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SPECIAL UNION FOR THE INTERNATIONAL PATENT CLASSIFICATION (IPC UNION)

COMMITTEE OF EXPERTS

Fortieth Session
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RECONSIDERATION OF THE COMPOSITION OF THE SPECIAL SUBCOMMITTEE FOR THE ADVANCED LEVEL OF THE IPC

Document prepared by the Secretariat

1. The establishment of a Subcommittee for the revision of the advanced level of the IPC was first considered at the twenty-ninth session of the IPC Committee of Experts (the Committee) meeting, in March 2000, when it was decided that:

> "for the supervision of the revision of the advanced level, a special subcommittee within the IPC Union, including International Searching Authorities under the PCT, should be established." (See document IPC/CE/29/11, paragraph 29 (g).)

2. At its thirtieth session, in February 2001, the Committee confirmed that decision and:

> "agreed that such supervision would be necessary in order to ensure the compliance of the amendments to the advanced level with general rules and principles of the reformed IPC and to provide a mechanism for resolving possible disagreements in relation to the proposed amendments."

> "the Committee endorsed the principle of allotting more authority for the revision of the advanced level to offices carrying out a major part of work therefor (*i.e.*, *reclassification*), but realized that the proposed criterion of doing at least 20% of the total reclassification work to be qualified for inclusion would lead to the composition of the special subcommittee consisting of a very limited number of offices. In order to provide certain balance in the membership, the Committee agreed to include in the subcommittee, in addition to the offices satisfying the said criterion, also the International Bureau."

3. In addition, the Committee noted that for reclassification in the advanced level, only complete patent documents could be used, and that the Trilateral Offices would reclassify those patent documents belonging in the PCT minimum documentation with a family member published in the English, French, German or Japanese languages (see document IPC/CE/30/11, paragraphs 27 to 32).

4. At its thirty-third session, in October 2003, the Committee approved the establishment of the Subcommittee and confirmed that in addition to the International Bureau,

> "the membership in the Special Subcommittee should be determined by the volume of patent collections being reclassified by respective offices and that an industrial property office could be elected to the Special Subcommittee if it assumed responsibility to undertake at least 20% of the total reclassification work with respect to the PCT minimum documentation."

5. However, since reclassification figures were not available, the 20% criterion was based on the total number of documents belonging in the PCT minimum documentation (see Annex to document IPC/CE/33/5).

6. The Committee finally agreed on the composition of the Subcommittee for the period 2005 to 2008, and that this composition would be reconsidered every three years (see document IPC/CE/33/12, paragraph 26).

7. In view of the above decision, it is proposed that the Committee reconsiders the composition of the Subcommittee.

8. Taking into consideration the criteria used last time by the Committee, the International Bureau, with the assistance of the EPO, has compiled the following statistics (see attached Annex).

(a) Number of documents reclassified in the framework of advanced level revision projects since 2006.

(b) Total number of documents belonging to the PCT minimum documentation and of Chinese documents published since 2004.

(c) Number of documents published before January 2006 and reclassified by respective offices for their incorporation into the Master Classification Database (documents reclassified by the EPO are not included).

9. Applying the criterion used in 2003 to the statistics as mentioned above gives contradictory and unclear results. In any event, the composition of the Subcommittee based exclusively on the proportion of reclassification work may not be a useful criterion for moving forward.

10. It should be noted that participation of all the Trilateral Offices in the revision of the advanced level is indispensable since a major part of this revision is based on projects harmonizing their internal classification schemes. On the other hand, the rapid growth of published patent documents in other offices, and the changes in the PCT minimum documentation, e.g., inclusion of the Korean documentation, are factors that may need to be considered.

11. After two years' experience with the reform of the IPC, it has become clear that the composition of the Subcommittee should not only be considered on the basis of the quantity of documents and the participation of offices in reclassification, but also in the general context of the reformed IPC. Issues such as the complexity of the Classification with its two levels, their independent revision cycles, as well as their different revision procedures, should be reviewed, aiming at a simplification of the complex interaction between the two levels and bodies, in order to improve the efficiency of the revision process.

12. It is therefore proposed that the Committee reconsiders the current IPC revision strategy. In order to accelerate this review, a special Task Force should be created for developing a detailed proposal for consideration at the next session of the Committee. In the meantime, the Subcommittee and the IPC Revision Working Group (Working Group) should continue to work with their current mandate and composition. The Committee authorizes the Subcommittee to invite other offices to participate as observers at the Subcommittee sessions, as necessary.

The following issues will be addressed by the Task Force:

– level of division between the core and advanced levels;

– revision cycles of the two levels;

– accelerated introduction of completed harmony projects in the IPC;

– IPC revision policy in particular in relation to the internal classification systems of the Trilateral Offices;

– composition and structure of the Subcommittee, including policy for observer status;

– role of the Subcommittee and of the Working Group, and interaction between the two bodies; and

– necessity and degree of reclassification.

13. In order to facilitate discussions of the Task Force, the International Bureau is invited to prepare an initial proposal, taking into account all issues, explaining existing and potential future difficulties of the revision process, and optional solutions therefor.

14. It should be noted that while the Task Force will work mainly by electronic means, a meeting may still be necessary by October 2008.

15. The Committee of Experts is invited to take note of the content of this document, and to take decisions as necessary.

[Annex follows]

ANNEX

Front File Reclassification						
IPC Revisions						
	2007.01		2007.10		2008.01	
	Families on Working List	Families Reclassified	Families on Working List	Families Reclassified	Families on Working List	Families Reclassified
AR	36				4	
BG	36				17	
BR	31	27	3	3	40	
CN	631		202		262	
CZ	43		3		17	
DK	10	10			11	
EE	0					
EG	1				2	
EP	10.450	8.965	2.813	2.097	10.248	
ES	29	27	6	6	26	
FI	7	6			13	
GR	2				2	
HR	2	2	3	3	1	
HU	31		3		40	
ID			2		4	
IL	3	(*)	1		7	
IT	4		1			
JP	28.487	26.725	6.767	6.294	15.096	
KR	549		50		253	
MD	8				1	
MX	1	(*)	1	1	5	
NL			5		51	
NO	7	6	1	1	5	
PL	86		7		41	
PT	1	1	1	1	3	
RO	10	10			1	
RU/SU	2.100	1.272	15	18	169	
SE	22	15	3	3	9	
SG	0				7	
TR	2				3	
UA	2		1		2	
US	700	595				
YU					12	
Total	**43.291**		**9.888**	**8.427**	**26.352**	

PCT Minimum plus China published since January 1, 2004	
AP	422
AT	11.503
AU	20.847
CA	12.192
CH	3.014
CN	876.826
DE	409.706
EP	480.245
FR	59.180
GB	47.489
JP	1.487.217
KR	474.671
OA	1.395
RU/SU	152.055
US	1.306.679
WO	504.518

Number of backfile families reclassified according to IPC-8	
AU	2.332
DE	431.295
EA	661
JP	12.996.492
LT	74
MD	509
PT	704
RO	23.431
RU/SU	1.315.821
SI	4.737
US	3.015

Applications with date of filing > 2005	1.088.701
with IPC	967.674
with core level only	626

[End of Annex and of document]