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

COMMITTEE OF EXPERTS

**Thirty-Second Session
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RECOMMENDATIONS FORMULATED BY
THE AD HOC IPC REFORM WORKING GROUP

Document prepared by the Secretariat

1. At its seventh and eighth sessions, held, respectively, in May and November 2002, the ad hoc IPC Reform Working Group considered various tasks of the IPC reform program and formulated a number of recommendations to the Committee of Experts. Those recommendations are summarized in the Annex to this document.

2. *The Committee of Experts is invited to adopt the recommendations formulated by the ad hoc IPC Reform Working Group.*

[Annex follows]

ANNEX

RECOMMENDATIONS FORMULATED BY THE
AD HOC IPC REFORM WORKING GROUP

RECOMMENDATIONS RELATING TO TASK No. 2 [TASK No. 9] (“CONSIDERATION OF THE IPC REVISION POLICY AND THE REVISION PROCEDURE IN RELATION TO THE CORE AND ADVANCED LEVELS OF THE REFORMED IPC”)

Excerpt from document IPC/REF/7/3

“16. The Working Group considered the modified proposal by the International Bureau on the revision policy and revision procedure for the reformed IPC (see project file IPC/R 2/99 Rev.7, Annex 40) and, following several changes made, approved the proposal as given in Annex V to this report.¹

“17. With regard to paragraph 50 of the proposal, relating to the preparation of the French version of the amendments to the advanced level of the IPC, the Working Group noted that it was not currently possible to indicate details of procedure for the preparation of the French version since Task No. 16 on the revision program (“Study ways and means for the establishment of the French version of the advanced level of the IPC”) had not yet been thoroughly considered by the Working Group.

“20. The Working Group agreed to consider Task No. 2 completed subject to further elaboration of paragraph 39 of Annex V to this report, namely on the basis of results of consideration of Task No. 16.”

RECOMMENDATIONS RELATING TO TASK No. 4 (“GENERAL PRINCIPLES OF CLASSIFICATION; ELABORATION OF RULES FOR MULTIPLE CLASSIFICATION IN THE IPC”)

Excerpt from document IPC/REF/7/3

“30. Discussions were based on Annex 37 to project file IPC/R 4/99 Rev.10, containing Guidelines for Determining Subject Matter Appropriate for Obligatory and Nonobligatory Classification proposed by the United States of America. These Guidelines were approved with some amendments and are reproduced in Annex VI to this report.”²

¹ Revision Policy and Revision Procedure for the Reformed IPC, approved by the ad hoc IPC Reform Working Group at its seventh session, is reproduced in Appendix I to this Annex.

² Guidelines for Determining Subject Matter Appropriate for Obligatory and Nonobligatory Classification, approved by the ad hoc IPC Reform Working Group, are reproduced in Appendix II to this Annex.

Excerpt from IPC/REF/8/2

“10. Discussions were based on Annex 41 to project file IPC/R 4/99 Rev.11 containing the rapporteur report on standardization of notes prescribing multi-aspect classification, prepared by the International Bureau. The Working Group agreed that two types of the standardized wording for notes specifying multi-aspect classification should be identified, respectively, for obligatory and non-obligatory classification. Having considered and discussed the proposal of the Rapporteur, the Working Group approved the following templates for notes on obligatory and non-obligatory classification:

“– Obligatory: ‘Subject matter,’ when it is determined to be invention information, must also be classified in...

“– Non-obligatory: ‘Subject matter,’ which is considered of interest for search purposes, may also be classified in...

“11. The Working Group agreed to submit the above templates to the IPC Committee of Experts for adoption and to request the Committee that the IPC Revision Working Group should apply the templates in the IPC maintenance procedure. The Working Group indicated that the notes should be used exactly as worded in the templates, whenever possible, and adjusted as necessary only when the exact wording of the templates does not apply.

“12. Finally, the Working Group agreed to recommend to the IPC Committee of Experts to consider Task No. 4 on its program completed.”

RECOMMENDATIONS RELATING TO TASK No. 7 (“DETERMINATION OF THE MOST APPROPRIATE DURATION OF REVISION CYCLES”)

Excerpt from document IPC/REF/7/3

“33. The Working Group considered the modified proposal by the International Bureau on the most appropriate duration of revision cycles (see project file IPC/R 7/99 Rev.2, Annex 11) and, following several changes made, approved the proposal as given in Annex VII to this report.³

“34. In the context of revision cycles, the Working Group noted that the IPC revision procedure and the IPC maintenance procedure under elaboration could partially overlap in respect of certain amendments to the IPC and agreed that the proper borderline between the both procedures should be established when the IPC maintenance procedure would become operational.

“35. The Working Group agreed to recommend to the Committee of Experts to consider Task No. 7 completed.”

³ The Recommendation on the most appropriate duration of revision cycles, approved by the ad hoc IPC Reform Working Group, is reproduced in Appendix III to this Annex.

RECOMMENDATIONS RELATING TO TASK No. 8 (“ELABORATION OF PRINCIPLES OF THE CREATION, MAINTENANCE AND FUNCTIONING OF THE MASTER CLASSIFICATION DATABASE”)

Presentation of Classification Symbols on the Front Page of Patent Documents

Excerpt from document IPC/REF/7/3

“37. The Delegation of the EPO introduced its proposal relating to actions needed for the front page of patent documents in view of IPC reform (see project file IPC 8/99 Rev.12, Annex 54). The Delegation explained that this proposal had been discussed with the EPO member States and among the Trilateral Offices.

“38. The Delegation proposed two options for the presentation of classification symbols on the front page of patent documents. The first option was concerned with the use of indicators for the core or advanced level symbols and for invention information or other information. The second option was based on the use of a graphic technique for explaining the meaning of classification symbols.

“39. Having considered both options, the Working Group expressed clear preference for the second option as providing a more user-friendly presentation of classification symbols, namely:

“– classification symbols presented in a tabular form;

“– the core level symbols printed in normal font and the advanced level symbols in italics;

“– the invention information symbols printed in bold font and the other information symbols in regular font;

“– the version indicator for the core level symbols (year) placed in round brackets after the abbreviation Int. Cl.;

“– the version indicator for each advanced level symbol (year, month) placed in round brackets after each advanced level symbol.”

Excerpt from document IPC/REF/8/2

“13. The Working Group recalled its tentative decision, taken at the seventh session of the Working Group, in May 2002, to introduce a new presentation of classification symbols on the front page of patent documents where classification symbols should be presented in a tabular form and using a graphic technique for explaining the meaning of classification symbols (see document IPC/REF/7/3, paragraphs 37 to 41). The Working Group also recalled its request to the members of the Working Group to verify the applicability of the new presentation of classification symbols with respective administrative services of their offices.

“14. During the discussion, the majority of members of the Working Group declared that they expected no problems in using the new presentation of classification symbols.

“15. Referring to a possible lack of space on the front page for long tabular lists of classification symbols, indicated by some Delegations, the Working Group agreed that the presentation of classification symbols in two columns was admissible. The Working Group confirmed that classification symbols and indexing codes should be presented in the following order in the tabular form:

“(1) classification symbols representing invention information;

“(2) classification symbols representing additional information;

“(3) indexing codes.

“16. The Working Group recognized that, although the new presentation of classification symbols using a graphic technique was not complex, some training of classifiers would be necessary to carry out and invited its members to provide such training in preparation for the next edition of the IPC. Also, internal procedures within each office should be developed to ensure that the proper designations (invention information, additional information, core level symbols, advanced level symbols) would translate into appropriate fonts for publication.

“17. Finally, the Working Group agreed to recommend to the IPC Committee of Experts to adopt the new presentation of classification symbols on the front page of patent documents.”

Master Classification Database

Excerpt from document IPC/REF/7/3

“49. The Working Group considered the proposal by the EPO relating to the use of patent family system and class propagation in the Master Classification Database (see project file IPC/R 8/99 Rev.12, Annex 55).

“50. The Working Group agreed with the proposed definition of patent family to be used in the Master Classification Database, which would be based on the common set of priorities.

“51. With regard to the proposed class propagation, the following remarks were made:

“– offices should generate either core level classification or advanced level classification for the same inventive subject, but not both;

“– no rolling up of advanced level symbols should be done when core level symbols are present;

“– additional advanced level symbols should not be stored in the database as ECLA symbols;

“– the initial classification and the classification assigned by the Trilateral Offices should be kept in the advanced level.

“52. The Working Group indicated that industrial property offices allotting advanced level symbols to their patent documents should deliver only that data to the Master Classification Database. The core level data would be generated by rolling up from the advanced level.

“53. The Working Group agreed on the summary of rules for class propagation as given in Annex X to this report.”⁴

Excerpt from document IPC/REF/8/2

“24. The Working Group considered the paper by the EPO relating to the reclassification process in the reformed IPC (see project file IPC/R 8/99 Rev.13, Annex 57) and discussed in detail proposed rules for the reclassification procedure and the propagation of the reclassification data in the MCD. The Working Group noted that those rules were necessary for the proper functioning of the MCD.

“25. With the exception of one rule, the Working Group approved the proposed rules and agreed to recommend to the IPC Committee of Experts their adoption.

“26. The approved rules are reproduced in Annex IV to this report.”⁵

RECOMMENDATIONS RELATING TO TASK No. 10 (“GENERAL QUESTION AND ANSWER PAMPHLET ON THE APPLICATION OF THE IPC”)

Excerpt from document IPC/REF/7/3

“55. The Working Group considered a document prepared by the International Bureau on “Frequently Asked Questions About the International Patent Classification (IPC)” (see project file IPC/R 10/99, Annex 1). The Working Group expressed its appreciation of the significant work done by the International Bureau. The Working Group invited its members to send suggestions for supplementing this document, e.g. by adding other pertinent “questions,” by September 1, 2002. The International Bureau would then publish the revised document on the IPC Internet site. It was noted that an electronic mailbox should be attached to the document in order to collect questions by the public. These questions and answers thereto would then be incorporated in the document contributing to its permanent update.

⁴ The Summary of rules for class propagation, approved by the ad hoc IPC Reform Working Group, is reproduced in Appendix IV to this Annex.

⁵ Reclassification rules in the MCD, approved by the ad hoc IPC Reform Working Group, are reproduced in Appendix V to this Annex.

“56. Having agreed that the document already represented an excellent informative source for the public, the Working Group decided to recommend to the IPC Committee of Experts to consider Task No. 10 (“General Question and Answer Pamphlet on the Application of the IPC”) completed.”⁶

RECOMMENDATIONS RELATING TO TASK No. 15 (“STUDY OF THE FEASIBILITY OF INTRODUCING A SIMPLIFIED SET OF RULES IN THE IPC”)

Excerpt from document IPC/REF/8/2

“42. The Working Group considered the rapporteur report submitted by the United States of America and made available at the session, containing a proposal on the systematic introduction in IPC subclasses of residual main groups, where these groups are not present.

“43. The following remarks were made concerning this proposal:

“– existing residual main groups should be investigated with regard to their real coverage, taking into account subject matter which could be implicitly covered;

“– in subclasses whose scope is exhausted by existing main groups, the creation of residual main groups could lead to confusion for the user.

“44. Since the existing X-notation practice did not work in a satisfactory manner, the Working Group approved the proposal and agreed on the following procedure for the introduction of residual main groups:

“(a) checking of subclasses with residual main groups in respect of their scope and wordings.

“(b) identification of subclasses where the main groups exhaust the scope.

“(c) introduction of residual main groups in subclasses not covered by items (a) and (b), above.

“45. The Working Group also agreed that residual main groups should have a standard number 99/00, wherever possible.

“46. In view of the significant work that the introduction of residual main groups throughout the IPC would require and the very high workload of the IPC Revision Working Group, the Working Group agreed that this project could not be implemented in the next edition of the IPC and recommended to the IPC Committee of Experts to carry out the systematic introduction of residual main groups in IPC subclasses after the year 2005.

⁶ The updated document “Frequently Asked Questions About the IPC” is available on the WIPO IPC Website <http://www.wipo.int/classifications>.

“47. As a partial solution of the problem of the residual subject matter in the IPC, the Working Group agreed to recommend to the IPC Committee of Experts the immediate implementation in the IPC of the proposal by the EPO to create, in each section of the IPC, a class (with respective subclass and main group) for the residual subject matter in the given section. The Working Group indicated that these residual places should be periodically reviewed in order to collect material for the revision of the IPC.

“48. The Working Group agreed that those residual classes should have a standard number 99 and elaborated titles of such residual classes, subclasses and main groups as exemplified by section A:

“A 99 Subject matter not otherwise provided for in this section

“A 99 Z Subject matter not otherwise provided for in this section

“A 99 Z 99/00 Subject matter not otherwise provided for in this section.

“49. The Working Group also agreed on the standard note following the title of a residual subclass:

“This subclass covers subject matter that (a) is not provided for, but is most closely related to, the subject matter covered by the subclasses of this section, and (b) is not explicitly covered by any subclass of another section.

“50. The Working Group indicated that classification definitions should be created for such residual subclasses and main groups and that a special example section should be introduced in the definitions to provide additional guidance for the user.”

RECOMMENDATIONS RELATING TO TASK No. 16 (“STUDY OF WAYS AND MEANS FOR THE ESTABLISHMENT OF THE FRENCH VERSION OF THE ADVANCED LEVEL OF THE IPC”)

Excerpt from document IPC/REF/8/2

“54. The Working Group considered a background paper prepared by the International Bureau (see project file IPC/R 16/00 Rev.2, Annex 7) in which two approaches to the establishment of the French version of the advanced level of the IPC were described, namely:

“(a) outsourcing the translation of amendments to the advanced level to external contractors; and

“(b) the elaboration of computer-assisted translation tools.

“55. The Secretariat indicated that, in respect of approach (a) necessary funds had been requested for the biennium 2004-2005 and, in respect of approach (b) testing of computer-assisted translation tools had been started in the framework of WIPO CLAIMS project.

“56. The Working Group supported the approaches under consideration by the International Bureau and underlined the need in timely achieving progress in the study with regard to ways and means for the establishment of the French version.

“57. The Working Group agreed that a detailed procedure for the preparation of the French version of the advanced level of the IPC should be prepared and included in the Concept of Operations for the reformed IPC. The Working Group also expressed the opinion that a special body for the supervision and approval of the amendments to the French version should be created.”

[Appendices follow]

APPENDIX I

EXCERPT FROM DOCUMENT IPC/REF/7/3, ANNEX V

REVISION POLICY AND REVISION PROCEDURE FOR THE REFORMED IPC

REVISION POLICY

Core level

1. The main goal of the revision of the core level is to improve the IPC as a universal information tool. The development of the core level should ensure its efficiency as:
 - (a) a search tool for the retrieval of patent information contained in national patent collections;
 - (b) an instrument for the orderly arrangement of patent documents in order to facilitate access to technological and legal information contained therein;
 - (c) a basis for selective dissemination of information to all users of patent information;
 - (d) a basis for the preparation of industrial property statistics which in turn would permit the assessment of technological development in various areas.
2. The data needed for serving the purposes referred to in paragraph 1(b) to (d), above, will be available from the Master Classification Database. This database will contain the IPC data of patent documentation classified according to the current edition of the IPC.
3. Revision of the core level should be undertaken when needed in order to accommodate new technologies or to increase the quality of the IPC by clarifying its text. For accommodating the new technologies, revision of the core level should be carried out in harmony with revision of the advanced level.
4. Revision of the core level should also be undertaken in order to provide new subdivisions of groups having a very large file size and a very high rate of growth of the national patent documentations. Such revision should be based on the classification schemes in the advanced level.
5. Revision of the core level could also be required by revision carried out at the advanced level when, for example, changes proposed to the advanced level would require modifications at subclass or main group level of the IPC.
6. Indexing schemes should not be created in the core level.

Advanced level

7. The main goal of the revision of the advanced level is to improve the IPC as an effective search tool for the retrieval of patent information contained in large international patent collections. The development of the advanced level is also to ensure its efficiency as a tool for investigating the state of the art in given fields of technology.
8. Revision of the advanced level should be undertaken when needed in order to accommodate the IPC to the excessive file size and high rate of growth of the PCT minimum documentation classified in IPC groups of the advanced level, to change the classification structure in areas where it has become inefficient for searching or to increase the quality of the advanced level by clarifying the text of the IPC.
9. The possibility of meeting the search needs in a certain area of the IPC by another search technique, for example, text searching, should be taken into consideration before commencing revision of the advanced level in that area.
10. Indexing schemes, associated with respective classification schemes, could be created in the advanced level, where desirable for efficient searching.

REVISION PROCEDURE

11. A new revision procedure for the reformed IPC will be supported by a modern IPC management system. To this end, the International Bureau has carried out its IBIS project aimed at the modernization of the former IPC Information System (IPCIS) and the establishment of an Internet-based, open IPC management system which will incorporate new features resulting from the IPC reform and which includes the advanced IPC electronic forum. Industrial property offices, when proposing amendments to the IPC, will be authorized to directly introduce the proposed amendments in the IPC, namely, in the discussion view of the IPC which will be available on the WIPO Web site. The amendments then could be incorporated into the current version of the IPC.
12. The preliminary testing of the proposed amendments to the IPC by an office-proponent should be a prerequisite for submitting a revision proposal. In respect of revision proposals which are concerned with the transfer of subject matter to new or existing classification places, the testing should include carrying out reclassification of at least 10% of the search file concerned.

Core level

13. The revision procedure should be initiated by the International Bureau which should regularly invite members of the IPC Committee of Experts and the intergovernmental organizations referred to in Article 5(2) of the Strasbourg Agreement to submit proposals for amendments to the core level in accordance with the revision criteria for the core level which are defined in paragraph 14, below.

14. The revision proposals for the core level could relate to one or more of the following categories:

- (a) X-notations;
- (b) Creation of IPC places covering new technologies for which no distinct place in the IPC exists;
- (c) Clarification of wordings in order to improve consistency in classifying or to avoid overlap with other places of the IPC;
- (d) Subdivision of IPC groups having a very large file size and a very high rate of growth of the national patent documentation;
- (e) Modifications required by revision changes to the advanced level.

15. Any revision proposal should be accompanied by a revision request explaining the reasons for the revision and indicating to which of the revision categories the proposal relates. The revision request should also contain the numerical data concerning the file size and rate of growth for the Category-d proposals (see paragraph 14, above), citations of patent documents illustrating proposed new groups and information on the testing of the proposal.

16. The revision proposal should be posted on the WIPO IPC Web site (discussion view of the IPC) and the revision request should be submitted to the IPC electronic forum.

17. If an office is not in a position to prepare a revision proposal but wishes to solve a classification problem in the IPC, it can submit only the revision request to the IPC electronic forum. Such a request should explain the reasons for its submission and indicate that the revision proposal cannot be elaborated by an office-proponent. The elaboration of the proposal will then be entrusted to an office-rapporteur if the revision request is accepted to the revision program.

18. The International Bureau should forward the revision requests and proposals for consideration by the IPC Revision Working Group

19. The IPC Revision Working Group should evaluate all requests to ensure that they comply with the revision policy and the revision criteria laid down by the Committee, determine the need for them and their priority. Revision requests approved by the Working Group should be included in the IPC core level revision program. For each approved request, a project file should be created. The Working Group should establish time frames for individual actions on the project (comments, rapporteur report) and should appoint an office-rapporteur.

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20. The offices-rapporteurs should be responsible for organizing discussions on the project through the IPC electronic forum, taking decisions as to when the project should be submitted for consideration by the Working Group and preparing the rapporteur report. The objective of the rapporteurs should be to accomplish as much work as possible by electronic communication, so that the project could basically be approved, in one of the authentic language versions, at a single session of the Working Group. Rapporteur's proposals should be posted on the WIPO IPC Web site (discussion view).

21. When amendments to the core level are approved by the Working Group in one of the authentic language versions, a volunteering office should prepare respective amendments in the other authentic language version. Upon completion of the project in both language versions, the amendments should be forwarded for adoption to the Committee. Endorsed amendments should be included in the next edition of the IPC.

Advanced level

22. Revision of the advanced level should be carried out through an accelerated procedure in order to provide conditions for the quick accommodation of the advanced level to changing search needs. All member States of the IPC Union and the intergovernmental organizations referred to in Article 5(2) of the Strasbourg Agreement are authorized to submit proposals for amendments to the advanced level in accordance with the revision criteria for the advanced level which are defined in paragraph 23, below.

23. The revision proposal for the advanced level could relate to one or more of the following categories:

(a) Subdivision of IPC groups having an excessive file size and a high rate of growth of the PCT minimum documentation;

(b) Change of the classification structure where it has become inefficient for searching;

(c) Clarification of wordings in order to improve consistency in classifying or to avoid overlap with other places of the IPC.

24. For each group proposed to be subdivided, either the file should contain at least an average of 200 patent documents of the PCT minimum documentation (with one document per patent family) or the rate of growth of the PCT minimum documentation should be at least 50 patent documents for the most recent year for which statistics are considered.

25. When proposing new groups, it should be expected that as an average 50-100 patent documents (with one document per patent family) from the PCT minimum documentation should be covered by each such new group.

26. The quantitative criteria indicated in paragraphs 24 and 25, above, should be applied in a flexible manner and the IPC Special Subcommittee, when considering revision proposals, is authorized to depart from these criteria when this is justified by cost/benefit reasons.

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27. As the core level of the IPC should be stable, proposed amendments to the advanced level should be compatible with the core level and should not imply modifications to the relevant parts of the core level without good reason. If such modifications are necessary, they should be treated in accordance with the revision procedure for the core level.
28. Any revision proposal should be accompanied by a revision request explaining the reasons for the revision and indicating to which of the revision categories the proposal relates. The revision request should also contain the numerical data concerning the file size and rate of growth of the PCT minimum documentation for the Category-a proposals (see paragraph 23, above), citations of patent documents illustrating proposed new groups and information on the testing of the proposal. The revision proposal should be posted on the WIPO IPC Web site (discussion view of the IPC) and the revision request should be submitted to the IPC electronic forum.
29. The International Bureau should forward the revision requests and proposals for consideration by the IPC Special Subcommittee which should be established by the Committee of Experts for supervision of the revision of the advanced level.
30. The composition of the Special Subcommittee will be determined by the Committee of Experts and reconsidered every three years. An industrial property office may be elected to the Special Subcommittee if it assumes responsibility to do at least 20% of the total reclassification work in respect of the PCT minimum documentation in the following three years.
31. The Special Subcommittee should deliver reports at least once a year to the Committee of Experts on the work carried out, which results should be reviewed by the Committee of Experts and, if needed, necessary corrections should be made.
32. The mandate of the Special Subcommittee should include evaluation of revision requests for the advanced level to ensure that they comply with the revision policy and the revision criteria laid down by the Committee and taking decisions with regard to the discussion of the proposed amendments. The Special Subcommittee should conduct its work using electronic communication whenever possible.
33. Revision requests approved by the Special Subcommittee should be included in the IPC advanced level revision program. For each approved request, a project number should be assigned. The Special Subcommittee should appoint an office-rapporteur for each project.
34. Within two months after approval of the request, industrial property offices could submit comments thereon on the IPC electronic forum. If no comments are submitted within that period, the amendments should be considered as approved and should be incorporated by the International Bureau in the advanced level of the IPC.
35. If comments are submitted on the proposed amendments, the Rapporteur should, within one month, post the Rapporteur's proposal, taking account of the comments, or to submit reasons for rejecting the comments. When posting the Rapporteur's proposal, the Rapporteur could request additional comments from interested offices. For submitting additional comments and preparing the revised Rapporteur's proposal, one-month periods should apply.

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36. If no additional comments are requested by the Rapporteur, the Rapporteur's proposal should be considered and approved by the Special Subcommittee. Upon approval of the amendments in one of the authentic language versions, they should be incorporated by the International Bureau in the advanced level.

37. After the approval of the amendments by the Special Subcommittee, responsible industrial property offices should carry out reclassification of search files of the PCT minimum documentation and make the results of reclassification available in the Master Classification Database.

38. The amendments to the advanced level should enter into force when the results of reclassification of respective search files of the PCT minimum documentation are made available in the Master Classification Database, but not earlier three months after their approval by the Special Subcommittee. The International Bureau should continuously update the advanced level of the IPC (actual view of the IPC) and make it available on the WIPO IPC Web site.

39.* Within three months after the approval of the amendments by the Special Subcommittee, respective amendments to the other authentic language version should be incorporated by the International Bureau in the advanced level.

[Appendix II follows]

* This paragraph indicates only the time frame for the preparation of the amendments to the advanced level in the other authentic language version and does not include details of procedure therefor. These details of procedure will later be elaborated, in particular under Task No. 16 ("Study Ways and Means for the Establishment of the French Version of the Advanced Level of the IPC").

APPENDIX II

EXCERPT FROM DOCUMENT IPC/REF/7/3, ANNEX VI

GUIDELINES FOR DETERMINING SUBJECT MATTER APPROPRIATE FOR OBLIGATORY AND NONOBLIGATORY CLASSIFICATION (I.E., “WHAT” TO CLASSIFY WITHIN PATENT DOCUMENT DISCLOSURES)

DEFINITION OF TERMS

“*Invention information*” in a patent document is all novel and unobvious subject matter in its total disclosure (e.g., description, drawings, claims) that represents an addition to the state of the art in the context of the state of the art (e.g. solution to a stated problem); “invention information” should usually be determined using the claims of the patent document as guidance.

“*Addition to the state of the art*” is the difference between the subject matter in question and the state of the art.

The state of the art is the collection of all technical “things”^{*} that have already been placed within public knowledge.

PROCEDURES FOR DETERMINING OBLIGATORY CLASSIFICATION

It is *obligatory* to classify all subject matter that constitutes invention information in a patent document. In practice it can be difficult to objectively determine invention information. Therefore, the best possible approximation to this ideal case has to be found.

The following procedures should be used by classifiers to determine for each of the various types of published patent documents which technical information must be classified.

Procedure for Patents Granted after Search and examination

– All subject matter covered by the claims must be classified. This means that classification should be based on the subject matter of each claim as a whole and on each inventive embodiment within a claim.

– In addition, any part of a claimed combination should be classified if it is novel and unobvious per se.

* Within these guidelines the term “thing” is defined, as it is in the Guide to the IPC, to mean any technical matter, tangible or not, such as a process, product or apparatus.

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- Any unclaimed invention information should also be classified when not fully covered by a related published application (e.g., a published divisional application).

Procedure for Applications that have been Searched

- All claimed subject matter that appears to be novel and unobvious in view of the search results should be classified.
- Any unclaimed subject matter that appears to be novel and unobvious in view of the search results should be classified when not fully covered by a related published application (i.e., a published divisional application).

Procedure for Unsearched Applications Classified by an Expert in the Art

- All claimed subject matter that appears to be potentially novel and unobvious in the opinion of the expert should be classified. This opinion is based on what the examiner or classifier remembers as being already known or obvious based on previous similar searches or general experience; it is not an actual review of the prior art.
- Any unclaimed subject matter, believed by an experienced examiner or classifier reviewing the disclosure to be novel and unobvious, should also be classified when not fully covered by a related published application (i.e., a published divisional application).

Procedure for Unsearched Applications Classified by a Non-Expert in the Art

- The claims should be used as guidance for the subject matter to be classified.

To minimize potentially unnecessary classifications of patent documents in the search files, the classifications of any previously published stages of the applications may be reviewed at the time that the applications are either granted, searched, evaluated, or abandoned to *confirm* or *alter* their obligatory classifications. However attention should be paid to any information that is only disclosed in a previous publication to avoid the loss of information.

In situations where a classifier determines that *no* invention information is present within a published patent document, at least one classification must still be assigned to the patent document. In this exception to standard practice, the classification should be based on the portion(s) of the total disclosure that the classifier determines is most useful. Normally, when the subject matter of the disclosure is well represented in the prior art, a single classification is adequate.

GUIDELINES APPLY EQUALLY TO THE CORE AND THE ADVANCED LEVEL

All procedures for determining “invention information” and “obligatory classification” apply equally to both the core and the advanced level.

IDENTIFYING “INVENTION INFORMATION” TO BE CLASSIFIED

In the following, the term “invention information” is meant to also cover its best possible approximation based upon the stage of the patent granting procedure during which the patent document is classified. The term “inventive thing” means any part of the invention information which is novel and unobvious in itself.

The ‘invention information’ in a patent document may contain several separately classifiable “inventive things” that could each be classified in a different classification place. The general rule is that an “inventive thing” must be classified as a whole, and not by separate classification of its parts. The following subsections provide additional guidance for applying this general rule in particular situations:

- (a) Each claim in a patent document potentially defines at least one “inventive thing.”
- (b) If a document discloses “inventive things” of more than one category of invention (e.g. method of manufacturing, article/product, process of using apparatus), the “inventive things” of all categories must be classified. An example is a novel and unobvious method for making a product (e.g., tyre) and a novel and unobvious apparatus for making this product. This may or may not result in classifying a patent document in more than one place, since a particular process and apparatus for making a product potentially could be classified in the same place or in different places.
- (c) Every different “inventive thing” within a single category of invention must be classified as a whole into a single classification place covering it.
- (d) When a document discloses, within a single category of invention, multiple fully disclosed alternative variants of “inventive things” (e.g. alternative types of vehicle springs), each variant must be classified as a whole.

For variants covered by general chemical formulae (e.g., Markush-type organic compound formulae), all variants that are “fully disclosed” within the meaning of paragraph 71 of the Guide to the IPC must be classified. This principle is also used when documents contain inventive things that are appropriate for both “function-oriented” (e.g., more general use) places and “application” places.

- (e) Whenever a part of an “inventive thing” is determined to also be novel and unobvious, that part should also be classified. This situation could be indicated by the part being separately claimed in an independent claim, or by being described in detail in the description.

DISCRETIONARY (I.E., NONOBLIGATORY) CLASSIFICATION

(a) Any portion of the total disclosure of a patent document or of non-patent literature (e.g., technical publication) that includes subject matter determined by a classifier or examiner to be useful for searching may be used as the basis for assignment of discretionary classifications.

(b) Nonobligatory classifications is made entirely at the discretion of examiners and classifiers.

(c) In specific classification places, rules or recommendations can be stated (e.g. in the definitions of those places) in order to assist classifiers and searchers in the use of discretionary classification. However, such rules should normally not affect the discretionary nature of this type of classification.

[Appendix III follows]

APPENDIX III

EXCERPT FROM DOCUMENT IPC/REF/7/3, ANNEX VII

THE MOST APPROPRIATE DURATION OF REVISION CYCLES

Recommendation by the ad hoc IPC Reform Working Group

RECOMMENDATION

1. As decided by the Committee of Experts of the IPC Union, revision of the advanced level should not depend on revision cycles and will be carried out continuously. Revision cycles could therefore be applied only to revision of the core level.
2. Relative stability of the core level will result in a rate of revision, which will be significantly lower than for the current IPC. It will nevertheless be necessary to provide for revision of the core level to a certain extent. Such revision will be needed in order to accommodate new technologies at subclass or main group level of the IPC or to increase the quality of the IPC by clarifying its text. Revision of the core level could also be needed for providing new subdivisions of groups having a very large file size and a very high rate of growth of the national patent documentation. Revision of the core level could also be required by revision carried out at the advanced level when, for example, changes proposed to the advanced level would require modifications at subclass or main group level of the IPC.
3. Future revision of the core level could relate to the following categories:
 - (a) X-notations;
 - (b) Creation of IPC places covering new technologies for which no distinct place in the IPC exists;
 - (c) Clarification of wordings in order to improve consistency in classifying or to avoid overlap with other places of the IPC;
 - (d) Subdivision of IPC groups having a very large file size and a very high rate of growth of the national patent documentation;
 - (e) Modifications required by revision changes to the advanced level.
4. Revision amendments to the core level will be elaborated by the IPC Revision Working Group and will be adopted by the Committee of Experts.

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5. Since the first publication of the IPC, it has been revised in five-year revision cycles and every five years a new edition of the IPC has been published. The current, seventh edition of the IPC will be valid until January 1, 2005. Regular publications of new editions of the IPC provided conditions for taking account in the system of technical development and to guarantee that published patent documents were classified according to IPC symbols which were valid at the given period of time as, according to the Strasbourg Agreement, member States of the IPC Union shall include in their published patent documents the complete symbols of the Classification which is in force.

6. Regular publications of new editions led, however, to the need to rely on superseded IPC editions in the retrospective search. This presented a serious problem for industrial property offices and the general public. In the reformed IPC, this problem will be solved by the availability of the Master Classification Database containing the IPC data of patent documentation classified only according to the current edition of the IPC.

7. It is supposed that the core level of the IPC will be applied for classifying national patent documents by small industrial property offices, in particular in developing countries. For such offices, regular official publications on different information carriers of new editions of the core level will be extremely important for the proper administration of the classification and reclassification work.

8. A fixed revision cycle for the core level will also be needed for the periodical publication of its printed version, preparation of national language versions of the IPC, revision of the Guide to the IPC and updating the official catchword indexes to the IPC.

9. Previously applied five-year revision cycles met certain criticism of industrial property offices and the public as they led to considerable delay between the submission of a revision request and the implementation of revision results in the IPC. It became especially unacceptable at the present time of rapid technological changes observed throughout the world.

10. Revision periods will be shortened, therefore, by two years and three-year revision cycles will be applied henceforth. Starting from the year 2005, new IPC editions, incorporating revision changes, will appear every three years and will bear the designation of the year of publication, for example, IPC-2005.

11. The three-year revision cycle will be the most efficient for the core level as it will accelerate implementation in the core level of the changes necessitated by technological progress, preserving at the same time its relative stability.

12. Although the three-year revision cycle should normally be applied in the future for the core level, the IPC Committee of Experts could extend the revision cycle if it considered the publication of the new edition of the core level premature, as in the case, for example, of an insufficient number of revision amendments made to the core level.

Appendix III, page 3

13. Amendments to the core level adopted by the Committee of Experts will be accumulated during the three-year revision period and will officially enter into force at its end. Amendments adopted will also be incorporated by the International Bureau in the IPC and published in the Internet version of the IPC, following the sessions of the Committee.

14. Those amendments will not be mandatory for use until the end of the revision period and will be considered as temporarily belonging to the advanced level of the IPC. This would provide possibilities for the rapid implementation of the results of the core level revision by any member or observer of the IPC Union that applies classification in the advanced level and would wish to use such amendments for classification of published patent documents.

15. The above-mentioned use of core level amendments temporarily belonging to the advanced level should not distort the compatibility of the core and the advanced levels. Industrial property offices that will choose to use these amendments will be obliged to also assign official core level symbols to their published patent documents. Such an assignment will be facilitated by the revision concordance data which be available to offices at the same time as the core level amendments themselves, and, in certain cases, could be done in a automatic way.

[Appendix IV follows]

APPENDIX IV

EXCERPT FROM DOCUMENT IPC/REF/7/3, ANNEX X

SUMMARY OF RULES FOR CLASS PROPAGATION

CORE LEVEL

Initial Classification

If not given, the advanced level classification is rolled up;

No class propagation;

No class addition via advanced level.

Reclassification

No class propagation;

Propagation only on request as once off action;

If wished, classes replaced by rolled up classes from advanced level for PCT min. doc.

ADVANCED LEVEL

Initial Classification

No propagation;

Class may be added by Trilateral Offices for PCT min. doc.

Reclassification

Propagation from Trilateral Offices to PCT min. doc.;

Propagation from PCT min. doc. to Trilateral Offices;

No propagation from Trilateral Offices outside PCT min. doc. but can be requested;

Delete obsolete advanced level symbol for non-PCT min. doc.

NOT LEVEL DEPENDENT

No propagation for successive publications.

[Appendix V follows]

APPENDIX V

EXCERPT FROM DOCUMENT IPC/REF/8/2, ANNEX IV

RECLASSIFICATION RULES IN THE
MASTER CLASSIFICATION DATABASE (MCD)

1. The MCD should deliver to the reclassifying patent office the complete patent family with the classification symbols as stored in the MCD for each document classified in the IPC entry to be revised. If several entries are involved in the reclassification, a list will be produced for each entry.
2. When the MCD has to carry out class propagation, the class addition is to be realized for all family members (PCT minimum documentation). However, when the corresponding deletion of the old classification symbol cannot be carried out, a warning is to be created by the MCD and sent to the office which published the document with the old classification symbol.
3. An office selected for a reclassification action on the basis of the rules for task allocation should be in charge of reclassifying a patent family, even when on its own document the symbol to be reclassified is missing.
4. After reclassification, offices should send to the MCD a minimum set of information, which contains the document identification together with the old classification symbol for deletion as well as the new classification symbol for addition.

[End of Annex and of document]