

ANNEX IV

RECOMMENDATIONS BY THE TRILATERAL OFFICES
TO BE CONSIDERED BY THE AD HOC IPC REFORM WORKING GROUP

Recommendations relating to Task No. 2 (“Consider the IPC revision policy, the revision procedure and the criteria for accepting new revision proposals in relation to the core and advanced levels of the reformed IPC”)

The revision procedure for the advanced level should be set up according to the following principles

- The trilateral offices are in charge of the revision process. All offices which are members of the IPC Union have the possibility to send proposals as well as to make comments on trilateral proposals before final decision.
- Final modifications of the advanced level are only in English language and are sent to the International Bureau for publication.
- Proposals could be announced, e.g. on an Internet site, in order to give the possibility to comment on these proposals, which could be automatically considered accepted if no adverse comments are received.

Recommendations relating to Task No. 4 (“Consider the elaboration of rules for multiple classification in the IPC and investigate possible bearing of such rules on general principles of classifying disclosed in the Guide to the IPC”)

The information to be classified is indicated in paragraph 83 of the Guide and is based on the practice to classify granted documents or documents for which the invention is confirmed. However even in the case of granted documents, due to the language used, it cannot be stated that new elements can only be found in the claims.

In view of the fact that nowadays mostly patent applications are classified, and granted patent documents only to a lower extent, the rules defining which part of the content of a document is to be classified, must be revised.

It is proposed to adapt the IPC rules according to the following principles:

- all invention information present in a document, is to be classified, using the claims as a guidance. When classifying granted patents, classification may be limited to the content of the claims.
- it is recommended to classify also other information which could be useful for search purposes.

With the growing complexity of the published patent applications and the use of combinations of different technologies, more and more questions are coming up regarding multi-aspect classification, multiple classification, function versus application etc.. The rules are to be modified to give more guidance.

The paragraph 52 of the Guide strongly underlines the principle of classifying as a whole. Classification methods as multi-aspect classification, multiple classification and classification of constituent parts have to be seen in the light of information retrieval.

It is proposed to bring the rules more in conformity with the current practices of classifying and searching. Therefore the trilateral offices recommend that:

- although on the long term a general precedence rule is to be established, multiple classification must be allowed where appropriate. Main emphasis in determining classification rules should be put on search efficiency.
- in order to ensure the applicability of multiple classification, the rule established in paragraph 52 of the Guide to the IPC should be adapted by adding: unless there is information useful for search in the constituent parts.

The present IPC rules (Guide paragraphs 58, 59) seem to leave some uncertainty in the selection of function or application when classifying. To remove this uncertainty as far as possible it is recommended that the rules in the IPC Guide should be extended by a statement according to the following principle:

- When in doubt if a document is to be classified in a function-oriented or an application-oriented place, it should be classified in both places.

The current practice of representing the different types of information (invention information, additional information) is not always followed on the moment of publication and disappears almost completely when stored in databases. This can have a negative impact during search and therefore

- it is desirable that the representation of classification symbols should be continued and at least the difference between invention information and additional information classification should be more readily distinguishable.

Recommendations relating to Task No. 5 (“Review the hybrid systems in the IPC”)

There is a doubt about the value of indexing systems as well as on a consistent use of these systems. Therefore the trilateral offices recommend that:

- indexing systems must be reduced in number and size as far as possible. The strategy to be followed will depend on the result of the Task Force put into place by the IPC Reform Working Group.

In case of mixtures and compositions additional constituents can be classified and schemes as indexing codes are used for it. However classification entries for the compounds used as additional constituents are already available in the IPC, e.g. in chemistry. Therefore the trilateral offices recommend to stop the development of these schemes.

– replace the use of indexing codes for additional constituents in a mixture by multiple classification. The complete scheme of section C can be used for that purpose.

Recommendations relating to Task No. 7 (“Determine the most appropriate duration of revision cycles”)

The revision procedure for the core level should serve the needs of its users but also continue to be the basis of the advanced level. The following principles are mentioned:

– The revision cycle of the core level should be made flexible and dependent on classification and search requirements, e.g. the revision of the advanced level or the number of substantial changes adopted. It means that a revision of the core level should enter into force when necessary and not according to a cycle of fixed length.

Recommendations relating to Task No. 8 (“Study the possibility of cooperation between offices in the reclassification of backlog patent files”)

The current practice of representing the different types of information (invention information, additional information) is not always followed on the moment of publication and disappears almost completely when stored in databases. This can have a negative impact during search and therefore

– it is desirable that the representation of classification symbols should be continued and at least the difference between invention information and additional information classification should be more readily distinguishable.

The classification data to be stored can belong to different levels and can be original, reclassified or other classification data. Further measures for differentiating classification data may be needed. It is also desirable to indicate the source, i.e. the originating office of a classification allotted.

– For retrieval purposes it is needed to store a version control indicator on the status of the classification symbols.

– It is expected that additional classification data may need to be stored, so that additional fields may be needed.

Recommendations relating to Task No. 14 (“Determine the most appropriate contents of the core level of the reformed IPC”)

Following the principle expressed by the ad hoc IPC Reform Working Group, that the future IPC should have two levels (core and advanced), the trilateral offices underline that the core level should lead to a more simple revision process, an easier use of it by small patent offices and a reduced amount of reclassification work for national collections.

The trilateral offices recommend that:

- The core level should be kept as small as possible. The criteria for defining the size of the core level still have to be found e.g. on the depth of the subdivisions or on the file size of the groups.
- The advanced level shall provide a comprehensive search system for the PCT minimum documentation to other patent offices.

In the beginning the advanced level will consist of the remainder of the current IPC beyond the core level and will be extended by proposals of the Trilateral Offices, most probably stemming mainly from harmonised ECLA-FI groups.

Recommendations relating to Task No. 15 (“Study the feasibility of introducing a simplified set of rules in the IPC, in particular a uniform precedence rule”)

A simplified set of rules should on long term be established for the future IPC. Since a change of general classification rules in the current IPC does not seem feasible, it seems more appropriate to introduce changes in rules for new or significantly revised areas in the IPC.

Concerning precedence rules it is recommended that:

- as a long-term target a general precedence, which should be applied on different levels of the IPC, is to be introduced.
- the general precedence should be compatible with a broader introduction of the principle of multiple classification.

[Annex V follows]