

ANNEX III

REVISED WORKING PROCEDURE OF THE SPECIAL SUBCOMMITTEE
FOR THE SUPERVISION OF THE ADVANCED LEVEL
(Replaces Annex V to document IPC/CE/36/11)

1. The succeeding statements and procedure supplement the procedure set forth in “Revision Policy and Revision Procedure for the Reformed IPC” (see Annex IV to document IPC/CE/33/12) and in Section 2.5.1 of Concept of Operations for the Reformed IPC (CONOPS).

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 conforms 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) taking advantage, of the work done in harmonizing ECLA, FI and USPC (Harmony projects);

(c) avoiding redundant intellectual work done by the ALS and the IPC Revision Working Group (IPC/WG);

(d) ensuring the quality of the advanced level, i.e., ensure consistency between the scope of classification places and the patent documents classified therein;

(e) responding quickly to emerging technologies to ensure the reformed IPC is an effective search tool;

(f) maximizing the use of equivalent titles or definitions within existing ECLA, FI and USPC classification places when revising the IPC;

(g) prioritizing the reclassification work on IPC revision projects based on the expected availability of resources at the offices performing the reclassification work;

(h) 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.

WORKING PROCEDURE OF THE SUBCOMMITTEE

3. The members of the ALS will communicate in an appropriate way (see paragraph 4, below) to continuously evaluate revision proposals, prioritize reclassification work for IPC revision projects and approve advanced level revision projects. IPC advanced level (A) projects that require reclassification of the backfile can only be approved if all ALS offices agree on the usefulness from a cost/benefit perspective. Newly proposed projects that merely clarify wordings 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 have two regular sessions per year, combined with the meetings of the Working Group on Classification of the Trilateral Offices. These sessions will be chaired by the hosting Office which will also be responsible for the preparation of the report. At these sessions, the following standard items should be considered:

- (a) evaluation of new revision requests for the advanced level;
- (b) creation of new A revision projects, appointment of Rapporteurs, prioritization of these projects according to available resources;
- (c) creation of new core level (C) revision projects, if an A project has an impact on the core level, i.e., requires reclassification at the core level;
- (d) adoption of A revision projects;
- (e) programming of reclassification for adopted projects and of preparation of new advanced level versions (decisions on the date when the amendments relating to an adopted project will enter into force).

The sessions will be numbered, in order to keep a track of decisions, in particular as to adoption of projects in relation to RIPCIS.

5. Extraordinary sessions can take place, if needed, during sessions of the Committee of Experts (IPC/CE), of the IPC/WG or by electronic communication (e.g., on the listserver, by e-mail or teleconference) in order to consider urgent matters that could not be settled during ordinary sessions. These sessions will be numbered only if needed in relation to RIPCIS. For example, matters like correction of errors, improvements in the IPC or adoption of definitions can be handled during extraordinary sessions.

6. All revision requests for the advanced level will be accompanied by the corresponding form indicating the reasons for the request, statistical data (available in Harmony projects) and the revision proposal and will be posted to the e-forum.

7. At each regular session the ALS will review all pending advanced level revision requests in accordance with the criteria set forth in the document “Revision Policy and Revision Procedure for the Reformed IPC” (see Annex IV to document IPC/CE/33/12). A current list of all active A projects will be available on the IPC e-forum.
8. Advanced level revision proposals should comply with the IPC revision rules disclosed in the “Guidelines for Revision of the IPC” (see Annex V to IPC/CE/37/9) and in the *Guide to the IPC*. For example, standard wordings and correct order of items should be used in notes, informative references should not appear in classification schemes but only in definitions. In C projects, checking for such compliance is performed by commenting offices in the course of a project and during sessions of the IPC/WG. For A projects, the International Bureau (IB) will check for such compliance and inform the Rapporteur of the A project about possible corrections, before the proposal is submitted to the e-forum for discussion.
9. The IPC/WG will not undertake, without prior consultation with the ALS, any revision work in areas of the IPC where A projects are considered by the ALS. In consultation with the IPC/WG, the ALS may assume responsibility for a CL revision project under consideration by the IPC/WG when this revision project has an impact on an A revision project, in order to avoid redundant work by the ALS and the IPC/WG.
10. 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 reclassification resources at ALS offices for any revision 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.
11. The following procedure will be used for each revision project for which the ALS has responsibility:
 - (a) The ALS evaluates revision requests for the advanced level on the basis of the revision criteria established by the IPC/CE and on the cost/benefit aspects. On the basis of this outcome the requests are either approved (i.e., included in the advanced level revision program) or kept for later technical review, or rejected. If a revision request is rejected, the ALS should provide an explanation for the rejection.
 - (b) If an advanced level revision request is approved, the IB will create an A project file on the IPC e-forum and will notify the IPC/WG of the advanced level project.

(c) If proposed amendments to the advanced level include substantial modifications, i.e. requiring reclassification, of the core level (for example, creation of a new subclass, reorganization of an existing subclass or creation of new groups in the core level) the core level part of the revision proposal will be sent to the IPC/WG for consideration and a corresponding C project will be created. Relevant definitions (new or amended) will also be submitted at the same time. In order to avoid delays in the revision procedure, the core level part should be submitted to the IPC/WG at an early stage of a Harmony project, when amendments to the provisional scheme can be made before starting of testing of the provisional scheme. The IPC/WG will be requested to assign the highest priority to consideration of the core level part of A projects. After completion of the consideration of the core level part of A projects, the results will be submitted to the IPC/CE for adoption. If a solution approved by the IPC/WG contradicts the philosophy of the project, the ALS may hold an extraordinary session, and ask the IPC/WG to postpone making a decision until a suitable compromise can be achieved. In the meantime, the provisional advanced level scheme and definitions, as initially proposed to the IPC/WG will continue to be used in the advanced level.

(d) If proposed amendments in an A project include only editorial modifications to the core level which do not require reclassification of patent documents at the core level, for example, changing of wordings of core level entries without scope modification at the core level, the core level part of the revision proposal can be considered and adopted by the ALS in the framework of the A project. The ALS will regularly transmit to the IPC/CE, for approval, a list of all such editorial amendments to the core level.

(e) For each new A project the ALS will appoint a Rapporteur. In case of requests emanating from an ALS Office (e.g., emanating from a Harmony project), this Office will be appointed as Rapporteur. The same applies to the C projects referred to in paragraph 11(c), above.

(f) The Rapporteur will communicate the initial proposal to the IB in order to make the necessary editorial corrections mentioned in paragraph 8, above. The corrected initial proposal will be posted by the Rapporteur to the corresponding A (or C if needed) project on the e-forum, for comments.

(g) If new definitions, or amendments of existing definitions, are needed in the framework of the A project, a proposal for definitions will be submitted and discussed simultaneously with the revision proposal. Subclass definitions may also be discussed in the same way if they are needed for the use of the proposed scheme. If subclass definitions are not necessary for the use of the proposed scheme, they may be submitted to the corresponding, existing or to be created, D project. The same applies to the C projects referred to in the paragraph 11(c), above.

(h) The Rapporteur will identify any active IPC/WG projects that may directly or indirectly overlap with the advanced level project and will notify the IB accordingly. These projects include revision projects (e.g., rewording of titles in the core level scheme), maintenance projects, subclass definition projects, or projects creating notes in related subclasses.

(i) After this notification, the IPC/WG will not initiate new core level revision projects and will suspend or redistribute work on any existing project, or part of a project, that could overlap with the advanced level project (except those indicated in paragraph 11(c), above), 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 the 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) Within the established time period (two months), offices can submit their comments on the proposed scheme and definitions. Taking into account the comments submitted, the Rapporteur will establish within one month a new version of the scheme and definitions. In view of the fixed sessions of the ALS and the fixed dates of publication of new versions of the advanced level, the same deadlines will be established for all active A projects, e.g., deadlines for comments or rapporteur reports, using a similar practice as in C projects. In exceptional cases, additional deadlines for some projects could be fixed directly by the Rapporteurs.

(k) As soon as possible, the ALS offices will divide the list of patent documents to be reclassified. They will test the provisional scheme by placing documents and propose amendments to the scheme based on this testing, if appropriate.

(l) Several rounds of comments followed by a rapporteur report, with possibly a modified proposal, might be required.

(m) When the Rapporteur considers, on the basis of the submitted comments and the testing of the scheme, that the discussion on the project is completed, the Rapporteur will submit the project to the following regular session of the ALS for adoption. This submission should include the final version of the scheme and definitions needed for the use of the scheme (since one of the primary goals of the definitions is to ensure harmonization of future document placement while accurately reflecting the existing backfile), as well as a Revision Concordance List (RCL) containing instructions for reclassification and the list of amended cross-references.

(n) The ALS may adopt, adopt provisionally or return to the Rapporteur the proposed scheme with its associated definitions and the RCL.

(o) In case of adoption the ALS will set the date of entering into force of the new scheme, based on the availability of resources for reclassification.

(p) The ALS will provisionally adopt a project if there are minor, essentially technical, questions that cannot be solved during the regular session in the absence of technical experts, or if further work is needed on definitions and the RCL. These questions should be solved as soon as possible and the final adoption made at an extraordinary session of the ALS. In case of provisional adoption, the date of entering into force should be set as indicated in paragraph 11(o), above, taking also into account the time needed for the preparation of the final amendments and the final adoption at the extraordinary session.

(q) The ALS may consider that a project is not ready for adoption in which case instructions should be given to the Rapporteur on the necessary actions for the continuation of the project.

(r) When a project is completed, the finally adopted scheme and definitions will be forwarded to the Special Subcommittee for the French version and to the IB for the preparation of the corresponding French version.

(s) Remaining documents will normally be reclassified into the final scheme within the period indicated in CONOPS after the official adoption of the scheme.

[Technical Annexes follow]