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

COMMITTEE OF EXPERTS

**Forty-First Session
Geneva, March 16 to 18, 2009**

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 forty-first session in Geneva from March 16 to 18, 2009. The following members of the Committee were represented at the session: Australia, Austria, Brazil, Bulgaria, Canada, China, Czech Republic, Egypt, Estonia, Finland, France, Germany, Ireland, Israel, Japan, Mexico, Netherlands, Norway, Portugal, Republic of Korea, Romania, Russian Federation, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States of America (29). Ukraine was represented as an observer. 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. Francis Gurry, Director General, WIPO, who welcomed the participants. Mr. Gurry highlighted the importance of this session where major decisions were expected with regard to simplified structure and revision procedures of the IPC. These changes would pave the way for greater efficiency toward a common international classification system in the next decade.

OFFICERS

3. The Committee unanimously elected Mr. H. Wongel (EPO) as Chair and Mr. S. Iwasaki (Japan) and Ms. A. Ezcurra Martínez (Spain) as Vice-Chairs.
4. Mr. A. Farassopoulos (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.

AMENDMENTS TO THE IPC

7. Discussions were based on Annexes 1 and 2 to project file CE 412 containing amendments to the IPC approved by the IPC Revision Working Group (hereinafter referred to as “the Working Group”) and additional proposals prepared by the International Bureau and distributed during the session containing amendments resulting from cross-reference checking.
8. The Committee adopted, with some modifications, the proposed amendments, which appear in the Technical Annexes to this report. It was decided that these amendments would be included in the next version of both the core and the advanced levels of the IPC which would enter into force on January 1, 2010.
9. The Committee agreed with a proposal by the IPC Advanced Level Subcommittee (hereinafter referred to as “the ALS”) that amendments of advanced level revision projects A 007 (G01N), A 008 (H01M), A 009 (G01S), A 011 (B62M) and A 015 (F16H) would be introduced into the next version of the IPC before completion of their respective reclassifications. Meanwhile, IPC users would be notified that reclassification in these areas was not complete and also be informed of those patent collections which were not completely reclassified and of the scheme which should be used for searching these collections.

IMPLEMENTATION OF THE RESULTS OF THE REFORM IN THE IPC AND STATUS OF THE IPC DEVELOPMENT PROGRAM

10. Discussions were based on document IPC/CE/41/2 which contains a status report on several tasks in the program of the Working Group with respect to the implementation of the results of the reform in the IPC. The Committee took note of the contents of this document and, in particular, of the decisions taken by the Working Group with respect to the task “Removal of Non-Limiting References from the Scheme”, and expressed its satisfaction with the work carried out.

11. Concerning the task “Removal of Non-Limiting References from the Scheme”, the Committee also noted that the Working Group had completed the removal of non-limiting references in a further 29 subclasses. Thus, the non-limiting references have been removed in a total of 51 subclasses. Annex 8 to project file WG 191 contains a table summarizing the status of this task for each subclass.

12. The Committee noted that the Working Group had completed the task of renumbering pre-reform residual main groups. All decisions taken in the course of this task are summarized in Annex 63 to project file WG 111. In 45 subclasses, pre-reform residual main groups have been deleted, 11 of them had subgroups which were also deleted. The deleted groups were transferred to 43 new standardized residual main groups and 16 new main groups with specific titles, some of them with subgroups.

13. With respect to the task “Introduction of Residual Main Groups in IPC Subclasses”, the Committee noted that the Working Group had continued consideration of the remaining subclasses without residual main groups in the framework of definition projects (five subclasses). The current status of this task with respect to each subclass is summarized in Annex 63 to project file WG 111. For 39 subclasses, a decision regarding the introduction of a residual main group is still pending.

14. With respect to the continuing task “Elaboration of Classification Definitions”, the Committee noted that, in total, 113 definition projects had been completed so far, and the target of a total of 100 subclass definitions by end of 2008, as set forth in Task 1(b) of the IPC Development Program 2006 to 2008 (see Annex III to document IPC/CE/37/9), had been exceeded. Annex IV to the report of the twentieth session of the Working Group (see document IPC/WG/20/2) contains a table summarizing the status of each definition project on the program. Following a request by Spain, the Committee requested the International Bureau to investigate whether compilations of amendments to already published definitions could be made available in order to facilitate the maintenance of the national translations of definitions.

PUBLICATION OF IPC VERSIONS 2008.04 AND 2009.01 AND RELATED RECLASSIFICATION OF PATENT FILES

15. Discussions were based on document IPC/CE/41/3 and on a document submitted by the European Patent Office (hereinafter referred to as “EPO”) entitled “MCD Revision Statistics”.

16. Two new versions of the IPC advanced level (versions 2008.04 and 2009.01) entered into force on April 1, 2008, and on January 1, 2009, respectively. On January 1, 2009, a new version of the core level entered into force as well. The publication of January 1, 2009, also included several new definitions in the electronic layer of the IPC. These new versions, in particular the associated master files, were officially published on the WIPO IPC website in the two authentic languages, English and French, in due time, before their entering into force.

17. For the systematic reclassification of patent files according to the latest version of the IPC, working lists of documents were prepared by the EPO for all industrial property offices that could potentially take part in the reclassification, and were made available for downloading on the dedicated WIPO IPC website.

18. The Committee noted that the EPO had prepared, for each new revision of the advanced level and several months after the entry into force of each revision, “residual working lists” in addition to the first set of working lists that had been prepared before each respective entry into force. These residual working lists captured all remaining documents that had not yet been reclassified at the time of their establishment. The Committee noted that for all revisions a considerable number of documents have not yet been reclassified and that for none of the revisions since the entry into force of the reformed IPC in 2006, could reclassification be considered as completed. The Committee therefore invited all participating offices to do their best to complete reclassification as early as possible using the residual working lists. The Secretariat informed that these residual working lists would be retrievable from the WIPO IPC reclassification website.

19. The Delegation of the EPO indicated that a new set of residual working lists would be made available soon. The Delegation of Brazil informed the Committee that the reclassification tool that had been provided for small- and medium-sized patent offices would soon be adapted in order to accommodate also the residual working lists. The Committee took the opportunity to express its gratitude to the Delegation of Brazil for having developed and maintained this tool on their own initiative to the benefit of many offices that use it.

20. The Committee also shortly addressed the appearance of industrial designs in some of the working lists prepared by the EPO, and invited the Quality Control Task Force (QCTF) to consider whether such documents should appear in the working lists in the future.

MASTER CLASSIFICATION DATABASE STATUS REPORT

21. Discussions were based on document IPC/CE/41/4, containing a tabular status report on the Master Classification Database (MCD) prepared by the EPO.

22. The Committee noted that 92% of the patent documents in the MCD, published before 2006, have received valid advanced level symbols, and that this percentage has not changed since the report given at its last session. Furthermore, 97% of the patent documents in the MCD published after January 1, 2006, have received valid advanced level symbols; this percentage has also remained unchanged. The EPO was asked to prepare separate statistics regarding the reclassification status of patent documents belonging to the PCT minimum documentation for the next session of the Committee.

23. The Committee renewed its invitation to the QCTF to investigate the reasons for the incomplete reclassification of the documents published before 2006, and means for improving the status of reclassification. Following a request from Brazil, the EPO was requested also to prepare working lists for the reclassification of national documents published before 2006.

IPC AND TECHNOLOGY CONCORDANCE TABLE

24. Discussions were based on document IPC/CE/41/5. The Committee noted an oral presentation by the Secretariat regarding the IPC Technology Concordance Table. In particular, it was noted that this table of concordances between 35 fields of technology and the IPC was a recent update of a similar table used in the past. The concordance table is intended to facilitate the collection of statistical data regarding technological trends and development activities. It was emphasized that the concordances were not intended to be fully comprehensive, i.e., the use of the respective IPC symbols for searching patent collections would not allow retrieval of all patent documents pertaining to the respective technological field. It should be noted that it is a concordance table between the IPC and technological fields and not a concordance table between the IPC and industrial classification. The concordance table is also available on the WIPO website (<http://www.wipo.int/ipstats/en/statistics/patents>) under the subsection Methodological Information. Offices were invited to submit enquiries or comments to ipstats@wipo.int.

PROCEDURES OF REVISION AND PUBLICATION OF THE IPC

25. Two presentations were given before the main discussion on this item, one by the EPO on the “IP5 (European Patent Office, Japan Patent Office, Korean Intellectual Property Office, State Intellectual Property Office of the People’s Republic of China, United States Patent and Trademark Office) View on the Future of Classification” and one by Japan on “IP5 Hybrid Classification Project through Mapping Tool”.

26. The EPO presented the goals of the Common Hybrid Classification project, in particular to:

- eliminate unnecessary duplication of work;
- improve international searching efficiency;
- utilize the strengths of existing internal classification systems; and
- enhance patent examination efficiency and quality.

In this respect, the following common approach would be followed to:

- develop the IPC to the necessary depth;
- start pilot projects to evaluate cost and benefits;
- use mapping tools between existing internal schemes in order to identify areas where schemes are very similar and to assist in searching using internal schemes; and
- cooperate closely with WIPO and the IPC community.

27. The Mapping Tool, as proposed by the JPO, would be a transitional tool which would enable identification of the most suitable internal scheme to serve as a basis of the IPC revision in each technical area by analyzing the internal classification information given to the family members in order to minimize the resulting classification work.

28. Discussions were based on project file CE 404 and, in particular, on Annex 21 to the project file containing the proposal that had been adopted by the Task Force in September 2008. This proposal was adopted, with several amendments, and appears as Annex III to this document. Paragraphs 29 to 40 below outline the most important decisions.

29. Only one text of the Classification will be maintained and published, corresponding to the current advanced level. The terms “core level” and “advanced level” will be discontinued. Small offices with limited resources or expertise for classification may classify their documents either at subclass level or using the main groups of the IPC. Common rules for classification will apply to all users of the IPC.

30. The IPC will be published once a year, in electronic form only, and enter into force on January 1. The Committee will review, at its next sessions, whether the number of publications should be increased to twice yearly. The master files and the early Internet publication will be published six months before entry into force.

31. The Committee recognizes that the IP5 Offices, in the framework of the hybrid classification foundation project, will be the driving force behind the IPC revision in the years to come. In that respect any project forwarded from this process (including Trilateral Harmony projects) will automatically be included in the IPC revision program and treated with priority. Other revision requests will be submitted to the Committee and accepted if there is commitment for the reclassification of the PCT minimum documentation.

32. The Committee realizes the need for an efficient revision process. Discussions on the IPC e-forum will be enhanced. Revision projects will be considered by the Working Group and after completion they will be forwarded to the Committee for final adoption. The Working Group should take measures to increase its efficiency. The Committee will evaluate at its next sessions whether the Working Group accomplishes its tasks in an efficient way and, if not, whether there will be a need for a review.

33. Every effort will be made to reclassify the relevant PCT minimum documentation before the date of entry into force of a revised scheme. If such complete reclassification cannot be achieved, the Committee may decide, in particular in case of active technologies, to publish the relevant scheme in order to allow front file classification. However, no new revision should be undertaken in that area before completion of the reclassification.
34. A centralized system will be created at WIPO in order to organize, facilitate and monitor reclassification.
35. All projects completed and adopted by the Committee at its 41st session and by the ALS at its sixth and seventh session will enter into force on January 1, 2010, in both the core and advanced levels. The Working Group, at its next session, will include all pending A and C projects in its agenda.
36. The QCTF and the International Bureau were requested to review all Standards, master files and basic IPC documents and to propose the necessary amendments to be adopted at the next session of the Committee.
37. The International Bureau was invited to take action for the promotion of the new simplified structure and procedure to IPC users, and to bring the matter to the attention of the IPC Union Assembly as well. Following the second workshop with IPC users, to be scheduled for February 2010, the Committee will finally adopt the new structure of the IPC at its next session; the new structure will enter into force with the relevant publication of the IPC in 2011.

IPC REVISION POLICY AND CONSISTENCY OF APPLICATION

38. Discussions were based on Annexes 13 and 14 to project file CE 405.
39. With respect to the item "IPC Revision Policy", it was agreed that the same selection criteria should apply to all revision requests. It was noted that the growth rate of applications should also be taken into account in addition to the criteria listed in the proposal of said Annex 13, and that the criteria "gain in efficiency" and "technical merit" should be explained, e.g., by preparing sample revision requests. The EPO was invited to revise the current template for revision requests and to submit it to the e-forum for discussion. A consolidated proposal was requested for consideration at the next session of the Committee.
40. With respect to the item "Consistency of Application of the IPC", it was agreed that examples of problematic classifications given to documents or to different members of a family of patent documents should be collected on the IPC e-forum. The International Bureau was requested to prepare a template for submission of such samples and to create a corresponding project on the IPC e-forum. Once a sufficient number of samples is collected, the Committee would decide on the continuation of consideration of this item.

INTRODUCTION OF A NEW TYPE OF UNIVERSAL INDEXING/TAGGING SCHEME IN THE IPC

41. Discussions were based on Annex 1 to project CE 413, containing a proposal prepared by the International Bureau on the introduction of a new type of universal indexing/tagging scheme in the IPC.

42. It was recalled that the Working Group, at its twentieth session held in November 2008, had concluded that the new scheme proposed in the framework of project C 452 (nano-technology) should be:

- universal;
- secondary;
- obligatorily applied;
- allow the development of related subdivisions in ordinary classification places;
- “temporary”; and
- readily visible to all users.

43. Since paragraph 107 of the *Guide to the IPC* (hereinafter referred to as the *Guide*), does not cover all the above features, the Working Group had requested the Committee to create a new type of scheme with the above features, or to broaden the scope of paragraph 107.

44. It was noted that the *Guide* had several provisions for multiple classification, such as multi-aspect obligatory or non-obligatory classification, indexing, secondary obligatory, and although finally, the practical result is almost always the same, nonetheless some contradictions and confusions arise. Furthermore, introduction of a new section in the IPC should not be adopted in an expeditious manner since this could require major changes in many of the associated IT systems.

45. It was therefore decided, instead of introducing another type of scheme, to review and amend all paragraphs of the *Guide* relative to multiple classification and indexing, aiming at simplification. The International Bureau was requested to prepare and post a comprehensive proposal to project CE 413 and subsequently discussion could take place in the framework of that project.

46. The Working Group was invited to continue the revision work on project C 452, taking into account the following remarks:

- all nano-technology related art should be collected in one place, namely class B82 in order to assure better visibility;
- a new subclass should be created to provide a basis for a complete search to be made with respect to nano-technology applications, as defined in the subclass title, notes and definitions. It should be used, in combination with other classification symbols which cover relevant aspects of the subject matter, to obligatorily classify either invention or additional

information. It should be used in order to easily collect statistics to identify trends in nano-technology applications and to identify places elsewhere in the IPC where nano-technology applications develop;

– this new subclass should be created at the end of class B82, e.g., as B82Y, so as to clearly distinguish it from the other “ordinary” subclass for nano-technology. It should be broadly subdivided into main groups which should not be further subdivided according to technical features; and

– the scope of existing subclass B82B should be broadened in order to cover technical features that fall under the new definition of “nano-structure”, as proposed in the new Note under the title of class B82 (see Annex 6 to project file C 452).

47. The Committee also discussed a proposal recently submitted by the United Kingdom for the creation of an indexing scheme for Environmentally Sound Technologies (EST) (see Annex 19 to project file WG 020).

48. It was noted that agreeing on a definition of EST would be demanding and, in view of the recent submission of the proposal, a technical answer from the Classification point of view could not be given by the Committee at present. Furthermore, it was not clear whether a concordance between EST and the IPC or the creation of a new indexing scheme was the appropriate solution. It was therefore decided to initiate a new revision project with the United Kingdom as Rapporteur (project C 456). The Working Group was invited to discuss the project, without making any scheme approval, and to report its conclusions to the Committee.

IPC INTERNET PUBLICATION REDESIGN

49. As a follow-up to the presentation provided during the twentieth session of the Working Group, the International Bureau provided a progress report presentation on the IPC Internet publication redesign initiated in the Summer of 2008.

50. The International Bureau introduced specifications, staging and planning documents and provided a test URL where implementation progress is now visible to the IPC community. A live demonstration of the first implementation stage was also provided.

51. It was emphasized that the complete reworking of this application could allow for implementation of new search facilities, for IT automation of the IPC internet publication and would facilitate implementation of future adaptations (e.g., those possibly required by the new revised IPC revision procedure).

52. The Committee was also informed about the impact on other IPC tools and that a replacement of the current IPCPUBPREP software package, allowing offices to produce their own IPC internet publication in national languages, would also be made available for download on the WIPO website.

NEXT SESSION OF THE COMMITTEE

53. The Committee noted the following tentative dates for its next regular session:

Geneva, February 8 to 12, 2010.

54. This report was unanimously adopted by the Committee by electronic means on April 6, 2009.

[Annexes follow]