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WORLD INTELLECTUAL PROPERTY ORGANIZATION
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SPECIAL UNION FOR THE INTERNATIONAL PATENT CLASSIFICATION
(IPC UNION)

COMMITTEE OF EXPERTS

Forty-Second Session
Geneva, February 9 to 12, 2010

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-second session in Geneva on February 9 to 12, 2010. The following members of the Committee were represented at the session: Australia, Austria, Brazil, Canada, China, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Germany, Ireland, Israel, Italy, Japan, Mexico, 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 (32). Latvia and Ukraine were represented as observers. 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. Yo Takagi, Assistant Director General, WIPO, who welcomed the participants.

OFFICERS

3. The Committee unanimously elected Mr. Heiko Wongel (EPO) as Chair, and Mr. Anders Bruun (Sweden) and Mr. Félix Paquet (Canada) as Vice-Chairs.
4. Mr. Antonios 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.

REPORT ON THE TWENTY-NINTH SESSION OF THE ASSEMBLY OF THE IPC UNION

7. The Committee noted an oral report by the Secretariat on the twenty-ninth session of the Assembly of the IPC Union. The Assembly had been informed of the decision of the Committee at its forty-first session to simplify the structure of the IPC by integrating the two levels of the IPC into one structure as from January 1, 2011. The Assembly of the IPC Union had noted the relevant decisions of the Committee in the absence of any objections or comments.

REPORT ON THE FIRST AND THE SECOND SESSIONS OF THE WORKING GROUP ON CLASSIFICATION OF THE FIVE IP OFFICES

8. The Committee noted a short oral report by the EPO on behalf of the five IP offices: European Patent Office (EPO), Japan Patent Office (JPO), Korean Intellectual Property Office (KIPO), State Intellectual Property Office of the People's Republic of China (SIPO) and United States Patent and Trademark Office (USPTO) (hereinafter referred to as "Five IP Offices"). This report was a complement to a more detailed presentation given on the Common Hybrid Classification project (CHC) during the second IPC Workshop held immediately before the session of the Committee.

9. The Working Group on Classification of the Five IP Offices held its first two sessions in June and October 2009. During these sessions, agreement had been reached to launch four pilot projects and to start discussion on the procedure concerning pilot projects. Consensus had since been obtained on a fifth pilot project. The table of these projects is available on the e-forum on classification of the Five IP Offices (www.wipo.int/ip5ef).

AMENDMENTS TO THE IPC

10. Discussions were based on Annex 6 to project file CE 422 containing amendments to the IPC approved by the IPC Revision Working Group (hereinafter referred to as “the Revision Working Group”), in light of the comments submitted by Japan and the United States of America concerning projects A 018 and C 452 respectively (see Annexes 7 and 8 to project file CE 422).

11. 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 the IPC, with the simplified structure, which would enter into force on January 1, 2011.

12. It was noted that Rapporteur of project A 018 proposed some amendments to the English version already approved by the Working Group at its twenty-second session in response to the questions raised by the Working Group at that session. Having noted that these proposed amendments to the already approved English version of the scheme were a satisfactory response to the questions raised by the Working Group, the Committee agreed to adopt the amendments in both English and French.

13. The Committee noted a request submitted by Rapporteur of project C 452 (Nano-technology) to introduce the project into the next version of the IPC (IPC-2011.01). It was recognized that the Working Group, at its twenty-second session, had approved the English version of the project, but did not invite a French version for adoption by the Committee. It was expected that normally the Working Group would have considered a French version at its twenty-third session in May-June 2010.

14. Having noted the strong desire of entry into force of the new scheme in 2011, the Committee adopted the English version of the project, and, as a very exceptional case, invited the corresponding French version for electronic adoption by French-speaking offices by the end of March 2010, in order to allow the new scheme to be introduced into IPC-2011.01.

15. The Committee emphasized that this approach should only be applied to this very exceptional case, and should not be interpreted as an experimental case for future practice. The Committee was grateful to France for preparing the French version of the project with such a short notice.

16. It was noted that there would be no Revision Concordance List (RCL) for project C 452, since there would be no reclassification of existing symbols, but only addition of new symbols. Therefore, no Working Lists would be created based on which the normal reclassification activities would be carried out. In that respect, overlap among family members would exist if offices conduct classification in B82Y without Working Lists.

17. It was, therefore, agreed to create new project QC 014 with the EPO as Rapporteur to further investigate how to proceed with classification in this project, in order to avoid duplication of work. Offices were invited to indicate how they would classify in this area, e.g., by administrative allocation of symbols based on a concordance from an internal scheme or by doing keyword searching. The EPO was also invited to provide search strategies, e.g. the EPO “ECLA + ICO + CK” approach, for this project, in order to help offices to identify their documents that would need the addition of B82Y symbols. Offices unable to provide XML result lists were invited to provide lists of documents in other format (e.g. Word, Excel), and the International Bureau was requested to investigate the possibilities to create corresponding XML files to be submitted to the Master Classification Database (MCD).

18. The Committee finally decided that all adopted projects would be introduced in IPC-2011.01 before completion of reclassifications in several of these projects. Meanwhile, warnings in new areas where reclassification is incomplete would be included, with links to information on the patent collections not yet reclassified and to the schemes that should be used for searching those patent collections.

19. It was noted that due to technical reasons, Japan, would have difficulties in classifying the front file in the areas affected by revision projects A 014 and A 020 to A 022 during a certain period after January 2011-. It was agreed that during this period, Japan would provide front file classification data by using some concordance and would afterwards send corrections to the MCD when the IPC data would be corrected.

20. It was further agreed that new project CE 423 would be created on the e-forum, in order to collect reclassification status information from offices, such as a list of projects where reclassification was not yet completed, the internal target date for completion, etc.

REQUESTS FOR REVISION OF THE IPC

Project C 456 – Environmentally Sound Technologies (ESTs)

21. The Committee noted the conclusion of the twenty-second session of the Working Group that “the use of a scheme to index ESTs would result in the need to distinguish between ‘good’ and ‘bad’ technologies and that today’s ‘good’ technologies could become tomorrow’s ‘bad’ technologies” (see Annex 12 to project file C 456). The Committee therefore agreed on the creation of a complete list of entries in the Catchword Index (CI) under the term EST. The Working Group was invited to further elaborate the proposal submitted by Germany in Annex 6 of the project file and to finalize it at its twenty-third session in May-June 2010. The International Bureau was invited to publish also separately the approved CI list with references to EST places in the IPC, in a readily accessible manner, e.g., from the IPC homepage.

22. The Committee noted that the EPO was developing an indexing scheme for Climate Change Mitigation Technologies (CCMT), using a neutral methodology which identifies technologies without judgment on their effectiveness. This scheme is currently being developed and would be used in a similar way as the ECLA indexing scheme on Nanotechnologies. The Committee invited the EPO to present this scheme, when completed, to the Working Group which would then make an evaluation to be further considered by the Committee.

Other Revision Requests

23. The Committee considered two revision requests submitted by China (see Annexes 27 and 28 to project file WG 020). The Delegation of China informed the Committee about the history and necessity of these two revision requests, in particular in view of the large file size of the PCT minimum documentation classified in group G06F 3/023 (around 16,000 patent documents), although the growth rate had recently decreased in this group. Opposition was expressed by some offices, in particular in view of the lack of resources for performing reclassification work. In view of the overall lack of support, these requests were not accepted.

24. Finally the request submitted by Sweden (see Annex 29 to project file WG 020) was approved and project C 457 was created therefor.

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

25. Discussions were based on project file CE 413. It was recalled that the Committee at its forty-first session had invited the Rapporteur to “review and amend all paragraphs of the *Guide* relative to multiple classification and indexing, aiming at simplification”.

26. It was decided to amend paragraphs 93 and 94 of the *Guide to the IPC* in order to allow classification of chemical compounds, mixtures or compositions when only their use is the subject of inventions (see Annex III to this report). Paragraph 107 of the *Guide* was intended to cover different exceptional practices. The practice followed in B82Y was not entirely covered by this paragraph, necessitating a redrafting of the paragraph. It was decided instead to delete paragraph 107 from the *Guide* and to improve the notes in the relevant subclasses. In this respect, projects M 723 to M 725 were created for subclasses A01P, A61P and A61Q, respectively, with Mexico as Rapporteur, project M 726 for subclass C12S, with Sweden as Rapporteur, and projects M 727 for subclass B82Y, with the EPO as Rapporteur. The Rapporteurs were invited to review the existing notes and to investigate whether examples of classifications should be included, in particular, using the terms invention/additional information without changing the current classification practice. The Working Group was invited to start considering these reviews at its twenty-third session.

27. Finally, the International Bureau was invited to review the use of the term “subject of invention” in the *Guide* and to either clarify its use or to replace it as needed. This review should be considered at the next revision of the *Guide*.

MASTER CLASSIFICATION DATABASE AND RECLASSIFICATION STATUS REPORT

28. Discussions were based on Annexes 1 and 2 to project file QC 013 prepared by the EPO containing two reports on the MCD i.e., revision statistics and coverage statistics, respectively.

29. The Committee noted that 92% of the patent documents in the MCD published before 2006 had been attributed valid advanced level symbols and that this percentage has not changed since the report given in 2009. Furthermore, 98% of the patent documents in the MCD published in 2009 had received valid advanced level symbols.

30. The Committee was grateful to the EPO for preparing reports on the MCD and on reclassification status, and invited the EPO to regularly submit updated statistics in the same way to the e-forum under project QC 013.

31. The Committee decided to create new project QC 015, with the EPO as Rapporteur, to investigate the reasons why reclassification was not complete, e.g., within a particular revision period for a particular revision project. The EPO was invited to provide more detailed reclassification statistics with indication of countries and their responsibilities.

IMPLEMENTATION OF THE NEW SIMPLIFIED STRUCTURE AND PROCEDURE OF THE IPC

32. Discussions were based on Annex 35 to project file CE 404 containing a rapporteur report prepared by the International Bureau relating to implementation aspects of the new simplified structure and procedure of the IPC.

33. The Committee noted that WIPO Circular C. IPC 200 with a questionnaire had been sent to all offices applying the IPC for classification of their published documents. The purpose of the questionnaire was to survey industrial property offices about their intentions to apply either main groups only or the full simplified IPC after January 1, 2011. The Committee also noted the summary of replies to the questionnaire in said Annex 35 to the project file.

34. In that summary, six out of 43 offices which had submitted replies intended to use main groups of the IPC after January 1, 2011, and 32 offices intended to use the full IPC. Three offices would use both main groups only and the full IPC depending on technical fields, one office would use subclass symbols, and one office had not yet decided on this matter.

35. The Committee requested its members to submit replies to the questionnaire, if they had not yet done so, and invited the International Bureau to continue collecting replies in order to prepare an updated survey on the use of the simplified IPC. Annex 35 to project file CE 404 would be updated in a dynamic way upon receipt of new replies.

36. It was also noted that the majority of offices agreed that the previous versions of the core level, i.e. 2006, 2009 and 2010, would only be available in the archived PDF files after January 1, 2011.

37. In view of the replies to the questionnaire and to the positive feedback given by the users of the IPC and by patent information providers during the second session of the IPC Workshop, the Committee finally adopted the new simplified structure of the IPC and confirmed that the new structure would enter into force with the relevant publication of the IPC in January 2011.

38. The Committee recalled that, at its last session in February 2009, the Working Group had been requested to take measures to improve its efficiency. The Committee was pleased to note the evidence, which was indicated in said Annex 35 and was based on a statistical comparison analysis on the work completed by the Working Group in 2008 and 2009, that the Working Group was working in a more efficient manner, as expected by the Committee.

39. With respect to its request for enhancement of discussion on the e-forum, the Committee was informed that the International Bureau, during the year to come, would study the possibilities of improving the e-forum by integrating some new functions specified in said Annex 35 in order to allow more efficient discussions on the e-forum as well as during the Working Group sessions. The Committee appreciated the initiative by the International Bureau on the e-forum development and invited the International Bureau to inform the Committee on future progress.

40. In order to accelerate the revision work of IP5 projects, the Five IP Offices were requested to allow members of the IPC Union to have “guest” access to the IP5 e-forum. The EPO, on behalf of the Five IP Offices, indicated that this issue would be brought to the attention of the Five IP Offices in its coming session in March 2010, and that the Committee would be informed as soon as a decision was made.

AMENDMENTS TO BASIC IPC DOCUMENTS, TO IPC RELATED WIPO STANDARDS AND TO MASTER FILES

41. The Committee recalled that at its forty-first session in February 2009, it had requested the International Bureau and the Quality Control Task Force (QCTF) to review all basic IPC documents, WIPO Standards and Master Files and to propose the necessary amendments relating to the abolishment of its core and advanced levels to be adopted at its forty-second session.

42. Discussions were based on project file CE 421 containing amendments to the *Guide*, the Guidelines for Revision of the IPC, the IPC Revision Policy and Procedure, the Working Procedure of the IPC Revision Working Group, the Guidelines for Determining Subject Matter Appropriate for Obligatory and Non-obligatory Classification and the Guidelines for Determining Where to Classify Patent Documents Within the IPC, prepared by the International Bureau, and comments submitted by Canada, France, Japan, Mexico, Slovakia, Sweden and the United States of America.

43. The Committee adopted, with some amendments, the basic IPC documents, which appear in Annexes III to VII to this report.

44. The Committee also adopted the introduction of a French definition of the term “fluent”, prepared by Canada, into the Glossary of the *Guide*. It was agreed to create new maintenance project M 728, with Canada as Rapporteur, in order to standardize the use of the term “fluent” in the French version of the scheme.

45. It was indicated that, in the future, amendments to the *Guide* should be made whenever needed. Any proposal for revision of the *Guide* should be submitted to project CE 421 and then considered by the Committee.

46. Concerning the Master Files, discussions were based on Annexes 1 and 5 to project file QC 010 containing a proposal on the amendments to Master Files and Internet Publication and a summary of discussions of the QCTF prepared by the International Bureau.

47. The Committee adopted the said Annex 1, subject to amending the last two paragraphs of section 2.4.1: “has no ‘validity date to’ attribute” instead of “has ‘no validity date to’ attribute”.

48. It was confirmed that the “core predecessor” information in the validity file was merely for compatibility reasons, that it should not be used for any systematic roll-up of symbols in patent databases and that existing rolled up symbols would be removed from the MCD (see also paragraph 49 below).

49. With respect to the WIPO Standards, discussions were based on Annexes 5 and 6 to project file QC 011, containing consolidated proposals for amending WIPO Standards ST.8 and ST.10C, prepared by the International Bureau. The Committee agreed with the proposals by the International Bureau, subject to some amendments, in line with the adopted modifications of the *Guide* (see Annexes VIII and IX to this report).

50. It was indicated that changes in the presentation of version indicators on patent documents could be needed. However, the Committee noted that these changes would require modifications in many of the associated IT systems and were therefore not desirable at present.

MCD OPERATIONS AMENDMENTS

51. Discussions were based on Annex 4 to project file QC 012 containing a report proposed by the EPO regarding implementation of changes for IPC-2011.01 in the MCD and related products.

52. The Committee confirmed that the already rolled-up core level symbols should be removed from the MCD and adopted the proposed rules to be used for identifying those core level symbols that were created by the roll-up process. The Committee confirmed that, having applied the above rules, the option of rolling the symbols up to the corresponding main groups should be used for the remaining symbols that were not main group symbols. It was also agreed that, once the deletion activity was completed around September/October 2010, the “roll-up” process would no longer be performed on new documents.

53. With respect to the IPC revision process, it was noted that the Working Lists for the 2011.01 revision would be produced in mid-2010, using the existing programs and would contain rolled-up core level symbols. Starting from the end of 2010, storage of results for the 2011.01 version would take place using amended programs without roll-up.

54. It was noted that the distribution of reclassification work should be based on an algorithm that would take into account the specific requirements of each revision project. The QCTF had been asked to work out the details in order to define a set of parameters which could be varied when determining the distribution of Working Lists between offices. New project QC 017 on the e-forum would be created for this purpose.

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

55. Discussions were based on Annexes 8 and 9 to project file CE 381 containing a proposal prepared by Sweden relating to the concept of a default reclassification of non-reclassified patent documents, and a counter proposal, prepared by the United States of America, respectively.

56. With respect to the proposed concept of default transfer by Sweden, it was decided to create pilot projects to evaluate the results of this approach. For these pilot projects, it was agreed to select some completed revision projects which had not so many documents to be reclassified (e.g. project A006) and to invite the Rapporteur of project CE 381 to further evaluate the concept of default transfer using the remaining not yet reclassified documents of these projects.

57. It was recalled that the QCTF had proposed a new reclassification approach (see Annex 7 to project file QC 002). According to the proposal, the reclassification process would be divided into three stages, each stage having fixed duration. The duration of the stages would vary from project to project according to the amount of documents to be reclassified and would be determined by the Committee. An office should be able to reclassify families including a national document already in phase 1, if these families were not reclassified after the entry into force of the relevant scheme, even if these families did not belong to the Working Lists of that office.

58. The Committee agreed with the new reclassification approach proposed by the QCTF. It was also agreed that an early physical meeting of the QCTF would be necessary to settle the details in view of the development of the web reclassification service by the International Bureau. The Committee noted, with appreciation, the proposal by the EPO to host such a meeting in mid-April 2010.

59. It was indicated that the information whether a patent document had been cited could be used for prioritizing the reclassification work. It was also indicated that the publication date (i.e. age of patent documents) could also be used for this purpose. It was noted that offices which had other suggestions or constructive proposals were invited to submit their comments to the project QC 015 (see also paragraph 31 above).

IPC REVISION POLICY AND CONSISTENCY OF APPLICATION

60. Discussions were based on Annex 16 to project file CE 405 containing a rapporteur report and a proposal prepared by the EPO.

61. The Committee adopted, with some amendments, the proposed template for revision requests, which appears in Annex IV to this report.

62. With respect to the item “Consistency of Application of the IPC”, new project QC 016 was created. The International Bureau was requested to prepare a template for submission of examples of documents with problematic classification symbols.

63. The Delegation of the EPO informed the Committee that a new procedure for operational quality control of classification into ECLA was currently being tested in a small number of pilot fields and the report would be provided when the first results would be available. The EPO was invited to submit the report to the e-forum in project QC 016.

NEXT SESSION OF THE COMMITTEE

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

Geneva, February 21 to 25, 2011.

65. This report was unanimously adopted by the Committee by electronic means on March 5, 2010.

[Annexes follow]