intent of this recommendation could be made clearer and its purpose more likely realized if the rapporteur title were changed to "Project Leader."

Ref. 26-c Streamline the revision procedure by allowing the revision requests to be submitted directly to revision groups via the International Bureau.

Revision groups would be expected to be mindful of current IPC revision policy and exercise caution in accepting a directly submitted revision request for further work. Any doubt should be resolved by prompt referral for CE decision. (See discussion under 26-a, above.)

It is understood that no IPC revision will be actually implemented without the approval of the CE as required by the Strasbourg Agreement.

Ref. 26-d Introduce in IPC entries, where appropriate, more technical terms illustrating their contents.

This recommendation is seen as closely related to 24-c, above, and both address aspects of the larger goal of making the IPC more useful and useable. The examples, notes and definitions envisioned in 24-c and the additional technical terms called for here are prescribed as remedies for a serious IPC system problem -- users often have great difficulty in identifying the specific IPC classifications wherein a given technology of interest can be found. The CE should consider this and the 24-c recommendations in that larger context - how to make the IPC more useful and useable.

The Advanced Seminar has suggested that the enrichment of the IPC by addition of more examples, notes, definitions and technical terms represents an effective approach. The Seminar recognizes that this would constitute a substantial amount of additional material and counsel its incorporation in the IPC by electronic means. The discussion under 24-c, above, elaborates a mechanism to accomplish this enrichment for existing IPC classifications, but also envisions the need for maintenance procedures. In effect, this means changing IPC revision procedures; for the most efficient time to introduce enrichment material is at the time of revision. Thus changes in IPC structure and principles require changes in IPC revision procedures.

Therefore, the CE should take a systematic approach, assigning to the task group foreseen in the discussion under 24-c, above, responsibility for elaboration and implementation of this recommendation (26-d).

Training

Ref. 27-a Enhance WIPO role and support in the application of the IPC.

Ref. 27-b Improve IPC training by providing modern training techniques, for example, computer based and Internet training tools. This should involve, in particular, enhanced support for developing countries in use of IPC.

In many IPOs, examiners have difficulty using the IPC effectively due, in part, to inadequate knowledge of the IPC system. Further, the IPC has had a long-standing problem as regards document placement consistency -- that is, the degree to which there is consistency among different IPOs in the selection of an IPC classification for assignment to a given technological disclosure. This results in a dispersal of a technology to many different classifications with detriment to the IPC's usefulness for global patent information retrieval

In the view of the Advanced Seminar, these problems stem, in major part, from a dearth of IPC training in many IPOs and, for such training as may be done, the absence of uniform training tools, techniques and materials². These recommendations are intended to address IPC training deficiencies. Recommendation 27-b, articulates the need for better IPC training tools and techniques. Importantly, it recognizes that it is essential to use modern mechanisms, such as computer-based training (CBT) and the Internet, in order to make the developed training resources widely available in a cost-effective manner.

The Advanced Seminar was well aware that the development of sophisticated training tools, as recommended, requires expertise not readily available within the community of CE members. The latter can and must be relied upon for subject matter input, but

² An example of classification system training materials for examiner use - "Examiner Handbook on the Use of the U. S. Classification System" -- can be found at:
<http://www.uspto.gov/web/offices/pac/dapp/sir/co/examhbk/index.htm>

CBT and Internet-based training tool development is another matter. Thus, in recommendation 27-a, the Advanced Seminar calls for an enhanced WIPO role and support. That support should be directed not only to making training available for IPO use, especially developing country IPOs, but also to assisting the CE in training tool development.

Like most of the recommendations heretofore discussed, implementation of these training recommendations is seen as a multi-step process involving CE member participation, WIPO participation and, probably, consultant/contractor participation, as well. Once again, project management techniques seem called for and assignment of responsibility for these recommendations to the ad hoc working group appears appropriate.

MEDIUM TERM RECOMMENDATIONS

Reviews & materials elaboration recommendations: Many of the recommendations characterized as medium term deal with reviews and the elaboration of materials - generally intended to serve as a basis for subsequent action aimed at IPC system improvement. These recommendations are:

Structure & Principles

Ref. 24-e Consider the elaboration of rules for multiple classification in the IPC, for example, in areas covered by the last place rule, in function-orientated versus application areas, and investigate possible bearing of such rules on general principles of classifying disclosed in the Guide to the IPC.

Ref. 24-f Review the hybrid systems in the IPC.

Ref. 24-g Elaborate measures for increasing the consistency in the application of the IPC.

Revision Period & Revision Results Implementation

Ref. 25-a Determine the most appropriate duration of revision cycles.

Revision Procedure

Ref. 26-e Elaborate a system of priorities for revision proposals.

These activities should take place during the transitional period so that the product of each may be available for use in planning for IPC system changes after the transitional period -- or sooner if possible. The scheduling of these activities is a matter of resource availability and CE priorities. For reasons noted, the USPTO suggests a priority:

1. The actual placement of patent documents in the IPC system is very important. Each year, hundreds of thousands of documents are classified into the system by examiners worldwide. The rules that are followed and the consistency of that classification are a major factor in the effectiveness of the IPC as a document retrieval tool. Therefore, highest priority should be given to:

Ref. 24-e Consider the elaboration of rules for multiple classification in the IPC, for example, in areas covered by the last place rule, in function-orientated versus application areas, and investigate possible bearing of such rules on general principles of classifying disclosed in the Guide to the IPC.

Ref. 24-g Elaborate measures for increasing the consistency in the application of the IPC.

2. Clearly, there is wide spread concern about the promptness with which truly needed revision to the IPC is undertaken, completed and made available to users. Consequently, priority should also be accorded to:

Ref. 25-a Determine the most appropriate duration of revision cycles.

Ref. 26-e Elaborate a system of priorities for revision proposals.

3. The primary focus of IPC improvement efforts stemming from the Seminar's recommendations should be the basic structure of the IPC, itself. Hybrid additions, which are essentially indexing system overlays to the IPC, give rise to significant investment of additional examiner time and should be viewed with caution. Consequently, a lower priority should be accorded to:

Ref. 24-f Review the hybrid systems in the IPC.

Obviously, if resources permit, more than one or all of these priority levels could be undertaken in parallel.

Once the CE establishes priority, responsibility for undertaking and overseeing these activities should be assigned to the ad hoc working group.

Objective critical recommendations: The four remaining medium term recommendations are seen as, in effect, critical to the ultimate realization of a modern, revitalized IPC system. Two of these deal with reclassification of backlog patent documents (i.e., the backfile):

Revision Period and Revision Results Implementation

Ref. 25-c Study automated classification tools and conduct pilot projects on their use, in particular for the reclassification of backlog patent files.

Ref. 25-d Study the possibility of cooperation between offices in the reclassification of backlog patent files, including its outsourcing to external contractors.

Both of these recommendations should be included under a comprehensive backfile reclassification initiative and assigned for project management oversight by the ad hoc working group. It should be recognized, however, that the bulk of documents requiring reclassification, as well as the resources and expertise in the development and use of automated classification tools, are centered in a few large IPOs. Consequently, the CE should seek the establishment of a cooperative consortium of these IPOs, with WIPO participation, to actually carry out this initiative. IPOs invited to participate should include the EPO, JPO and USPTO.

It should be noted that reported cooperation between the EPO and JPO aimed at merging their IPC-based classification systems might have a substantial beneficial impact on the goal of backfile reclassification. If successful, the resulting “merged” system might serve as a base for an evolving “new IPC” - one which, inherently, would reflect a reclassified backfile. This potential should be a factor to be considered in the CE’s comprehensive backfile reclassification initiative.

A third recommendation addresses a critical organizational deficiency:

Ref. 25-b Establish a close cooperation between the Committee and the SCIT.

The purview of the CE is the IPC. That of the SCIT is information technology. Yet the IPC will be a key component of the patent information systems that are a primary focus of the SCIT, and information technology must necessarily be a key component of the solutions the CE seeks to many IPC problems. The need for close cooperation between the CE and SCIT is manifest and the CE should move promptly to initiate such cooperation. Observer status at each other’s sessions and/or an open invitation by each to the other to seek consultation and assistance as needed, might constitute a constructive beginning. In anticipation of CE acceptance of this recommendation, the International Bureau should be prepared to offer for CE consideration a draft communication from the CE to the SCIT, which document could serve to initiate CE/SCIT cooperation.

The final medium term recommendation goes to the essence of this USPTO proposal:

Structure & Principles

Ref. 24-d Establish an ad hoc working group to consider modifications to the IPC revision policy and revision procedure and develop a general question and answer pamphlet on the application of the IPC.

As initially discussed under recommendation 24-c, above, and alluded to in connection with several other recommendation discussions in this paper, an ad hoc

working group performing overall project coordination is proposed as the primary mechanism by which the CE can achieve the goals envisioned by the Advanced Seminar. The USPTO believes that such a mechanism is necessary if there is to be any realistic expectation that the many, complex and interactive initiatives required to accomplish IPC modernization can be successfully carried out. Thus, as a matter of high priority, the CE should with realism address the issue of how those Advanced Seminar recommendations it chooses to adopt can be pursued in an effective manner. We urge the ad hoc working group - project coordination approach.

USPTO INVITATION

Should the CE adopt the proposed USPTO approach, or some similar one, there will be a need to “get organized” in order to launch effectively and expeditiously the IPC modernization effort. Consequently, those volunteers (e.g., an ad hoc working group) and WIPO staff who will be charged with the responsibility to carry out the adopted Advanced Seminar recommendations should informally meet to discuss, crystallize and structure the project effort.

The USPTO feels that such a meeting could beneficially be held subsequent to the CE’s March 1999 session, allowing sufficient time to disseminate the CE decisions taken, identify participant (e.g., ad hoc working group) volunteers and develop a meeting agenda. Given these requirements, it would seem that a 3 to 5 day meeting in April or early May would be appropriate, and would allow sufficient time for circulation of meeting results to CE members for consideration at their September session.

The USPTO would be willing to host such a meeting at its Washington facility, and extends that invitation to the CE and the International Bureau for their consideration.

CONCLUSION

The USPTO sees the consensus for IPC modernization represented by the recommendations of the Advanced Seminar as virtually a “one time” opportunity. The CE should seize and move aggressively to capitalize on that opportunity. If that process is to be successful, CE members must be prepared to think and take action outside the traditional operating mode and the International Bureau must be prepared to support them as they move into new territory. The stakes are high and the effort may fail, but it should not be allowed to fail because of a hesitancy to innovate.

ATTACHMENT - A			
ADVANCED IPC SEMINAR RECOMMENDATIONS			
(Original Order)			
GROUPING	REF. PARA. (IPC/SEM/11/98)	TERM	RECOMMENDATION
Structure & Principles	24-a	Short	Introduce a transitional revision period (1999 – 2002) during which modifications to the IPC revision policy and revision procedure and to the implementation of results of the revision should be elaborated.
Structure & Principles	24-b	Short	Modify IPC revision policy statements as proposed in the lecture by The Netherlands Industrial Property Office.
Structure & Principles	24-c	Short	Introduce electronic data illustrating the contents of IPC entries: examples of patent documents, detailed notes and classification definitions.
Structure & Principles	24-d	Medium	Establish an ad hoc working group to consider modifications to the IPC revision policy and revision procedure and develop a general question and answer pamphlet on the application of the IPC.
Structure & Principles	24-e	Medium	Consider the elaboration of rules for multiple classification in the IPC, for example, in areas covered by the last place rule, in function-orientated versus application areas, and investigate
Structure & Principles	24-f	Medium	Review the hybrid systems in the IPC.
Structure & Principles	24-g	Medium	Elaborate measures for increasing the consistency in the application of the IPC.
Revision Period & Revision	25-a	Medium	Determine the most appropriate duration of revision cycles.
Revision Period & Revision	25-b	Medium	Establish a close cooperation between the Committee and the SCIT.
Results Implementation	25-c	Medium	Study automated classification tools and conduct pilot projects on their use, in particular for the reclassification of backlog patent files.
Revision Period & Revision	25-d	Medium	Study the possibility of cooperation between offices in the reclassification of backlog patent files, including its outsourcing to external contractors.
Revision Procedure	26-a	Short	During the transitional period continue the revision of the IPC on the basis of the revision
Revision Procedure	26-b	Short	Augment the role of rapporteurs for revision projects by giving them a mandate to initiate further discussion of the projects.
Revision Procedure	26-c	Short	Streamline the revision procedure by allowing the revision requests to be submitted directly to revision groups via the International Bureau.
Revision Procedure	26-d	Short	Introduce in IPC entries, where appropriate, more technical terms illustrating their contents.
Revision Procedure	26-e	Medium	Elaborate a system of priorities for revision proposals.
Training	27-a	Short	Enhance WIPO role and support in the application of the IPC.
Training	27-b	Short	Improve IPC training by providing modern training techniques, for example, computer based

ATTACHMENT - B			
ADVANCED IPC SEMINAR RECOMMENDATIONS			
(Sorted by Term)			
GROUPING	REF. PARA. (IPC/SEM/11/98)	TERM	RECOMMENDATION
Structure & Principles	24-a	Short	Introduce a transitional revision period (1999 – 2002) during which modifications to the IPC revision policy and revision procedure and to the implementation of results of the revision should be elaborated.
Structure & Principles	24-b	Short	Modify IPC revision policy statements as proposed in the lecture by The Netherlands Industrial Property Office.
Structure & Principles	24-c	Short	Introduce electronic data illustrating the contents of IPC entries: examples of patent documents, detailed notes and classification definitions.
Revision Procedure	26-a	Short	During the transitional period continue the revision of the IPC on the basis of the revision projects deferred from the previous revision period and new revision proposals that may be submitted for the creation of classification places covering new technologies.
Revision Procedure	26-b	Short	Augment the role of rapporteurs for revision projects by giving them a mandate to initiate further discussion of the projects.
Revision Procedure	26-c	Short	Streamline the revision procedure by allowing the revision requests to be submitted directly to revision groups via the International Bureau.
Revision Procedure	26-d	Short	Introduce in IPC entries, where appropriate, more technical terms illustrating their contents.
Training	27-a	Short	Enhance WIPO role and support in the application of the IPC.
Training	27-b	Short	Improve IPC training by providing modern training techniques, for example, computer based and Internet training tools. This should involve, in particular, enhanced support for developing
Structure & Principles	24-d	Medium	Establish an ad hoc working group to consider modifications to the IPC revision policy and revision procedure and develop a general question and answer pamphlet on the application of
Structure & Principles	24-e	Medium	Consider the elaboration of rules for multiple classification in the IPC, for example, in areas covered by the last place rule, in function-orientated versus application areas, and investigate
Structure & Principles	24-f	Medium	Review the hybrid systems in the IPC.
Structure & Principles	24-g	Medium	Elaborate measures for increasing the consistency in the application of the IPC.
Revision Period & Revision Results Implementation	25-a	Medium	Determine the most appropriate duration of revision cycles.
Revision Period & Revision Results Implementation	25-b	Medium	Establish a close cooperation between the Committee and the SCIT.
Revision Period & Revision Results Implementation	25-c	Medium	Study automated classification tools and conduct pilot projects on their use, in particular for the reclassification of backlog patent files.
Revision Period & Revision Results Implementation	25-d	Medium	Study the possibility of cooperation between offices in the reclassification of backlog patent files, including its outsourcing to external contractors.
Revision Procedure	26-e	Medium	Elaborate a system of priorities for revision proposals.

[Annex 9 follows/
L'annexe 9 suit]

ANNEX 9

PLAN OF ACTION FOR IMPLEMENTATION OF
THE RECOMMENDATIONS OF THE ADVANCED IPC SEMINAR

elaborated by the International Bureau

INTRODUCTION

1. The Advanced IPC Seminar, held in December 1998, was convened to consider the use and structure of the IPC, its revision policy and procedure, in order to elaborate recommendations to the IPC Committee of Experts aimed at the accommodation of the Classification to functioning in the electronic age. Having agreed that the IPC, in view of being the only patent classification used worldwide, remained a search tool of paramount importance, the Seminar outlined main problems facing the IPC and indicated that its efficient and effective use in the electronic environment required changes to the Classification itself and methods of its revision and application.

2. On the basis of its discussions, the Seminar arrived at the recommendations to the Committee in the following categories:

- (a) Recommendations relating to the IPC general structure and principles;
- (b) Recommendations relating to the revision period and implementation of the results of the revision;
- (c) Recommendations relating to the revision procedure;
- (d) Recommendations relating to training in the use of the IPC.

3. The Seminar agreed that a part of the above recommendations which did not require detailed elaboration could be implemented by the Committee in short term, already for the new revision period, whereas the other part required detailed elaboration through an ad hoc working group and could be implemented in medium term, after the completion of the transitional period (1999-2001).

4. In order to further detail the recommendations and elaborate a plan of action for implementation thereof, the Seminar established a Task Force and invited its members to submit proposals to the International Bureau concerning actions to be undertaken with respect to each recommendation. Such proposals were submitted by the following members of the Task Force: Germany, Japan, Portugal, Russian Federation, Spain, Sweden, United Kingdom, United States of America. They are reproduced in Annexes 1 to 8 to this document.

5. On the basis of the proposals submitted, the International Bureau has prepared the draft plan of action for implementation of the recommendations of the Seminar, which is described below.

GENERAL APPROACH

6. The key issues for implementation of modifications to the IPC structure and contents, IPC revision and application relate to recommendations contained in paragraphs 24(a) and (d) of the Summary of Proceedings of the Seminar, namely, to introduce a transitional revision period during which the said modifications should be elaborated and to establish an ad hoc working group to consider those modifications. It is supposed that, while the revision of the IPC will continue during the transitional period on a limited scale, a reform of the IPC could also be carried out during that period.

7. Administration and management of the IPC reform will be provided by the International Bureau, mainly through the proposed ad hoc working group, its possible successors and Task Forces. Below follows the detailed consideration of the draft plan of action with respect to each recommendation of the Seminar, with indication, where appropriate, of timetables, resourcing and supporting actions. At the end of the plan of action, certain additional considerations indicated by the Task Force members as supplements to the recommendations of the Seminar are discussed.

RECOMMENDATIONS RELATING TO THE IPC GENERAL STRUCTURE AND PRINCIPLES

Introduce a transitional revision period (1999-2002) during which modifications to the IPC revision policy and revision procedure and to the implementation of results of the revision should be elaborated (short-term recommendation)

8. The intention of the Seminar was that the Committee of Experts could decide to introduce a transitional revision period at its forthcoming twenty-eighth session, thus creating a framework for the continuing revision of the IPC with the simultaneous reforming of the Classification. If so decided, the eighth edition of the IPC should be published in the middle of the year 2001 and should enter into force on January 1, 2002.

9. During the transitional period, all short-term recommendations of the Seminar, if adopted by the Committee, should be implemented and all medium-term recommendations fully elaborated with a view to their implementation as of the year 2002.

Modify IPC revision policy statements as proposed in the lecture by the Netherlands Industrial Property Office (short-term recommendation)

10. The text of the policy for the IPC revision work during the seventh revision period, as proposed by the Netherlands Industrial Property Office, is given in the Appendix to this Annex. The main intention of the proposed modifications to the policy applied during the sixth revision period is concerned with the use of the IPC in electronic retrieval of information in concert with electronic searching means and the necessity of taking into account the potential of such means in the revision process (see Policy Statement 1).

11. In view of the future discussions by an ad hoc working group of modifications to the IPC revision policy and procedure, the proposed wording of the policy for the IPC revision work could be further detailed. Bearing this in mind, the Committee may wish to adopt the proposed wording on a provisional basis, so as to establish a directive for the ongoing revision work, on the presumption that the policy could be specified in the course of the transitional period.

12. The introduction of the new revision policy will have direct bearing on the work of a group dealing with the revision of the IPC and could lead to the reconsideration of the current criteria for the selection of IPC revision projects, elaborated in the framework of the PCIPI. Although revision of the selection criteria has not been explicitly included by the Seminar in its recommendations, such revision is clearly associated with the modification of the revision policy and could be dealt with by the proposed ad hoc working group in combination with the elaboration of a system of priorities for revision proposals (recommendation 26(e)).

Introduce electronic data illustrating the contents of IPC entries: examples of patent documents, detailed notes and classification definitions (short-term recommendation)

13. This recommendation is directed to making the IPC more user-friendly and to increasing the consistency in its application. Although it was qualified by the Seminar as a short-term recommendation, it could in fact be implemented in short term only partly.

14. What could be envisaged for immediate implementation already in the eighth edition of the IPC is providing electronic links to exemplifying patent documents for the newly introduced IPC groups and to a set of relevant notes at different hierarchical levels, which influence the contents of the entries, for all IPC groups. For the realization of the former task, the necessary material will be at hand, because the current IPC revision procedure obliges to cite examples of patent documents for all newly proposed groups. This material should be collected and inserted into the electronic versions of the IPC. For the realization of the latter task, serious programming work will be needed.

15. However, reviewing the whole Classification with a view to elaborating additional notes and classification definitions even only in the most problematic technical areas, introducing examples of patent documents or illustrating drawings for certain existing IPC groups would require substantial resources beyond the normal revision work. For conducting this work, a special Task Force could be created, consisting of a group of highly qualified IPC experts from patent offices actively participating in the IPC revision work. Such a Task Force would have a mandate to elaborate, during the transitional period, additional clarifying material to be introduced in the IPC and would report directly to the Committee of Experts.

Establish an ad hoc working group to consider modifications to the IPC revision policy and revision procedure and develop a general question and answer pamphlet on the application of the IPC (medium-term recommendation)

16. The establishment of an ad hoc working group would be necessary for the elaboration of changes to the IPC itself, its revision and application. If its establishment is adopted by the Committee, it is proposed to hold, in 1999, two sessions of the working group (“ad hoc IPC Reform Working Group”), in May and November, so that the group could report its decisions to the next session of the Committee, which is planned to convene in early 2000. Depending on the results achieved, the Committee could agree to continue its work in the year 2000 or discontinue the group and create the ad hoc Working Group for the Revision of the Guide to the IPC, which mandate would include modification of the Guide in the light of the approved preparatory work for the IPC reform.

17. With regard to the development of a general question and answer pamphlet on the application of the IPC, which intends to address the needs of non-experienced users of the Classification, this task has closer relation to the recommendations concerned with the training in the use of the IPC and could be dealt with other actions aimed at improving IPC training.

Consider the elaboration of rules for multiple classification in the IPC, for example in areas covered by the last place rule, in function-oriented versus application areas, and investigate possible bearing of such rules on general principles of classifying disclosed in the Guide to the IPC (medium-term recommendation)

18. This recommendation would become one of the major tasks of the ad hoc IPC Reform Working Group and would, possibly, require complete review of particular features of the IPC structure. Introduction of principles of multiple classification in the IPC is indispensable for increasing its effectiveness as a search tool in the electronic environment. The International Bureau will prepare a background material for consideration of this recommendation by the Working Group.

Review the hybrid systems in the IPC (medium-term recommendation)

19. The review of the hybrid systems in the IPC should include multiple aspects, such as a possibility of converting certain indexing schemes to classification schemes, introduction of universal indexing schemes, cost-effectiveness analysis of hybrid systems, simplification of the presentation of indexing codes. The policy problem of the non-obligatory application of indexing codes could be left out until the consideration of long-term goals of the development of the IPC. The International Bureau will present a background material concerning the hybrid systems to the ad hoc Working Group.

Elaborate measures for increasing the consistency in the application of the IPC (medium-term recommendation)

20. A very high consistency in the application of such a worldwide used classification as the IPC is hardly possible to ensure given a varying, to a certain degree, approach to classifying applied in different offices and actual differences in claims of patent family members. An investigation conducted by the PCIPI in the mid-1980's revealed a set of IPC classes, all of them relating to function-oriented subdivisions of the Classification, which significantly contributed to overall figures of the inconsistency in the use of the IPC. That investigation resulted in the special task attributed to the PCIPI Working Group on Search Information, relating to the introduction, in function-oriented classes of the IPC, of references to respective application classes. In the course of several years of elaboration of this task, such references have been introduced in certain IPC classes, in particular classes F 16 and G 05. Those references were intended to contribute to the increasing consistency in the application of the IPC.

21. It appears well-founded that the introduction in the IPC of the additional explanatory material, as discussed in paragraph 15, above, will facilitate more consistent use of the Classification. In view of this, a special Task Force, whose creation is proposed in the said paragraph, could also be entrusted with the elaboration of measures for increasing the consistency in the application of the IPC.

RECOMMENDATIONS RELATING TO THE REVISION PERIOD AND
IMPLEMENTATION OF RESULTS OF THE REVISION

Determine the most appropriate duration of revision cycles (short-term recommendation)

22. The currently applied five-year revision cycle represents a result of a compromise between the positions of offices advocating the stable IPC and a longer revision period and of offices wishing to have a more dynamic IPC and a shorter revision period. At the present time of rapid technological changes observed throughout the world, the five-year revision cycle leading to a considerable delay between the submission of a revision request and implementation of its results in the IPC does not seem to be appropriate anymore. Many offices would support transfer to the three-year revision period which would enable acceleration of processing of IPC revision proposals. The determination of the most appropriate duration of revision cycles should be one of the tasks of the ad hoc IPC Reform Working Group. If adopted by the Committee, the three-year transitional revision period could provide experience of the availability of three-year cycles from the point of view of the necessity of translation into national languages, advanced classification of published documents and advanced training of classifiers.

23. In connection with the study of the most appropriate duration of revision cycles, a possibility of yearly publishing of adopted amendments to the IPC and their use by volunteering offices as unofficial classification should also be investigated. This would also allow, as proposed by some offices, speedy introduction in the Classification of unofficial entries and testing thereof during the revision period with the final adoption of appropriate entries at the end of the period.

Establish a close cooperation between the Committee and the SCIT (medium-term recommendation)

24. As mentioned at the Seminar, new information technologies have a vital role for the accommodation of the IPC to the electronic area: a close cooperation should therefore be pursued between the Committee of Experts and the WIPO Standing Committee on Information Technologies (SCIT). A natural platform for such cooperation could be provided by new searching tools using the IPC. In fact, the SCIT is already involved in the project of extending the natural language system for accessing the IPC to languages other than French. The Committee of Experts could collaborate on this project by providing advice of its classification experts.

25. As initiation of the said cooperation, an informative paper addressed to the SCIT could be prepared by the International Bureau, following the twenty-eighth session of the Committee of Experts, outlining Committee's projects concerned with the information technology and requesting technical assistance, if deemed necessary, from the side of the SCIT.

Study automated classification tools and conduct pilot projects on their use, in particular for the reclassification of backlog patent files (medium-term recommendation)

26. This recommendation aims at eliminating the problem of multiple IPC editions to be used during searching. The International Bureau intends to conduct a pilot project on the use of automated classification tools for the reclassification of patent files. After study of the experience accumulated by some offices in the field of automated classification tools, the International Bureau plans to issue a tender inviting selected commercial organizations to develop a software for the reclassification, operating on the basis of the subject matter transfer information provided in the IPC itself and in the Revision Concordance List. The progress report concerning the project could be presented to the next session of the Committee, in the year 2000, with a view to completing the project during the 2000-2001 biennium, including testing of the final product by interested offices. If successfully elaborated, the software could be made available to offices wishing to reclassify their backlog patent files.

Study the possibility of cooperation between offices in the reclassification of backlog patent files, including its outsourcing to external contractors (medium-term recommendation)

27. This recommendation should become one of the tasks of the ad hoc IPC Reform Working Group. Given the fact that a certain number of offices regularly reclassify their search files when a new edition of the IPC is introduced, cooperation between offices in the reclassification of search files seems to be feasible. The International Bureau has in its possession information of offices which have completely or partially reclassified their patent files according to the sixth edition of the IPC and which volunteered to make the reclassification data available to other offices. A background material on this matter will be submitted to the ad hoc working group.

RECOMMENDATION RELATING TO THE REVISION PROCEDURE

28. Recommendations relating to the above category represent a group of measures intended to improve and accelerate the IPC revision procedure. They appear to be more straightforward and easier to realize than the recommendations belonging to the previous categories. For the major part thereof, the realization would require a decision by the Committee of Experts with the following implementation into the revision practice by the International Bureau.

During the transitional period, continue the revision of the IPC on the basis of the revision projects deferred from the previous revision period and new revision proposals that may be submitted for the creation of classification places covering new technologies (short-term recommendation)

29. This recommendation closely interrelates with the recommendations regarding the introduction of the transitional period and establishment of the ad hoc IPC Reform Working Group. The need to continue the revision of the IPC, at the same time as elaborating substantial changes to the IPC itself and its application, should be balanced with limited resources of offices playing an active role in the area of the IPC. In view of this, the recommendation suggests to limit the revision work to the minimum extent which is necessary to keep the Classification in conformity with technical developments, by continuing the revision on the basis of the revision projects deferred from the previous revision period and new revision proposals relating to the creation of classification places covering new technologies. The latter kind of proposals, obviously, represents the most urgent ones for implementation in the next edition of the IPC. If this recommendation is adopted by the Committee, the International Bureau may be requested to issue a circular inviting yearly submission of revision requests concerning only the above-mentioned kind of revision.

Augment the role of rapporteurs for revision projects by giving them a mandate to initiate further discussion of the projects (short-term recommendation)

30. Augmenting the role of rapporteurs for revision projects would practically give them the status of project leaders with the responsibility of taking decision on when the project is ready for discussion at the working group session. This would require authority to initiate further consideration of outstanding questions or an additional round of comments. If the recommendation is adopted, respective amendments to the current revision procedure should be proposed by the International Bureau and approved by the working group concerned and the Committee.

Streamline the revision procedure by allowing the revision requests to be submitted directly to the revision group via the International Bureau (short-term recommendation)

31. The essential thrust of this recommendation is to accelerate introduction of revision proposals in the revision program by directing them to the working group which would meet more often than the Committee of Experts. The working group consideration of incoming revision requests should be based on the current criteria for the selection of IPC revision projects or on modified criteria should the Committee decide to amend them. Caution should be exercised by the Working Group in deciding whether or not to accept a revision project in the program and, in the case of doubt, the revision request should be forwarded to the Committee for a final decision.

Introduce in IPC entries, where appropriate, more technical terms illustrating their contents (short-term recommendation)

32. This recommendation aims at facilitating access to the IPC by providing in the text of IPC entries more examples representing technical terms familiar to the users from the technical and patent literature. It is recalled that examples in the IPC do not limit the sense of the phrase which precedes them, but simply give an explanation. This would provide a possibility of introducing more technical terms, even if they are not consistently applied in published documentation, while keeping precise rules for formulating entry definitions themselves. If adopted, this recommendation would require amendment of the Specific Instructions for the Revision of the IPC.

Elaborate a system of priorities for revision proposals (medium-term recommendation)

33. This recommendation represents a task for discussions by the ad hoc IPC Reform Working Group. As indicated above, it should be considered in combination with the review of the current criteria for the selection of IPC revision projects.

RECOMMENDATIONS RELATING TO TRAINING IN THE USE OF THE IPC

34. A set of recommendations relating to training, where also a development of a general question and answer pamphlet on the application of the IPC (FAQ – Frequently Asked Questions) should be included, intends to improve understanding and promote a wider use of the IPC, both by staff of patent offices and the general public. The International Bureau plans, while continuing its on-site training program, in particular in developing countries, which includes, for example, a regional IPC workshop during the 2000-2001 biennium, to put emphasis on the elaboration, as recommended by the Seminar, of modern training techniques, such as computer- and Internet-based, distance learning methods.

35. On the basis of the training material already available, which is contained, for example, in the IPC Introductory Manual, two sets of training examples elaborated by the PCIPI Working Group on Search Information, the International Bureau intends to outsource development of computer- and Internet-based interactive training tools to external contractors. In this project, the experience gained by the WIPO Worldwide Academy in elaboration of distance learning technique will be used.

36. The development of a new training material, including a general question and answer pamphlet on the application of the IPC, could be commissioned to the ad hoc IPC Reform Working Group.

DISTRIBUTION OF TASKS EMANATING FROM THE RECOMMENDATIONS OF THE ADVANCED IPC SEMINAR

37. Summarizing the plan of action described above, it is proposed to approve the following distribution of tasks emanating from the recommendations of the Seminar (the numbering of recommendations follows that given in the Summary of Proceedings of the Seminar (see document IPC/SEM/98/11)):

- ad hoc IPC Reform Working Group:
Recommendations 24(b), 24(e), 24(f), 25(a), 25(d), 26(e), 27(b);
- Task Force of selected experts:
Recommendations 24(c), 24(g);
- IPC Committee of Experts and the International Bureau:
Recommendations 24(a), 24(b), 24(d), 25(b), 25(c), 26(a), 26(b), 26(c), 26(d), 27(a).

LONG-TERM GOALS, RESOURCES AND MANAGEMENT

38. Certain members of the Task Force have raised a question of long-term goals of the development of the IPC, availability of necessary resources for its revision and reforming and overall IPC management.

39. With regard to long-term goals of the development of the IPC, clearly it would be difficult to define such goals at the present time when implementation of short- and medium-term actions for reforming the IPC is just about to start and the result of elaboration of several tasks concerned with the reform could not be predicted with certainty. The recommendation of the Seminar that, at the end of the transitional period, a long-term strategy for creating a new international patent classification system for the new millennium should be elaborated (see document IPC/SEM/98/11, paragraph 31), appears to be a well-grounded approach at the present stage.

40. With regard to the availability of necessary resources for the revision and reforming of the IPC, it is recalled that the revision of the IPC is carried out primarily in the interests of patent offices and it is supposed that the resource commitment for the IPC area will continue to be allocated by offices on a present scale. However, those resources are inevitably limited and are not sufficient for the simultaneous revision and reforming of the IPC. Resourcing of the program of actions needed for the accommodation of the Classification to the electronic age lies in the competence of the Assembly of member States of WIPO. It is proposed therefore that the Committee of Experts elaborate a respective recommendation to the Assembly of the IPC Union, which will meet in September 1999.

41. With regard to the overall IPC management, several members of the Task Force requested to enhance WIPO role and support in the IPC area which inevitably requires increase of manpower and financial resources allocated in the International Bureau to this area. Sufficient allocation of resources would be a prerequisite for the effective management and successful implementation of the IPC reform. It is suggested that the IPC Committee of Experts take note of this request and that member States of the IPC Union give it due consideration when discussing the WIPO Program and Budget for the 2000-2001 biennium.

[Appendix follows]

APPENDIX

POLICY FOR THE IPC REVISION WORK DURING THE SEVENTH REVISION PERIOD

The following five policy statements should form the basis for the IPC revision work during the seventh revision period:

1. Revision of the IPC, in conformity with the Strasbourg Agreement Concerning the International Patent Classification, is needed when, in order to enable efficient searches to be carried out through combination of IPC with other generally available search methods, such revision would significantly improve the selection of data in accordance with the relevance of those data to the question asked.
2. Each revision request should be selected on the basis of the criteria currently agreed upon by the IPC Committee of Experts.
3. When revising a given area of the IPC, every possible solution for improving that area as a search tool should be considered, taking into account the particular search needs in the area.
4. Care should be taken so that overlapping classification concepts are not created.
5. Revision of the IPC which would change its basic structure should not be undertaken without good reason, for example, in order to accommodate new technologies, to avoid overlaps, etc.

[End of Annex 9 and of document]