

ANNEX V

WORKING PROCEDURE OF THE SPECIAL SUBCOMMITTEE
FOR THE SUPERVISION OF THE ADVANCED LEVEL

1. The succeeding statements and procedure supplement the procedure set forth in “Revision Policy and Revision Procedure for the Reformed IPC” (see document IPC/CE/33/12, Annex IV).
2. The following procedure for the Special Subcommittee for the Supervision of the Advanced Level (hereinafter referred to as “ALS”) is designed to accomplish the goals of the reformed IPC in the most cost-effective manner possible. It is intended to optimize resources and accelerate creation of definitions by coordinating core and advanced level revision projects. Accordingly, the ALS procedure conform to the following principles:
 - (a) taking advantage, to the maximum extent possible, of existing document classification data within ECLA, FI and USPC classification places in reclassification work performed by ALS;
 - (b) avoiding redundant intellectual work done by the ALS and the IPC Revision Working Group (IPC/WG);
 - (c) ensuring the quality of the advanced level, i.e., that classification places accurately reflect the patent documents classified in the advanced level of the IPC;
 - (d) responding quickly to emerging technologies to ensure the reformed IPC is an effective search tool;
 - (e) maximizing the use of equivalent titles or definitions within existing ECLA, FI and USPC classification places in IPC revisions;
 - (f) prioritizing the reclassification work on all IPC revision projects based on the projected availability of resources at the offices performing the reclassification work;
 - (g) completing the reclassification of documents in approved advanced level areas within the shortest practicable time frame given constraints at each ALS office in order to facilitate prior art searches at all offices and maintain search file integrity.

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3. The members of the ALS will communicate in an appropriate way to continuously evaluate revision proposals, prioritize all reclassification work for IPC revision projects and approve advanced level revision projects. IPC revision projects that require reclassification of the back file can only be approved if all ALS offices agree on the usefulness from a cost/benefit perspective. Newly proposed projects that merely clarify wording of existing advanced level classification places and with no significant document reclassification work required will be approved whenever a majority of ALS offices deem them useful.

4. The ALS will review all proposed advanced level IPC revision projects forwarded by the International Bureau for consideration, as well as those proposed by member offices of the ALS in accordance with the criteria set forth for in the document “Revision Policy and Revision Procedure for the Reformed IPC” (see document IPC/CE/33/12, Annex IV). A current list of all proposed advanced level projects will be posted on the IPC website, along with the status of each proposal as specified in CONOPS 2.5.1. The IPC/WG will not approve any project proposals separately submitted by an office to equivalent areas of the core level when overlapping advanced level proposals are being acted on by the ALS or within their project back file.

5. In consultation with the IPC/WG, the ALS may assume responsibility for IPC core level revision proposals under consideration by the IPC/WG when the revision proposals impact the advanced level in order to avoid redundant work by the ALS and IPC/WG.

6. For the purposes of planning the reclassification work required for any revision project, the ALS will review and prioritize on a half-yearly basis all IPC revision requests approved by either the IPC/WG or the ALS. Priority will be assigned on the basis of the availability of a Rapporteur for advanced level projects, and the availability of reclassification resources at ALS offices, for any IPC project requiring reclassification of documents. In recognition that situations regarding reclassification resources can change, the relative priority of the reclassification work may be changed at any time upon agreement of all ALS offices.

7. The following procedure will be used for each revision project for which the ALS has responsibility:

(a) When advanced level project work has been proposed or begun within a specific subclass, the ALS will invite the International Bureau to officially notify the IPC/WG of the advanced level project and to create an ALS project file on the IPC e-forum for offices to submit their comments.

(b) After this notification, the IPC/WG will not initiate new core level revision projects within any portion of a subclass impacted by an advanced level project until work on this subclass is completed or otherwise concluded in the advanced level. However, if the IPC/WG considers it necessary for a new core level revision project proposal to be considered in a subclass impacted by an ALS project, it can request that the ALS integrate it into the ALS discussions.

(c) Each ALS office will designate an expert as contact for the project.

(d) The ALS will appoint a Rapporteur, from the designated experts, for any area in the advanced level where project work is proposed and the ALS Rapporteur will provisionally determine the scope of the project. Based on the Rapporteur’s review of the project proposal and the mutual agreement of all ALS offices, an initial time frame will be determined for completion of reclassification work on the project and adjusted when necessary based on unforeseen circumstances.

(e) Initial project scope is determined and adjusted based on comments. The ALS will propose an advanced level scheme and interested IPC/WG offices can directly submit their comments to the IPC e-forum within an established time period. When an advanced level scheme involves core level groups, the IPC Committee of Experts (IPC/CE) will also be notified.

(f) If a previously approved subclass definition does not already exist for the area covered by the advanced level project, the ALS Rapporteur will draft a provisional definition for the impacted subclass based on existing IPC borderlines and any proposed advanced level changes to the scope of the subclass. If an approved subclass definition exists, it will be used. However, it can be modified where needed, to create a provisional subclass definition. The ALS Rapporteur will also draft provisional definitions for any new or existing main groups within the area covered by an advanced-level project and within extensively impacted related areas.

(g) After finalization of the scope of the advanced level project, the ALS Rapporteur will identify any active IPC/WG projects that may directly or indirectly impact the scope of the subclass or groups within the advanced level project. These projects include revision projects (e.g., rewording of titles in the core level scheme), subclass definition projects, or projects creating notes in related subclasses.

(h) The ALS Rapporteur will notify the International Bureau of any active IPC/WG projects that could overlap with the advanced level project.

(i) After this notification, the IPC/WG will suspend or redistribute work on any project, or part of a project, that could overlap with the advanced level project until work is concluded on the advanced level project. In the situations where work must continue on core level projects that overlap with projects in the advanced level, the IPC/WG and ALS will agree to distribute work in such a way that work done on one project does not overlap with the work done on the other project. After conclusion of the advanced level project, the IPC/WG will reevaluate and determine if any related projects that were suspended should continue, be modified, or cancelled.

(j) The ALS offices will divide the list of patent documents to be reclassified.

(k) A provisional scheme for the impacted area will be drafted by the Rapporteur and sent to the other ALS offices. Provisional definitions for the subclass or appropriate main groups of the provisional scheme will also be drafted by the Rapporteur and sent to the other ALS offices. The provisional scheme, and any completed proposed provisional definitions, will be posted on the e-forum in the project's file for comments. The offices will be given a period of time to have their experts review the definitions and provide comments.

(l) The ALS offices will test the provisionally agreed scheme by placing documents, modify the scheme based on this testing, if appropriate, and finalize the scheme in the advanced level when unanimously agreed to by the ALS offices. Remaining documents will normally be reclassified into the finalized scheme within the period indicated in CONOPS after the official adoption of the scheme. Any additional provisional definitions needed for the scheme will be written during the testing process. All provisional definitions will be finalized simultaneously with the scheme since one of the primary goals of the definitions is to ensure harmonization of future document placement while accurately reflecting the existing back file.

(m) After the subclass and appropriate main group definitions have been completed, any relevant subgroup definitions that have not already been agreed to at the advanced level will be written or rewritten utilizing the above procedure.

(n) After a finalized version of the provisional scheme and the relevant subclass and group definitions have been appropriately tested by document placement and approved by the ALS, the portion of the definitions and scheme which are to become part of the core level will be referred to the IPC/WG for their review and approval.

(o) During review, the IPC/WG should only make changes to those portions of a provisional advanced level scheme, or their definitions, which are to become part of the core level. The changes made by the IPC/WG should normally not require additional reclassification of patent documents in the advanced level.

(p) If the portion of the provisional scheme and its advanced level subclass and group definitions, which are to become part of the core level, are approved by the IPC/WG without significant changes, the definitions will be officially incorporated into the core level of the IPC and the scheme will be submitted to the IPC/CE for adoption.

(q) If a significant change is made by the IPC/WG to a portion of a provisional advanced level scheme or its definitions when approving their incorporation into the core level scheme (e.g., a change in a title's wording that would cause document reclassification in the advanced level), the provisional advanced level scheme and definitions will continue to be used, as they were initially proposed to the IPC/WG, in the advanced level by the ALS until a suitable compromise on any inconsistencies can be achieved.

[Annex VI follows]