

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

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

## **COMMITTEE OF EXPERTS**

**Thirty-Fourth Session**  
**Geneva, February 23 to 27, 2004**

REPORT

*adopted by the Committee of Experts*

### INTRODUCTION

1. The Committee of Experts of the IPC Union (hereinafter referred to as “the Committee”) held its thirty-fourth session in Geneva from February 23 to 27, 2004. The following members of the Committee were represented at the session: Austria, Belgium, Canada, China, Croatia, Czech Republic, Denmark, Egypt, Finland, France, Germany, Ireland, Japan, Mexico, Netherlands, Norway, Portugal, Republic of Moldova, Republic of Korea, Romania, Russian Federation, Slovenia, Spain, Sweden, Switzerland, The Former Yugoslav Republic of Macedonia, United Kingdom, United States of America (28). Lithuania was represented by an observer. The European Patent Office (EPO) was also represented. The list of participants appears as Annex I to this report.
2. The session was opened by Mr. F. Gurry, Deputy Director General, WIPO, who welcomed the participants on behalf of the Director General of WIPO.

## OFFICERS

3. The Committee unanimously elected Mr. S. de Vries (Netherlands) as Chair and Mr. O. Aasen (Norway) and Mr. I. Vasilescu (Romania) as Vice-Chairs.
4. Mr. M. Makarov (WIPO) acted as Secretary of the session.

## ADOPTION OF THE AGENDA

5. Having made some changes to the draft agenda, the Committee unanimously adopted the agenda, which appears as Annex II to this report.

## DISCUSSIONS, CONCLUSIONS AND DECISIONS

6. As decided by the Governing Bodies of WIPO at their tenth series of meetings held from September 24 to October 2, 1979 (see document AB/X/32, paragraphs 51 and 52), the report of this session reflects only the conclusions of the Committee (decisions, recommendations, opinions, etc.) and does not, in particular, reflect the statements made by any participant, except where a reservation in relation to any specific conclusion of the Committee was expressed or repeated after the conclusion was reached.

## REPORT ON THE TENTH MEETING OF THE TRILATERAL WORKING GROUP ON CLASSIFICATION

7. The Delegation of the United States of America reported on the tenth meeting of the Trilateral Working Group on Classification, held in Washington, D.C., at the United States Patent and Trademark Office, from February 2 to 6, 2004 (see document IPC/CE/34/2). The Delegation explained that the main purposes of the meeting were to discuss the progress in Harmony projects, to review the plans of the Trilateral Offices for the implementation of IPC reform and the use of WIPO Standards for data exchange procedures, to consider ways for accessing the Master Classification Database and to elaborate initial proposals for such IPC-related issues as the working procedure of the Special Subcommittee for the revision of the advanced level, an accelerated procedure for the creation of classification definitions and the introduction of additional residual main groups in IPC subclasses.
8. The Delegation also informed the Committee of discussions concerned with a broader and more efficient access to non-patent literature, including traditional knowledge documentation, and the use of a new IPC scheme for traditional medicine.

## CONSIDERATION OF AMENDMENTS TO THE IPC EMANATING FROM REVISION PROJECTS

9. Discussions were based on document IPC/CE/34/3, containing amendments to the IPC approved by the IPC Revision Working Group, and its Supplement 1, containing comments on those amendments submitted by France, Japan, the United Kingdom and the United States of America, as well as additional comments submitted by France, Sweden, the United Kingdom and the EPO which were distributed at the meeting.

10. The Committee adopted a number of amendments to the IPC which appear in the Technical Annexes 1 to 10 to this report. Furthermore, the Committee adopted amendments to the Official Catchword Indexes which appear in Annex III to this report. Annex XI to this report lists the classes and subclasses for which the Committee has adopted amendments during the current revision period and Annex XII to this report lists the classes and subclasses to which the Technical Annexes pertain.

### Observations to the Amendments Considered

11. Following the decision of the Committee, made at its thirty-third session, on the sequence to be used for numbering of main groups in new subclasses (see document IPC/CE/33/12, paragraph 15) and the corresponding decision of the IPC Revision Working Group, made at its tenth session, concerning Project C422 (see document IPC/WG/10/3, paragraph 38), it was decided to apply the said sequence in subclass C40B and the adopted groups were renumbered accordingly (see Technical Annex 5 to this report).

12. When considering the amendments proposed under Project C424, it was noted that Note (1) after the title of subclass G06Q was in contradiction with the general residual nature of group G06Q 99/00. It was decided that this note should be reconsidered by the IPC Revision Working Group and eventually the creation of a new main group providing for subject matter “not involving significant data processing” should be considered. The Committee agreed to refer the amendments proposed under Project C 424 back to the Working Group.

## CONSIDERATION OF CHANGES TO THE IPC CONCERNED WITH THE PREPARATION OF THE NEW EDITION

13. Discussions were based on document IPC/CE/34/4 containing changes to references and to subclass indexes in the IPC, and changes to the IPC resulting from the removal from the IPC of the word “miscellaneous” as approved by the IPC Revision Working Group at its tenth session, and on document IPC/CE/34/4 Suppl.1 containing additional changes to references and to subclass indexes in the IPC proposed by Sweden and the United States of America.

14. The Committee adopted, with some amendments, the changes approved by the IPC Revision Working Group and the additional changes proposed by Sweden and the United States of America, which appear in Annex IV to this report.

## TREATMENT OF THE HYBRID SYSTEMS IN THE IPC

15. Discussions were based on document IPC/CE/34/5, containing recommendations of the IPC Revision Working Group with regard to double-purpose schemes in the IPC and with regard to separate indexing schemes which had not been considered at the thirty-third session of the Committee, and its Supplement 1, containing comments submitted by the Netherlands and the United Kingdom.

16. The Committee adopted, with some amendments, the recommendations by the IPC Revision Working Group, which appear in Annex V to this report, and agreed to consider this Task completed.

## REVISION OF THE GUIDE TO THE IPC

17. The Committee recalled that, at its thirty-third session in October 2003, it had reviewed the contents of the English version of the revised Guide and decided to proceed to the adoption of the Guide at its thirty-fourth session when the French version of the revised Guide would be available.

18. Discussions were based on the project file IPC/R 17/01 Revs.11 and 12, containing the English and French versions of the revised Guide and comments submitted by France and the United States of America.

19. The Committee adopted, with several changes, the text of the revised Guide to the IPC which appears in Annex VI to this report.

20. The Committee noted that the text of paragraph 16 of the Guide, relating to the IPC:CLASS CD-ROM, would be supplemented by the International Bureau by information relating to a next issue of IPC:CLASS which would include the eighth edition of the IPC when details concerned with the publication of this issue would be agreed upon.

## GUIDELINES FOR DETERMINING WHERE TO CLASSIFY PATENT DOCUMENTS

21. Discussions were based on the project file IPC/R 15/00 Rev.13, containing the English and French versions of the Guidelines for Determining Where to Classify Patent Documents and comments submitted by France and the United Kingdom which were distributed at the session.

22. Following certain changes made, the Committee adopted the text of the Guidelines which appears in Annex VII to this report.

## IMPLEMENTATION OF THE RESULTS OF IPC REFORM

23. Discussions were based on document IPC/CE/34/6 relating to the implementation of the results of IPC reform in the IPC. With respect to the Task “Rearrangement of Main Groups According to the Standardized Sequence,” the Committee noted that the elaboration of standardized sequences of main groups for all subclasses had been completed and that the IPC Revision Working Group had approved the English version of the “Guidelines on the Rearrangement of the Main Groups According to the Standardized Sequence.” The Committee took also notice of the solutions approved by the IPC Revision Working Group with respect to problems relating to the term “preceding” in group titles.

24. The Committee also recalled its decision relating to the systematic introduction of residual main groups in IPC subclasses where those groups were not present (see document IPC/CE/32/12, paragraph 49). The Committee noted a compilation provided by the United States of America which contains the recommendations given by rapporteurs of rearrangement projects with respect to where new residual main groups should be created. The Committee expressed its gratitude to the United States of America for providing this compilation.

25. The Secretariat informed the Committee that this compilation would soon be posted on the e-forum (see Project WG 111) and the Committee invited comments thereon by May 1, 2004. Recalling that it had already agreed on basic elements of a procedure for the introduction of residual main groups (see document IPC/CE/32/12, paragraphs 50 and 51), the Committee requested that comments should particularly focus on further details of such a procedure, especially in view of the feasibility of accomplishing this task before the entering into force of the next edition of the IPC.

26. In view of the postponement of the entering into force of the reformed IPC (see paragraph 43, below), the Committee finally requested the IPC Revision Working Group to consider whether the introduction of residual main groups could be efficiently carried out in time before the entering into force of the next edition.

27. Bearing in mind that the IPC Revision Working Group would consider necessary changes to the provisionally approved French version of the “Guidelines on the Rearrangement of the Main Groups According to the Standardized Sequence” during its next session, the Committee agreed to consider this Task as completed and expressed its gratitude to the Working Group for the excellent and rapid accomplishment of this extensive task.

28. The Committee also noted the results of the project relating to limiting references in advanced level groups which emanated from the completed Task “Checking of Notes and References in the Reformed IPC” (see document IPC/WG/10/3, paragraphs 21 to 24).

29. The Committee adopted with some amendments the following notes for warning classifiers and searchers about potential problems:

“For the Internet Presentation:

“The advanced level subgroups of the present core level group may contain references which point to places not covered by the present core level group. The user should be aware that such references could affect the scope of the present group by explicitly referring out subject matter that would otherwise be classified in the present group.

“For the Presentation in the Printed Version:

“In some instances, advanced level subgroups of a core level group may contain references which point to places not covered by that core level group. The user should be aware that such references could affect the scope of the core level group by explicitly referring out subject matter that would otherwise be classified in this core level group. Such core level groups are indicated by an asterisk (\*).”

30. The Committee agreed that the measures taken with respect to such references should be considered as a preliminary solution only which was necessary in view of the large number of possibly affected references and the high amount of intellectual work that a comprehensive solution would entail. The Committee also agreed that a comprehensive and consistent solution would be highly desirable in view of the importance of the core level for small and medium-sized industrial property offices with respect to classifying and searching their national patent collections. The final solution should provide for a fully self-sufficient version of the core level which would not require any consultation of the advanced level.

31. The Committee therefore invited the IPC Revision Working Group to investigate if further steps towards a final comprehensive solution could be taken before the entering into force of the next edition of the IPC, in particular with respect to sorting out informative references from the set of references established by the automated search algorithm.

32. With respect to the task “Contents of the Core Level of the Reformed IPC” the Committee noted that the distribution between the core level and advanced level of groups introduced in the seventh edition of the IPC and of new groups approved during the current revision period had been completed. The Committee also noted the approach chosen by the IPC Revision Working Group for checking the structure of the core level (see document IPC/WG/10/3, paragraphs 48 and 49). The International Bureau confirmed that it would conduct the final checking of section H.

33. The Committee agreed that this task was completed.

34. With respect to the ongoing Task “Elaboration of Classification Definitions,” the Committee noted that only 18 subclass definitions out of 58 definition projects had received approval. In view of the high number of subclasses for which definitions would have to be elaborated and in view of their importance for the reformed IPC, the Committee underlined that it would be highly desirable to accelerate the process of elaborating definitions without compromising their quality.

35. In that respect, the Committee noted the intention of the United States Patent and Trademark Office to prepare, on behalf of the Trilateral Offices, a proposal on ways and means for improving the process of elaborating classification definitions and to present such a proposal to the IPC Revision Working Group for consideration at its next session. The Committee requested the Working Group to consider such a proposal and to take appropriate measures for accelerating the elaboration, while maintaining the quality, of subclass definitions.

#### IPC REFORM IMPLEMENTATION PLAN

36. The Delegation of the EPO informed the Committee of serious difficulties that the EPO was experiencing in the accommodation of its internal systems to the requirements of IPC reform. A detailed analysis of the relevant systems revealed that the technical complexity of the task and the budgetary consequences had been largely underestimated. In particular, the Delegation announced that the development of the Master Classification Database (MCD), which should be created at the EPO for receiving, processing and exchanging the IPC reform classification data, would be far more complex and expensive than initially expected, and that the creation of the MCD could not be accomplished by the target date of January 1, 2005. The Delegation explained that these facts had become fully known only just before this session of the Committee.

37. The Committee noted that, unfortunately, the very important information provided by the Delegation of the EPO could be made available only during this session.

38. The Delegation of the EPO stated that the EPO remained fully committed to the reformed IPC and to its implementation, and expected to finalize the creation of the MCD with all its functionalities by October 2005.

39. In view of the circumstances disclosed above, the Delegation of the EPO proposed to postpone entering into force of the reformed IPC (next edition of the IPC) for one year, until January 1, 2006, and indicated that the additional year would give the EPO and other industrial property offices sufficient time to properly implement all technical aspects of the reformed IPC.

40. In the discussion that followed, several Delegations stated that they had difficulties in the accommodation of their internal systems to meet the target date of January 1, 2005, while several other Delegations stated that they expected to have their internal systems ready by that date.

41. Some Delegations also felt that the delay in the implementation of the reformed IPC would deprive many users for one year, especially among the general public, of the advantages that would be brought about by the next edition of the IPC, for example, the new extended classification scheme for traditional medicine.

42. In considering various options for resolving the situation that has arisen, the Committee noted that the MCD represented one of the milestones of IPC reform and with its unavailability the whole new system of recording, processing and distributing of classification information, which should be put in place by the reform, would not properly function. The Committee agreed that any partial introduction of the reformed IPC, for example, publication of the new edition in June 2004, as was intended by the International Bureau, would not be beneficial for users and would create confusion with regard to the use and recording of classification data.

43. In view of the above considerations, the Committee came to the conclusion that the postponement of the entering into force of the reformed IPC for one year would constitute in the current situation the most feasible solution and agreed, with regret, to extend the validity period of the current, seventh, edition of the IPC until December 31, 2005.

44. The Committee requested the International Bureau to inform member States of the IPC Union and other users of the IPC of this decision and to prepare a respective report to the Assembly of the IPC Union.

45. The Committee expressed confidence that the EPO would take all necessary measures in order to meet the revised target date for the creation of the MCD and requested its members and observer organization to intensify work on the accommodation of their internal systems to the requirements of IPC reform. In this regard, the Committee agreed that the agenda of its next session should include, as one of the major items, consideration of the implementation of IPC reform by industrial property offices. The Committee indicated that, for the successful implementation of the reform in offices, good communication between classification experts and IT specialists should be established.

46. The Committee decided that, although it was not possible to discuss a detailed work plan for the additional year before entering into force of the reformed IPC, this additional year should be used for the enhanced implementation in the IPC itself of new features introduced by the reform, for example, for the introduction of more classification definitions into the electronic layer of the IPC, and for further improving the quality of the core and the advanced levels of the reformed IPC.



47. In view of the progress in the elaboration of tasks of IPC reform, the Committee updated the IPC Reform Implementation Plan, as shown in Annex VIII to this report. The Committee noted that, out of 19 tasks on the IPC reform program, 17 tasks had been completed. Because of the additional time available before the next edition of the IPC, the Committee agreed to include new tasks relating to the implementation of the reform results in the IPC in the work program of the IPC Revision Working Group.

#### DEVELOPMENT OF CLASSIFICATION TOOLS FOR TRADITIONAL KNOWLEDGE

48. Discussions were based on document IPC/CE/34/8 containing a report of the Task Force on Classification of Traditional Knowledge, which described the work carried out by the Task Force in the year 2003.

49. The Committee noted that, upon its final adoption at this session, the revision project C 425 relating to the creation of the new main group A61K 36/00 for traditional medicine could be considered completed and the result would be available in the next edition of the IPC.

50. The Committee noted, with appreciation, that the International Bureau had prepared two surveys that appeared as Appendices to the Task Force report. The survey appearing in Appendix I focused on possible patent classification aspects relating to components of biodiversity and traditional culture expressions, while the other survey in Appendix II was concerned with the ongoing activities in WIPO relating to traditional knowledge databases and considerations of how to best organize access to traditional knowledge documentation in the public domain.

51. The Committee agreed with the conclusions provided in Appendix I by the International Bureau that the Task Force could use the survey as a basis when considering its work on further development of classification tools for traditional knowledge and other relevant areas.

52. The Committee also agreed with the conclusions provided in Appendix II that the Task Force should take into account the decisions to be made by the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) and the Meeting of International Authorities under the PCT (PCT/MIA) when considering how to best organize access to traditional knowledge documentation which was in the public domain.

53. The Delegation of the United States of America indicated that certain standards for classification and retrieval of non-patent literature would have to be elaborated in order to effectively use the IPC for those purposes.

54. The Committee agreed that coordination of its work with the PCT/MIA and the IGC would be necessary, in particular, in order to keep the Committee informed of any progress made by these two bodies in respect of classification tools for traditional knowledge or related issues.

55. The Committee finally instructed the Task Force to continue its work on further development of classification tools for traditional knowledge and other relevant areas, and requested the Task Force to continue its consideration of how the future revised IPC could be linked to traditional knowledge resources classifications which may be developed in various countries and of how to best organize access to traditional knowledge documentation which was in the public domain, including the hyperlinking of the IPC to traditional knowledge databases.

#### PUBLICATION OF THE EIGHTH EDITION OF THE IPC AND RELATED MATERIAL

56. Discussions were based on document IPC/CE/34/9 containing a plan of the publication of the eighth edition of the IPC and related material, prepared by the International Bureau. The Secretariat provided additional information relating to the publication of various IPC products in response to questions raised by several Delegations. Certain Delegations expressed the wish that the future publication of the next issue of IPC:CLASS retain facilities and functions sufficient for professional users of patent information.

57. Having noted that the time schedule for the publication of the eighth edition of the IPC would be reconsidered by the International Bureau, in view of the decision to postpone entering into force of this edition until January 1, 2006 (see paragraph 43, above), and that certain details relating to the publication could later be further specified, the Committee generally supported the presented plan of the publication.

#### GLOSSARY OF TERMS FOR CONOPS

58. Discussions were based on a proposal that had been provided by the United States of America (see document IPC/CE 333, Annex 1) in response to a request by the Committee (see document IPC/CE/33/12, paragraph 58) and on comments on the French translation of the Glossary which had been submitted by France (see document IPC/CE 333, Annex 3).

59. The Committee expressed its gratitude to the United States of America and adopted both the English version of the Glossary without changes and the French version with the changes proposed by France. The Glossary appears as Annex IX to this report.

#### CLAIMS PROJECT

60. The Secretariat made a presentation to a joint session of the Committee and the SCIT Plenary and explained developments that took place in each of the four tracks of the project since the last session of the Committee, in October 2003. The presentation was accompanied by a live demonstration of the IPC Categorizer (IPCCAT) and Natural Language Access to the IPC (TACSY).

61. The Delegations expressed their appreciation with the excellent carrying out of the project and indicated that the achievements of the project open new possibilities for users of patent information.

62. The Delegation of Germany indicated that new IT tools elaborated for the maintenance and publication of the reformed IPC made it difficult for industrial property offices to support their national versions of the IPC, especially in view of the need for periodical updates of the used software, and requested the International Bureau to investigate possibilities for maintaining the German version of the IPC on the WIPO IPC website, provided that the German Patent and Trade Mark Office would prepare translations of the amendments to the IPC and submit the relevant XML files to the International Bureau for incorporation into the German version of the IPC.

63. The Delegation of Spain stated that the maintenance of the reformed IPC in the Spanish version represented a challenge for the Spanish Patent and Trademark Office and also requested the International Bureau to consider maintenance of the Spanish version on the WIPO website, in order to serve the Spanish language users of patent information properly.

64. The Delegations of Mexico and Peru supported the request of the Delegation of Spain.

65. The Delegation of the Russian Federation expressed its willingness to actively participate in the future development of the Russian version of the IPC.

66. In response to the requests made, the Secretariat indicated that the International Bureau would carefully consider the needs of industrial property offices wishing to maintain their national versions of the IPC on the WIPO website, subject to budgetary and manpower resources are available.

67. In response to a question raised by some Delegations as to whether the software necessary for maintaining the reformed IPC and the IPCCAT could be made available to industrial property offices, the Secretariat explained that this software is protected by a third party copyright but the issue raised could be further investigated.

68. Several Delegations inquired whether the DVD version of the IPCCAT would be available to offices free of charge and whether the IPCCAT could be operational in a batch mode. The Secretariat confirmed that the DVD version of the IPCCAT would be freely available to industrial property offices for assistance in classifying their patent documents and that, for the implementation of the batch mode of operations of the IPCCAT, additional programming would be implemented.

69. Finally, several Delegations requested that enhanced facilities for online accessing the RIPCIS system be provided and that WIPO play a central role in the coordination of the implementation of IPC reform in industrial property offices.

70. The Secretariat indicated that the implementation of IPC reform was planned to be one of the major items for discussions at the next session of the Committee and invited the members and observer organizations of the Committee to include in their Delegations to that session both IPC experts and IT specialists in order to ensure the most efficient discussion of this item.

71. Detailed information on the current status of the CLAIMS project is given in Annex X to this report as well as in the copies of the presentation distributed by the Secretariat.

#### NEXT SESSION OF THE COMMITTEE

72. The Committee noted the tentative date of its next session:

Geneva, October 25 to 29, 2004.

#### THANKS TO MR. DE VRIES

73. On the occasion of Mr. de Vries' (Netherlands) last participation in a session of the Committee of Experts since he will soon take retirement, the Committee and the International Bureau thanked him and expressed their appreciation of his excellent contribution to the development of the IPC for many years, both as Representative of his Office and as Chairman of the Committee. The Committee and the International Bureau wished him a long and very happy retirement.

*74. This report was unanimously adopted by the Committee at its closing meeting on February 27, 2004.*

[Annexes follow]