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SPECIAL UNION FOR THE INTERNATIONAL PATENT CLASSIFICATION
(IPC UNION)

COMMITTEE OF EXPERTS

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AVAILABILITY OF THE IPC ELECTRONIC DATA

Document prepared by the Secretariat

1. At its twenty-second session, held in September/October 2004, the Assembly of the IPC Union considered the proposal by the International Bureau to introduce prices for the electronic data of the reformed IPC. The Assembly agreed that this proposal should be first discussed by the IPC Committee of Experts and requested the Committee to consider the establishment of prices for the provision of the IPC data to categories of users, other than industrial property offices, and to report the result of the consideration to the Assembly at its next session, in 2005 (see document IPC/A/22/3, paragraph 16).
2. Certain members of the Assembly questioned whether it would be advisable to reverse WIPO's policy of making the IPC data available freely. The reference was made to the decision of the Assemblies of the IPC, Nice, Vienna and Locarno Unions, made in September/October 1997, that the data of the authentic versions (English and French) of the International Classifications be made available in electronic form to any user free of charge even if intended to be used for commercial purposes (see document AB/XXXI/9 and document AB/XXX/12, paragraph 52). The objective of this decision was to promote the use of the International Classifications.

3. It is recalled that certain IPC information products are made available to users of patent information at cost. The price of the printed version of the seventh edition of the IPC is 250 Swiss francs and the price of the IPC:CLASS CD-ROM is 150 Swiss francs. In view of the reduced volume of information which will be contained in the printed version of the eighth edition of the IPC (only the core level, see document IPC/CE/36/8), the International Bureau plans to establish a reduced price for this product, namely, 100 Swiss francs. The access to the Internet version of the eighth edition of the IPC will continue to be free.

4. The eighth edition of the IPC will represent the result of IPC reform, which has been carried out by WIPO since 1999. In the course of the reform, many fundamental changes, such as a two-level structure or the electronic layer, containing explanatory and illustrating information, have been introduced in the IPC. This makes preparation of the IPC electronic data much more complex. The IPC data do not henceforth represent raw data but should be considered as value-added data. In addition, a new IPC revision procedure provides for regular (every three months) updating of the IPC data. Preparation, maintenance, publication and updating of the reformed IPC require significant resources.

5. It should be noted that the IPC data, which are the subject of this document, represent authority files of the authentic versions of the reformed IPC containing all information necessary for displaying, browsing or printing of the official publications of the IPC in English and French, including the electronic layer of the IPC. The data relating to national language versions of the IPC are beyond the scope of this document and their provision or dissemination is under authority of respective industrial property offices.

6. It appears that the value-added nature of the reformed IPC datafiles makes their provision to all users free of charge no longer appropriate. Free provision of this data to industrial property offices, whether being members of the IPC Union or not, should be retained for facilitating their classification work. Offices should also be given the right to make available the IPC datafiles free of charge to organizations or companies responsible for dissemination of their patent information.

7. Free provision of the IPC datafiles should also be retained for governmental organizations and educational institutions with a view to promoting the IPC and patent information among general public.

8. In the opinion of the International Bureau, reasonable prices for the IPC datafiles should be established for other categories of users, organizations or companies, depending on their intentions to use the data for internal or commercial purposes. Those prices should partially compensate the cost of the preparation and provision of the data but would be substantially lower than the commercial market value of the data. Introduction of prices will also allow the International Bureau to control the authenticity of the data made available to the users.

9. The prices of the IPC datafiles should relate to a given edition of the IPC (IPC-2006, IPC-2009, etc.) and should include updates of the advanced level of the IPC up to a next edition. The IPC datafiles will be made available to the users by downloading from the WIPO IPC website, in an appropriate format, for example, in XML format.

10. It is proposed to set up the following conditions for the availability of the IPC datafiles of the authentic (English and French) versions of the eighth (2006) edition of the IPC:

- (i) to industrial property offices: free of charge;
- (ii) to governmental organizations and educational institutions: free of charge;
- (iii) to other organizations and companies for internal use of the data:
3,000 Swiss francs;
- (iv) to other organizations and companies for commercial use of the data:
10,000 Swiss francs.

11. Purchasers of the IPC datafiles should declare not to make the datafiles available to any third party. In addition, purchasers of the datafiles for commercial purposes should acknowledge WIPO's copyright in respect of the IPC data in their public products and services.

12. The Committee of Experts is invited to adopt proposals contained in paragraphs 6 to 11, above.

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