

WIPO



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GENEVA

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

COMMITTEE OF EXPERTS

Thirty-Seventh Session
Geneva, February 14 to 17, 2006

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-seventh session in Geneva from February 14 to 17, 2006. The following members of the Committee were represented at the session: Australia, Austria, Brazil, Canada, China, Croatia, Cuba, Czech Republic, Denmark, Egypt, Finland, France, Germany, Greece, Ireland, Israel, Japan, Kazakhstan, Malawi, Mexico, Mongolia, Netherlands, Norway, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States of America (36). Kenya, Nigeria, South Africa and Ukraine were represented by observers. The European Patent Office (EPO), the Eurasian Patent Organization (EAPO), the African Intellectual Property Organization (OAPI), the African Regional Intellectual Property Organization (ARIPO) and World Patent Information (WPI) were 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. A. Bruun (Sweden) as Chair and Mrs. Na Ying (China) and Mr. F. Paquet (Canada) as Vice-Chairs.
4. Mr. M. Makarov (WIPO) acted as Secretary of the session.

ADOPTION OF THE AGENDA

5. 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 TWENTY-THIRD SESSION OF THE ASSEMBLY OF THE
IPC UNION

7. The Committee noted an oral report by the Secretariat on the twenty-third session of the Assembly of the IPC Union (see documents IPC/A/23/1, IPC/A/23/2 and IPC/A/23/3), held from September 26 to October 5, 2005. The Committee was informed that the Assembly had considered at that session two items – the IPC reform status report and the availability of the IPC electronic data.
8. With regard to the IPC reform status report, prepared by the International Bureau, Delegations to the Assembly expressed their appreciation for the excellent work carried out during the six-year IPC reform period by the Committee of Experts, its working groups and the International Bureau. The Delegations welcomed the results of the work manifested in achieving the goals of the reform and believed that, through those results, it would be possible to adapt the classification to the new electronic environment and to increase thereby the efficiency in retrieving patent information.
9. With regard to the availability of the IPC electronic data, the Assembly approved the proposal by the International Bureau to make available online datafiles of the authentic versions of the IPC and datafiles of the IPC-related material to any user free of charge even if the datafiles were intended to be used for commercial purposes. The Assembly also agreed that the recipients of the datafiles should acknowledge WIPO's copyright in respect of the IPC data in their public products and services.

PUBLICATION AND ENTRY INTO FORCE OF THE EIGHTH EDITION OF THE IPC
(IPC-2006)

10. Discussions were based on document IPC/CE/37/2.

11. The Committee noted that the International Bureau had published, at the beginning of July 2005, the core level of the eighth edition of the IPC, in English and French, in the printed form. The Committee also noted that a number of errors discovered in the printed publications were corrected by means of the Corrigendum to the eighth edition which would be issued in the near future. These corrections were already made in the Internet version of the IPC.

12. The Committee agreed with the proposal by the International Bureau to consider one-dot groups in subclasses C40B, F23B, F23C and G21C, printed in the core level, as belonging to the core level until the next edition of the IPC. The Committee underlined, however, that those groups should fall under the revision procedure established for the advanced level if a corresponding revision was initiated by the Advanced Level Subcommittee.

13. The Committee noted that the Internet version of the eighth edition of the IPC had been published, in August 2005, on the WIPO IPC website. In response to questions raised by some Delegations, the Secretariat explained that the Help file to the Internet version in the French language would be provided as soon as possible and that PDF files of the advanced level of the IPC could be prepared by the middle of 2006.

14. The Committee also noted that, in October 2005, the International Bureau had published the updated official Catchword Indexes to the IPC in the printed form and on the Internet, and that all references in the Catchword Indexes were given to both, the core and advanced levels of the IPC. Also in October 2005, the Revision Concordance List between the seventh and eighth editions of the IPC had been published on the Internet. It consisted of two parts relating, respectively, to the core and the advanced levels.

15. The Committee also considered the results of the survey carried out by the International Bureau among industrial property offices, concerning their plans to start assigning the symbols of the eighth edition of the IPC to published patent documents, to use the core or the advanced level of the IPC and to carry out reclassification of national patent collections according to the eighth edition. The results of the survey are presented in Annex III to this report.

16. The Committee noted that a major part of industrial property offices which had submitted replies had started assigning the symbols of the eighth edition of the IPC since January 1, 2006, when it had entered into force. The Committee, however, indicated that, according to the information received from the users, the quality of assigned classifications was not sufficiently high, namely, sometimes erroneous symbols or symbols relating to the seventh edition were assigned and presentation of the symbols often did not follow the requirements of the new WIPO Standard ST.10/C.

17. The Committee requested its members and other offices applying the IPC to urgently implement measures for increasing the quality of assigned classification symbols, to introduce the procedure of validation of classification symbols on the basis of the IPC validity file produced by the International Bureau and to strictly follow WIPO Standard ST.10/C in recording the symbols.

18. The Committee noted the information provided by the Delegation of the EPO, concerning industrial property offices which had started delivery of the classification data to the Master Classification Database (MCD) in the proper format. This information was introduced in the table summarizing the results of the survey referred to in paragraph 15, above.

19. Given the relatively small number of the above-mentioned industrial property offices, the Committee requested its members and other offices applying the IPC who have not yet started delivery of the bibliographic data to the MCD to urgently contact the Front Office of the EPO (frontoffice@epo.org) in order to agree on the format, timing and other details of the bibliographic data to be regularly submitted to the MCD, following the new WIPO Standard ST.8, and to start such submissions as soon as possible.

20. The Committee noted that the EPO would provide information on the status of the delivery of the bibliographic data to the MCD on their website.

IPC DEVELOPMENT PROGRAM FOR 2006 TO 2008

21. Discussions were based on document IPC/CE/37/3. The Committee adopted, with some amendments, the list of tasks of the IPC development program for 2006 to 2008 for the IPC Revision Working Group and the Advanced Level Subcommittee (ALS), which appears in Annex IV to this document. In particular, the Committee agreed to delete Task No. 5 from the list of tasks for the ALS because this task would be treated by the IPC Revision Working Group. Furthermore, the Committee agreed to add two additional tasks to the list of tasks for the ALS, namely relating to monitoring the reclassification after completion of revision projects and to updating of CONOPS.

COORDINATION OF IPC REVISION AND RECLASSIFICATION OF PATENT FILES

22. At its fourteenth session, held in November 2005, in the framework of revision project C 432, the IPC Revision Working Group discussed the problem of future reclassification in the area impacted by the project (A01N 65/00) after adoption of the scheme under consideration, in view of the limited resources or the low priority given to this project by members of the Advanced Level Subcommittee (ALS). It was confirmed that this matter should be considered by the Committee of Experts and, in that respect, the EPO presented a proposal, on behalf of the Trilateral Offices, entitled "IPC revision requests and availability of resources", addressing in general the problem of reclassification for projects where an office of the ALS would not be able to commit sufficient resources (see the Annex to document IPC/CE/37/4). Discussions were based on that proposal.

23. The Committee agreed, in principle, with the definition of the “Cost/Benefit Aspects” and with the possible “Alternatives” for reclassification, when resources in one or more ALS offices were not available, as proposed by the EPO. However, the Committee was not in a position, given the short time available for studying of the proposal and the lack of practical experience, to adopt alternative procedures for reclassification compared to the provisions in CONOPS. Such alternatives should be further studied in the future in the framework of the update of CONOPS.

24. Concerning the problem of reclassification after adoption of the scheme under discussion in the framework of project C 432, the Committee agreed to propose to the Working Group the following two alternatives for consideration:

- to distribute the reclassification work among other member offices of the ALS;
- to distribute the reclassification work among other offices, i.e., also among non-subcommittee members, for example offices having a particular interest in that project.

25. The Committee requested that Offices should investigate until the next session of the Working Group whether they can provide resources for reclassification of their national collection or of additional collections and indicate the availability of such resources in submitting their comments to the IPC e-forum (project C 432). Other alternatives should also be taken into account, such as outsourcing of work to private companies or carrying out reclassification partially by semi-automatic reclassification, e.g., using text searches to identify appropriate new classifications for a certain amount of documents to be reclassified.

26. In view of the available resources and considering the need to classify only one document per family, the Working Group should examine if a new distribution of the reclassification work could cover the whole file of group A01N 65/00. If this were not the case, the Working Group should request further guidance by the Committee. The results of considerations by the Working Group should be reported to the Committee. In any event revision work should continue in that project, since reclassification work could start only after adoption of the scheme by the Committee.

27. The Committee discussed also the problem of the future “losing” in the MCD of documents outside of the PCT minimum collection that would not be reclassified by their national offices following future revisions. The Committee accepted, with gratitude, the offer of Sweden to prepare by June 15, 2006, a paper addressing that problem and proposing solutions, to be considered at the next session of the Committee.

GUIDELINES FOR REVISION OF THE IPC

28. At its eleventh session, held in June 2004, the IPC Revision Working Group agreed that the documents “Philosophy of the IPC Revision Work” and “Specific Instructions for the Revision of the IPC” should be reconsidered in order to provide a sufficient basis for the future revision process of the reformed IPC. In that respect, Project WG 113 was created and Sweden was appointed as Rapporteur (see document IPC/WG/11/7, paragraphs 62 to 67).

29. At its twelfth session, held in December 2004, the Working Group agreed that the contents of the above-mentioned documents should be substantially revised and restructured, rather than simply updated, according to the new principles and rules introduced by the IPC reform and agreed that the contents should be combined in a single document, so as to provide the user with a comprehensive publication giving guidance with respect to the theory and practice of the revision work (see document IPC/WG/12/4, paragraphs 34 to 38).

30. After thorough consideration at its thirteenth and fourteenth sessions, held in June 2005, and November 2005, respectively, the Working Group approved at its fourteenth session a document entitled “Guidelines for Revision of the IPC”, which appeared as Annex I to document IPC/CE/37/5.

31. The Committee adopted these Guidelines, with some amendments, which appear in Annex V to this report. In particular, the Committee approved the inclusion as Appendix V to the Guidelines of the revision request forms for the core and the advanced levels of the IPC.

32. The Committee expressed its gratitude to Sweden for the excellent work accomplished in preparing, as Rapporteur, these Guidelines. The Committee expressed also its thanks to France for their valuable contribution in the improvement of the French version of the Guidelines.

AMENDMENTS TO THE IPC

33. Discussions were based on document IPC/CE/37/6 and on its Technical Annexes containing proposals of the Working Group for the amendments to the IPC.

34. With regard to the Technical Annexes to document IPC/CE/37/6, the Committee adopted the proposed amendments, which appear in the Technical Annexes to this report.

35. It was decided by the Committee that those adopted amendments to the IPC would be included in the next version of the advanced level of the IPC, and that those amendments did not require any reclassification of the search files.

IMPLEMENTATION OF THE RESULTS OF THE REFORM IN THE IPC

36. Discussions were based on document IPC/CE/37/7 and Annexes to this document relating to the implementation in the IPC of the reform results.

37. The Committee took note of the content of the Annexes, and in particular of the decisions taken by the Working Group and expressed its satisfaction with the work carried out. With respect to the continuing task “Elaboration of Classification Definitions”, the Committee noted that a total of 48 definition projects had been successfully completed both in English and French and, therefore, the target figure of 50 definitions of IPC subclasses had almost been reached.

UPDATING OF IPC TRAINING EXAMPLES

38. Discussions were based on document IPC/CE/37/8.

39. The Committee noted, with satisfaction, that the collection of the approved IPC training examples had been made available to offices in compiled Word files in January 2006 in two sets, one for the core and one for the advanced level. The Committee agreed with the proposal of the Working Group that the two language collections would be published on the IPC website, once the preparation of the French version was completed.

40. The Committee confirmed its decision taken at its previous session that the approved IPC training examples would be published in the form of Internet-based interactive IPC tutorials, which would also contain two separate sets of training examples – one for the core and one for the advanced level of the IPC. The Committee agreed that the tutorials would be published on the IPC website, once the complete collection of training examples in both languages was fully introduced by the International Bureau.

41. The Committee was informed that the Working Group would consider the remaining training example projects at its fifteenth session. Those examples to be approved at that session would be included in the collections mentioned above.

42. The Committee agreed with the proposal of the Working Group that the IPC training examples should be updated and revised in a continuous manner, for example, whenever a revision project involved the creation of a new subclass, or an extensive revision of an existing one, a training example should preferably be created, or updated if one exists already, in order that IPC training examples would reflect up-to-date technologies.

NEXT SESSION OF THE COMMITTEE

43. The Committee assessed the work that could be expected for its next session and agreed that a date for its next session would depend on the progress in the elaboration of several important outstanding tasks, namely, implementation of the eighth edition of the IPC, evaluation of the functioning of the MCD, reclassification of national patent collections according to amendments in the IPC and impact of the new revision procedure on the core level.

44. The Committee agreed to request the Director General of WIPO to convene the thirty-eighth session of the Committee in October 2006 (tentative dates: October 10 to 13), if substantial progress in elaboration of the above tasks is achieved in the following months.

45. This report was unanimously adopted by the Committee at its closing meeting on February 17, 2006.

[Annexes follow]