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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

SPECIAL UNION FOR THE INTERNATIONAL PATENT CLASSIFICATION
(IPC UNION)

COMMITTEE OF EXPERTS

Thirty-Eighth Session
Geneva, October 9 to 13, 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-eighth session in Geneva from October 9 to 13, 2006. The following members of the Committee were represented at the session: Austria, Brazil, Canada, China, Croatia, Czech Republic, Denmark, Egypt, Finland, France, Germany, Ireland, Japan, Mexico, Netherlands, Norway, Portugal, Republic of Korea, Romania, Russian Federation, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States of America (26). Ukraine was represented as observer. The African Intellectual Property Organization (OAPI), the Eurasian Patent Organization (EAPO), and the European Patent Office (EPO) were also represented. The list of participants appears as Annex I to this report.

2. The session was opened by Mr. A. Bruun, Chair of the Committee. Mr. N. Wilson, Chief Information Officer and Director, IT Division, welcomed the participants on behalf of the Director General of WIPO.

OFFICERS

3. Mr. M. Makarov (WIPO) acted as Secretary of the session.

ADOPTION OF THE AGENDA

4. The Committee unanimously adopted the agenda, which appears as Annex II to this report.

DISCUSSIONS, CONCLUSIONS AND DECISIONS

5. 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-FOURTH SESSION OF THE ASSEMBLY OF THE IPC UNION

6. The Committee noted an oral report by the Secretariat on the twenty-fourth session of the Assembly of the IPC Union (see documents IPC/A/24/1 and IPC/A/24/2), held from September 25 to October 3, 2006. The Committee was informed that the Assembly had considered the IPC reform status report prepared by the International Bureau.
7. The Secretariat indicated that delegations of Member States which took the floor at the Assembly had expressed their appreciation of the excellent work carried out by the IPC Union and the International Bureau in the framework of IPC reform and pointed out that the basic period of IPC reform which had been successfully completed by WIPO had reached its principal objectives and had resulted in the creation of new search possibilities for all industrial property offices and users of patent information. The Assembly had taken note of the IPC reform status report.

REPORT ON THE SECOND SESSION OF THE IPC ADVANCED LEVEL SUBCOMMITTEE

8. The Committee noted an oral report by the Secretariat on the second session of the IPC Advanced Level Subcommittee (hereinafter referred to as "the ALS") (see document IPC/SC/2/10), in particular, that the ALS had completed revision and reclassification work of Projects A 001 and A 004, and that it had fixed the date of entering into force of this revision as of January 1, 2007. Project A 006 was expected to be completed by December 2006 and its date of entry into force was expected to be April 1, 2007. The Committee also noted that the ALS had included in the revision program of the advanced level two new projects emanating from Harmony projects.

9. The Committee was informed that the ALS had initiated the update of CONOPS, as foreseen in the IPC development program. The initial proposal would be submitted to Project SC 022 and all members of the IPC Union were invited to participate in the discussions. Finally, the Committee noted the decision of the ALS to monitor the reclassification in the areas where new IPC groups had been created in IPC-8 and where reclassification work had not been completed, in order to inform patent information users on the degree of completion of the backfile data stored in the MCD.

10. The Committee approved the actions of the ALS, in particular those related to the adoption of new schemes in the advanced level and the publication of new IPC versions.

COORDINATION OF IPC REVISION AND RECLASSIFICATION OF PATENT FILES

11. Discussions were based on document IPC/CE/38/2 containing a paper, prepared by the International Bureau, relating to the problem of reclassification of patent files in areas impacted by core level revision projects when one or more member offices of the ALS could not provide necessary resources for reclassification.

12. The Committee agreed with the conclusion of the International Bureau (see document IPC/CE/38/2, paragraphs 9 and 10) that the minimum requirements in respect of reclassification for entering into force of amendments to the core level of the IPC should be the same as for the advanced level, that is, reclassification of respective patent files of the PCT minimum documentation, although reclassification of patent collections outside the PCT minimum documentation should also be encouraged.

13. The Committee noted that at the fifteenth session of the Working Group, held in May/June 2006, several offices had volunteered to participate in reclassification of patent files in the framework of the core level revision Project C 432 (see document IPC/CE/38/2, paragraph 6). Following the International Bureau's request, a number of other offices agreed at the current session to join a group of offices participating in that reclassification.

14. The current composition of the group of participating offices was as follows:

- Brazil, China, the Republic of Korea, the Russian Federation and Sweden would reclassify their entire national documentation in the area covered by Project C 432;
- Finland, Germany, Greece, Israel, Japan, Mexico, the United Kingdom and the United States of America would reclassify patent families having a national priority;
- Norway would reclassify patent families having a priority application filed in Denmark, Iceland or Norway;

– China additionally indicated that they would also participate in the reclassification of the PCT minimum documentation;

– the EPO stated that they were considering the possibility of participating in the reclassification and would report their decision at the forthcoming session of the Working Group.

15. The Committee expressed its thanks to the offices which have agreed to participate in the reclassification of patent files under the important project in question and felt that an enlarged number of participating offices would allow to reclassify search files of the PCT minimum documentation and a number of national collections.

16. The Committee agreed that details of the work distribution should be agreed upon by the Working Group bearing in mind that reclassification under Project C 432 should be completed by the time of the entering into force of the next edition of the core level of the IPC.

17. The Committee agreed with the recommendation of the International Bureau that the Working Group should draw attention to the availability of resources for reclassification when carrying out revision of the core level (see document IPC/CE/38/2, paragraph 14) and decided to issue the following instruction to the Working Group:

“When considering revision requests which require reclassification of patent files for inclusion in the core level revision program, the Working Group should take into account the availability of resources for reclassification which will be needed as a result of revision. If such resources are not currently available, the Working Group should postpone consideration of the revision request until a solution for reclassification of patent files can be found.”

18. The Committee noted that, in view of this instruction, certain documents providing guidance for the Working Group, namely, “Revision Policy and Revision Procedure for the Reformed IPC” and “Working Procedure of the IPC Revision Working Group”, would require updating and requested the International Bureau to prepare update proposals in respect of those two documents with the view of consideration of those proposals at the next session of the Committee.

TREATMENT OF NON-RECLASSIFIED PATENT DOCUMENTS IN THE MASTER CLASSIFICATION DATABASE

19. Discussions were based on project file CE 381 containing a proposal by Sweden concerned with documents which would have outdated classification symbols in the Master Classification Database (MCD) because they have not been reclassified by respective offices following revision of the IPC (see Annex 1 to the project file).

20. According to the proposal, in order to provide such documents with appropriate classification symbols, the concept of the default transfer should be introduced for every group that was deleted, had its scope changed or received new subgroups. The proposal described a number of scenarios showing how that default transfer could be implemented.

21. In the course of discussions, several delegations felt that the proposal was difficult to implement since, in many cases, finding an appropriate place for the default transfer would be questionable and that the implementation of the proposal would introduce additional complexity in the IPC. It was also mentioned that, following the first revision of the advanced level of the IPC, outdated classification symbols would be retained in the MCD, for making the respective documents searchable, and that the document “Concept of Operations for the Reformed IPC (CONOPS)” would be revised to this effect.

22. In the opinion of other delegations, systematic application of the practice of retaining outdated symbols in the MCD for future revised versions of the advanced and core levels of the IPC would lead to a proliferation of various versions of the IPC which would be necessary for use in searching. This approach would create a situation where searching could become even more complex than in the pre-reformed IPC.

23. The Committee noted that the main problem concerned with documents which would have outdated classification symbols would arise when those symbols have been deleted as a result of revision and should be replaced by other appropriate symbols. It was indicated that the said problem appeared to be more important for the core level than for the advanced level because deleted advanced level symbols could be rolled up to their core level predecessors or would already have core level predecessors in the MCD, whereas rolling up of deleted core level symbols would not always be appropriate, for example, when it would lead to classification at subclass level.

24. The Committee finally agreed that treatment of non-reclassified patent documents in the MCD required further investigation and invited its members to submit comments to project file CE 381, on the proposal by Sweden, taking into consideration various opinions expressed during discussions at this session. The Committee agreed to reconsider this matter when sufficient experience with revision and reclassification of the reformed IPC was accumulated and on the basis of the comments received.

AMENDMENTS TO THE IPC

25. Discussions were based on Annexes 1 and 2 of project file CE 382 containing proposals of amendments to the IPC approved by the Working Group.

26. The Committee adopted the proposed amendments, which appear in the Technical Annexes to this report.

IMPLEMENTATION OF THE RESULTS OF THE REFORM IN THE IPC

27. Discussions were based on document IPC/CE/38/3 and the Annexes to this document relating to the implementation in the IPC of the reform results.

28. 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 57 definition projects had been successfully completed both in English and in French. With respect to the task “Introduction of Residual Main Groups in IPC subclasses”, the Committee noted that for the majority of subclasses consensus had been reached and that only 100 subclasses require further consideration.

UPDATING OF IPC TRAINING EXAMPLES

29. Discussions were based on document IPC/CE/38/4.

30. The Committee noted, with satisfaction, that the Working Group, at its fifteenth session held in May/June 2006, had discussed the last set of pending training example projects, of which 14 projects have been completed in English and approved by the Working Group. These approved training examples would be made available after consideration by the Editorial Board.

31. The Committee was informed that the last pending project (Project TE 132 illustrating how to classify “Markush-type formulae”) would be considered at the sixteenth session of the Working Group.

32. The Committee also noted that the International Bureau had completed the preparation of the French version of 68 examples, which were now under review by French-speaking offices. The preparation of the French version for the remaining examples would be completed by the end of 2006. The whole collection of the training examples would be expected to be completed and published, in both languages, during the first quarter of 2007.

33. 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.

34. The Committee recalled that the IPC tutorials provided necessary information for classification in an interactive manner by raising questions in several steps, to which the user would be requested to answer in the form of multiple choices. The system would indicate to the user whether his choice was correct and could give the correct answer if the user had difficulty to find it.

35. The Committee agreed with the recommendations made by the International Bureau, based on its experience accumulated during the introduction of 10 examples into the tutorials, that rapporteurs of training example projects should provide the International Bureau with proposals on alternatives of multiple choices for each of the steps currently presented in the tutorials (see document IPC/CE/38/4, paragraph 9), in order to better illustrate, for example, a classification rule.

36. Rapporteurs were requested to take the already introduced 10 tutorials by the International Bureau as prototypes (the prototypes can be found at <http://www.wipo.int/ipc-training/>) regarding how best to present multiple choices and submit their proposals to the corresponding training example projects on the e-forum by February 28, 2007.

37. The International Bureau would then introduce the examples into the tutorials incorporating the proposals to be submitted.

38. Finally, the Committee expressed its thanks to the Working Group for the considerable work done in the preparation of an important collection of updated training examples.

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

39. At its thirty-sixth session, held in February 2005, the Committee adopted a working procedure for the ALS (see Annex V to document IPC/CE/36/11). During the preparation of the first ALS regular session and during the session itself, held in March 2006, it was the view of the ALS that for some points the procedure was not explicit enough while in some other respects it could not be applied. Therefore, the ALS decided to initiate a revision of the said working procedure. At its second session, held in September 2006, the ALS adopted a revised procedure (see the Annex to document IPC/CE/38/5), which served as a basis for discussion.

40. The Committee adopted, with some amendments, the revised working procedure of the ALS which appears as Annex III to this report.

ORDER OF PRESENTATION OF CLASSIFICATION SYMBOLS

41. Discussions were based on document IPC/CE/38/6. In particular, the discussion confirmed that intellectual property offices follow different practices regarding the use of a “main classification” and the related use of the indicators “F” and “L” in ST.8 records of classification symbols. Several offices indicated that the classification symbol presented first has special significance for office internal purposes.

42. In view of the request of users of patent information, the Committee agreed to conduct a survey of the practices of intellectual property offices regarding the order of presentation of classification symbols. The International Bureau was asked to make available a draft version of a questionnaire by October 27, 2006. Offices were invited to submit comments by November 3, 2006, and to reply to the final version of the questionnaire by January 1, 2007. The International Bureau was requested to prepare a summary of the replies for discussion at the next session of the Committee.

43. With respect to conducting searches of patent literature for establishing a comprehensive state of the art, the Committee emphasized that such searches should never be limited to classification symbols that have assigned the indicator “F” in their respective ST.8 record. Such searches should always encompass all classification symbols relating to invention information.

44. The Committee agreed to postpone consideration of any further recommendations until the time when the results of the survey have been discussed at its next session.

45. Regarding the treatment of the “F” indicator in the MCD during reclassification of patent documents, the Delegation of the EPO explained the following:

- for cases where the reclassification can be automated because of a straightforward one-to-one relation between an old symbol and a new symbol in the Revision Concordance List, an “F” indicator allotted to an old symbol will also be allotted to the corresponding new symbol;

- for cases requiring intellectual reclassification, the attribution of the “F” indicator will follow the data as provided by the reclassifying office;

- for reclassifications done by the EPO, the reclassification will be based on the existing ECLA classifications of respective documents. Because the EPO does not use the “F” indicator of ECLA classifications, no such indicator will be attributed to documents reclassified in this way.

IMPLEMENTATION OF IPC REFORM

46. Discussions were based on document IPC/CE/38/7 mainly concerned with the Meeting on the Implementation of IPC Reform which was held in WIPO headquarters on July 3 and 4, 2006.

47. The Committee was informed that the purpose of the Meeting was to discuss the status of the technical implementation of the IPC at industrial property offices, to discover outstanding problems and to determine solutions therefor. Several presentations, relating to various aspects of the implementation of IPC reform, were made by the International Bureau, the EPO and national offices. A number of brief reports on the status of the implementation of IPC reform were also submitted by national offices. Those presentations and brief reports were available under the IT meetings/20060703 folder on the IBIS website. A summary of discussions at the Meeting appeared in Annex I to document IPC/CE/38/7.

48. The Committee was also informed that, in order to assist in preparations for the Meeting, a questionnaire had been sent to industrial property offices requesting information on the classification of patent documents according to the eighth edition, use of WIPO Standards ST.8 and ST.10/C, checking the validity of IPC symbols before publication of patent documents and use of the new features introduced by IPC reform in patent databases of industrial property offices. A survey of the implementation of IPC reform at industrial property offices, prepared by the International Bureau on the basis of replies to the above-mentioned questionnaire, was given in Annex II to document IPC/CE/38/7.

49. The Committee agreed that discussions at the Meeting provided ample information about the current state of the implementation of IPC reform in many industrial property offices and allowed to propose solutions to certain outstanding problems of IPC reform. The Committee expressed its gratitude to all offices which had participated in the Meeting.

50. In the course of discussions, several delegations provided additional replies to the above-mentioned questionnaire and some delegations submitted corrected information to the data included in the survey for their respective offices. On the basis of these submissions, the survey would be updated by the International Bureau.

51. The Delegation of Brazil informed the Committee that the Portuguese version of the eighth edition of the IPC had been prepared and published on the website of the National Institute of Industrial Property (INPI), Brazil.

52. At the request of the Meeting, the Committee considered the conclusions of the Meeting relating to the implementation of IPC reform and agreed that those conclusions gave an objective picture of the current state of IPC reform and included important recommendations for continuing the reform at its implementation stage.

53. The Committee adopted, with some changes, the conclusions as given below and agreed that they should serve as guidance for IPC bodies dealing with the IPC reform.

(a) IP offices are committed to IPC reform and most of the offices in industrialized countries have successfully implemented the reform. After the first months of the transitional period and deployment of modified administrative systems, the situation with the use of the reformed IPC has now stabilized and only a small number of classification errors can be detected in the classification data of offices, since the vast majority of offices have implemented the WIPO Standards ST.8 and ST.10/C and the symbol validation procedure. A few offices in industrialized countries that, for various reasons, have not yet fully implemented the reformed IPC plan to do it in the next few months. It should be noted that, in general, preparations of IP offices for the reformed IPC took two years.

(b) On the contrary, only a few IP offices in developing countries have started to use the reformed IPC or plan to do it in the near future. This is explained by various reasons: lack of necessary staff for modifying internal administrative systems and for training the examiners, difficulties in the stable access to the Internet, lack of portable carriers of the reformed IPC. Urgent measures should be taken in order to assist IP offices in developing countries in the implementation of the reformed IPC. Such measures should include production of portable carriers of the reformed IPC, provision of IT tools assisting in translation of the reformed IPC into national languages, organizing of training courses, provision of further informative materials on the reform.

(c) An important task for the near future would be the implementation of the new revision procedure, namely, preparation and publication of new versions of the advanced level of the IPC. The first such version, as planned, will enter into force on January 1, 2007. For this process, all necessary procedures, such as preparation of a new validity file, preparation of the French version of the amendments to the advanced level, reclassification of respective patent collections, should be done on time. Serious preparatory work will be needed to ensure smooth transition to the new version for IP Offices using the advanced level of the IPC.

(d) More attention should be paid to promotion of the reformed IPC to the users of patent information. The advantages of the new IPC for the users should be explained in much more detail and all queries of the users should be duly considered, replied and, if needed, necessary amendments to the procedures of the reformed IPC should be made. More information should be provided for the users both, by WIPO and IP Offices, and published on the Internet, as well as made available and distributed on other media.

RECLASSIFICATION OF PATENT FILES FOR A NEW VERSION OF THE ADVANCED LEVEL OF THE IPC

54. Discussions were based on document IPC/CE/38/8 presenting the results of the meeting between WIPO and the EPO on the reclassification of patent files for a new version of the advanced level.

55. The Committee noted the major steps of the reclassification procedure triggered by the IPC validity file, the Revision Concordance List file and a country table to be made available by the International Bureau for each revision of the advanced level of the IPC.

56. The Committee noted that working lists – the outcome of the automatic procedure performed by the EPO in the MCD – would be made available for downloading by industrial property offices on the WIPO website.

57. The Committee also noted that the International Bureau would receive reclassification results from offices through a central e-mail address. It was agreed that information about WIPO central IPC reclassification resources would be communicated by the International Bureau to IPC listservers.

58. The Committee requested its members to conform to reclassification exchange formats and specifications provided by the EPO and made available under the MCD folder on the WIPO IBIS website.

59. The Committee noted the elaboration of a reclassification schedule providing major milestones in the reclassification process for the IPC version 2007.01. The EPO indicated that a run of reclassification performed on a test version of the MCD confirmed their readiness to produce working lists for 2007.01 reclassification. The Committee also noted that, provisionally, misuse of the ST.8 “F” or “L” indicator would not affect the reclassification process.

60. Concerning the question of a date of availability of the French version of advanced level revision changes, the Secretariat indicated that the translation into French of those changes was progressing and, upon completion, would be submitted for checking by the Special Subcommittee for the Supervision of the French Version of the IPC. The Secretariat also indicated that the final French version could be ready nearly one month before the official publication and reminded of the possibility of publication of a provisional version, in case of difficulties in agreeing on the final translation into French of the adopted English version.

MASTER CLASSIFICATION DATABASE STATUS REPORT

61. Discussions were based on the paper made available by the EPO (to appear as document IPC/CE/38/9) describing IT developments in relation to the MCD.
62. The Delegation of the EPO informed the Committee that a second release of the MCD backfile DVD had been released in August 2006. The number and the quality of classification symbols of the eighth edition of the IPC have greatly increased in that second release of the backfile. The overall coverage of documents provided with symbols of the eighth edition was 90% of over 50,000,000 documents in the MCD backfile.
63. The Committee was also informed that currently 27 offices regularly provided classification data to the MCD frontfile. The overall coverage of documents bearing symbols of the eighth edition was 88% of more than 1,400,000 documents submitted to the MCD frontfile since January 1, 2006.
64. The Delegation of the EPO also reported of the EPO's proposal relating to a procedure for correcting symbols of the eighth edition which were submitted to the MCD. According to the proposal, such corrections should be sent to the MCD in one of the following ways:
- (a) when a correction of an IPC symbol results in an official republication, the data of the new publication should be sent and added to the patent family according to normal frontfile loading procedures;
 - (b) the corrected data could be sent to the MCD in a standard XML format conforming to the ep-ipcr-documents.dtd. This format consists of a publication number, application number and a set of IPC symbols.
65. The Committee thanked the EPO for having provided the MCD status report and expressed its appreciation with the increasing coverage of documents by the classification information of the eighth edition in the MCD. The Committee encouraged industrial property offices which have not yet started delivery of the bibliographic data to the MCD to begin sending this data as soon as possible. The Committee also requested its members to follow the EPO's proposal for correcting symbols of the eighth edition which were submitted to the MCD.

DEVELOPMENTS IN THE IT SUPPORT FOR THE REFORMED IPC

66. The International Bureau gave a presentation about new functionalities provided through various information systems and products made available to users of the reformed IPC since the last meeting of the Committee. The presentation covered production of the PDF version for the advanced level of the IPC, statistics of the reformed IPC, a new service related to IPC definitions, the IPC revision management system (RIPCIS), automation in the Internet publication preparation and a prototype of the Chinese language version of the categorization assistance in the IPC (IPCCAT).

67. The Committee noted a clarification about the IPC validity file, in particular with respect to interpretation of the specification and justification of its content with regard to a specific scenario for future IPC revisions.

68. In view of the number of information systems and products for the IPC requiring IT support by the International Bureau and the industrial property offices, the Committee was requested to consider a stabilization period during which new undertakings would be limited to the minimum possible extent.

69. The Committee expressed its gratitude to the International Bureau for the number of successful achievements in relation to the IT support for the IPC, despite the size of the IT Operations support team and the numerous tasks to be conducted.

NEXT SESSION OF THE COMMITTEE

70. The Committee noted the tentative dates of its next session:

Geneva, February 26 to March 1, 2007.

71. This report was unanimously adopted by the Committee at its closing meeting on October 13, 2006.

[Annexes follow]