

Special Union for the International Patent Classification (IPC Union)

Committee of Experts

Forty-Fourth Session

Geneva, February 29 to March 2, 2012

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-fourth session in Geneva from February 29 to March 2, 2012. The following members of the Committee were represented at the session: Austria, Brazil, Canada, China, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Germany, Ireland, Israel, Japan, Mexico, Netherlands, Norway, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States of America (29). Viet Nam was represented as observer. The African Regional Intellectual Property Organization (ARIPO), 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. Antonios Farassopoulos, Head, International Classifications and WIPO Standards Service, who welcomed the participants.

OFFICERS

3. The Committee unanimously elected Mr. Anders Bruun (Sweden) as Chair and Mr. Pascal Weibel (Switzerland) and Miss Catia Valdman (Brazil) 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.
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 FIFTH AND THE SIXTH SESSIONS OF THE IP5 WG1-WORKING GROUP ON CLASSIFICATION

7. The Committee noted brief oral reports by China and the EPO on the fifth and sixth sessions, respectively, of the IP5 WG1-Working Group on Classification (WG1).
8. At its fifth session, the WG1 reviewed the six pilot projects and summarized and evaluated the overall status of the pilot phase of the Common Hybrid Classification (CHC) Project. The WG1 also discussed an amended version of the documents related to quality assurance in the CHC Foundation Project and the CHC-OPS document, and agreed on them in principle. The EPO and the USPTO presented the Cooperative Patent Classification (CPC) which would initially be based on ECLA. The JPO presented a plan to carry out a comparison between File Index (FI) and ECLA in order to identify areas that could be easily harmonized and those which would need further discussion. The Secretariat presented a proposal on a common publication platform displaying IPC, CPC and FI in parallel. It was noted that the ultimate goal was to harmonize CPC and FI and thus include harmonized schemes in the IPC, which would remain the common International Patent Classification system. The WG1 agreed that further discussions were needed before taking a final decision. In addition, a new project was created for sharing training materials. A total of new 20 Action Points were created in order to put forward the CHC Foundation Project.
9. Concerning the sixth session, it was noted that 11 new CHC projects, nine of which were based on a comparative study between ECLA and FI schemes led by the JPO, had been launched. It was also noted that all trilateral Harmony Projects had moved to the IPC phase. The WG1 agreed to pursue the common publication platform in which the IPC, CPC and FI would be displayed optionally in parallel on WIPO's IPC website.

REPORT ON THE PROGRESS OF THE COOPERATIVE PATENT CLASSIFICATION (CPC)

10. The United States of America and the EPO gave a joint oral presentation on the recent developments concerning the CPC. The [presentation](#) is available on WIPO's website.

11. Furthermore, the Committee discussed the new numbering system to be used for the CPC groups (see Annex 2 to project [CE 443](#)). The CPC subgroups would use the symbol of their IPC parent group with additional numerical digits. The total number of digits after the "/" would remain six as for the IPC. Some concerns were expressed on a potential overlap between the IPC and CPC symbols when subgroups are added into the IPC.

12. When moving CPC groups into the IPC, investigation should be undertaken, on a case by case basis, on whether the CPC symbols can be used unchanged in the IPC. This transfer would be authorized if the file scope of the original symbols remains unchanged when introduced into the IPC and when the transferred groups fit the existing IPC structure. If this is not the case, a reorganization of the IPC scheme should be preferred, aiming however at avoiding intellectual reclassification as much as possible. In all cases, CPC symbols should not be used in the IPC with a different file scope.

COMMON PUBLICATION PLATFORM FOR THE IPC, CPC AND FI

13. The Secretariat gave an oral [presentation](#) on a common publication platform for the IPC, the CPC and the FI.

14. The purpose of this platform would be to increase awareness of CPC and FI and their relationships with the IPC. It was noted that users would be able to understand CPC and FI more easily with the new platform; therefore such improved knowledge would facilitate the harmonization of CPC and FI, as well as the development of the IPC.

15. It was also noted that the platform would:

- (a) provide users with the possibility to display, on demand, the IPC alone or together with CPC and/or FI in parallel;
- (b) display the numbering system in force in CPC and FI;
- (c) display the version indicators of all CPC and FI groups;
- (d) highlight the differences in titles between CPC or FI and the IPC; and
- (e) enable users to access databases (e.g., Espacenet and IPDL) to display patent documents classified in CPC or FI.

16. The Committee noted that the common publication platform would help all users to access to the three classification schemes. It was also noted that current users of the IPCPUBPREP had a strong desire that the new platform would be backward compatible. The target for the first publication of the IPC, CPC and FI on the common publication platform was set to the second half of 2013.

AMENDMENTS TO THE IPC

17. Discussions were based on project file [CE 442](#), in particular, on Annex 13 to the project file containing amendments to the IPC approved by the IPC Revision Working Group.
18. With respect to the proposal of systematic maintenance of subclass H02K, Sweden was invited to submit a proposal to the newly created maintenance project [M 741](#), with Sweden as Rapporteur. Concerning the title of group B63B 22/22 proposed by Sweden, the IPC Revision Working Group was invited to verify whether the modified title reflects its intended scope (see Annex 69 to project file [M.014](#)).
19. 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 which would enter into force on January 1, 2013.
20. Concerning the Revision Concordance List (RCL), discussions were based on Annex 3 to the project file containing a compilation of RCLs for each revision project. The Committee tentatively adopted the proposed RCL, which appears in Annex III to this report. It was brought to the attention of the Committee that the final checking of RCL should be done before the report adoption.
21. The Committee noted that maintenance corrections should be completed as much as possible by the IPC Revision Working Group. The International Bureau was requested to check for such corrections in definition projects and revision projects when preparing Technical Annexes. It was also noted that the Working Group should pay close attention to all maintenance issues during the Working Group phase.

REQUESTS FOR REVISION OF THE IPC

22. The Committee considered a revision request submitted by Canada (see Annex 45 to project file [WG 020](#)).
23. Opposition was expressed by some offices, in particular in view of the lack of in-house resources for considering any new revision projects for the year 2012. It was agreed that no new revision project would be created for this revision request for the time being, although support had been received from several offices.
24. The Committee considered this proposal potentially useful and Canada was invited to further investigate the possibility of better adaptation of the proposed scheme to the existing local classification systems, i.e., ECLA and FI, and to provide an estimation of the potential need for intellectual reclassification using project [WG 020](#). The Committee would then reconsider the proposal at its next session.

AMENDMENTS TO THE GUIDE TO THE IPC, GUIDELINES FOR REVISION OF THE IPC AND IPC-RELATED WIPO STANDARDS

25. Discussions were based on project file [CE 421](#) containing amendments to the *Guide to the IPC (Guide)*, the Guidelines for Revision of the IPC and the Guidelines for Drafting Definitions.
26. The Committee was grateful to Sweden for initiating a proposal on the amendments to the Guidelines for Revision of the IPC. A consolidated proposal prepared by Sweden in Annex 46 integrated comments submitted by offices, in particular, additional proposals submitted by the EPO and by Brazil on the numbering in Appendix IV of the said document. The Committee adopted, with some amendments, the consolidated proposal, which appears in Annex IV to this report.

27. It was noted that Sweden volunteered to prepare an updated version of Appendix II of the said document relating to the rearrangement of main groups, for the next session of the Committee. It was also noted that the EPO volunteered to review the use of the term “arrangement(s) of” in singular or plural in the IPC in depth and submit a proposal, if needed, for possible amendments to the Guidelines for Revision of the IPC and to the Glossary of the *Guide*.

28. The Committee also considered a proposal prepared by the International Bureau on a definition of the term “technical subject(s) of invention(s)” in the Glossary of the *Guide*, and adopted the consolidated proposal in Annex 47, with some modifications, which appears in Annex V to this report.

29. As regards to a proposal submitted by Israel for modification of paragraph 100 of the *Guide*, in order to simplify how to classify “Markush formulae” in class C07, the Committee agreed that creation of new main groups in subclasses under class C07 was not desirable. The Committee finally adopted, with some amendments, the new version of paragraph 100 as proposed in Annex 51, which appears in Annex V to this report.

30. The Committee noted a problem of example patent documents stated in the definition statement of some definition proposals, as pointed by Brazil and commented by Sweden and the United States of America. It was agreed that definitions should not contain references to example patent documents. The Committee further agreed that this statement should be added to the Guidelines for Drafting Definitions under the heading of “General Recommendations”. The International Bureau was invited to update the English and French versions of the document accordingly under project [D 000](#).

31. It was agreed that, during the discussion phase the rapporteurs might include the titles of the relevant IPC places in the definitions; however, these titles would not be included in the published definitions. Concerning the synchronization of the limiting references in the definitions when the scheme is revised, this should be the task of the International Bureau in the framework of the cross-reference checking.

MASTER CLASSIFICATION DATABASE AND RECLASSIFICATION STATUS REPORT

32. Discussions were based on Annexes 6 and 7 to project file [QC 013](#) prepared by the EPO containing two status reports on the Master Classification Database (MCD), i.e., publication coverage statistics and reclassification coverage statistics.

33. The Committee noted that 98% of patent documents in the MCD published in 2010 and 2011 had been allocated valid IPC symbols. However, the Committee also noted that the percentage, shown in the statistics, seemed exceptionally low for certain offices, sometimes with certain “kind codes”, for example, Israel, Italy with kind codes “A1” and “U1” or the United States of America with kind code “S1”. The EPO was invited to further investigate the reason for such low percentage for each individual office with the help of the offices concerned and report back at the next session of the Committee.

34. The Committee noted that the number of patent families remaining to be reclassified was relatively high for recent revisions, and was decreasing very slowly for previous revisions. The EPO was invited to further identify the offices or projects where the majority of non-reclassified families came from. Offices were also invited to submit reclassification status information to the e-forum, under project [CE 423](#), such as lists of projects where reclassification was not yet completed, with internal target dates for completion of reclassification.

35. The Committee was grateful to the EPO for preparing the MCD publication and reclassification status reports and invited the EPO to regularly submit updated statistics in the same way to the IPC E-forum under project [QC 013](#).

36. The Delegation of China informed the Committee that SIPO had developed a reclassification tool and had put the tool in operation in 2011, with which, a team of experienced classifiers had carried out reclassification of documents up to 2009.01 revisions. It was expected that all the remaining documents to be reclassified would be dealt with before July 1, 2012, when the Chinese patent documentation would officially become part of the PCT Minimum Documentation.

37. The Committee noted that Canada would be willing to participate in the reclassification for certain revision projects and invited interested offices to contact Canada in that respect.

MODIFICATION OF THE RECLASSIFICATION DISTRIBUTION ALGORITHM

38. Discussions were based on Annex 6 to project file [QC 017](#) containing a rapporteur summary, prepared by the EPO, with regard to proposed modification of the reclassification distribution algorithm.

39. The Committee recalled its invitation, at its last session, to the EPO to work closely with the USPTO to further revise criterion (a), and noted a comment by the United States of America (see Annex 5 to the project file), that such revision was no longer needed in view of the future joint use of the CPC by the two offices.

40. The Committee adopted, therefore, the proposed distribution algorithm presented as criteria (b) and (c), and invited the EPO to further consider the practical aspects on how to implement the algorithm when preparing new working lists, bearing in mind that offices should be able to volunteer to reclassify in addition to the families containing their own priority documents, the rest of the families containing their own non-priority documents.

41. The Committee renewed its invitation to the EPO to provide statistics on the impact of each criterion on the reclassification workload of each office.

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

42. Discussions were based on Annexes 14 and 15 to project file [CE 381](#), containing a proposal for an additional paragraph of the Guidelines for Revision of the IPC on how to apply the "best fit" approach in practice, prepared by Sweden, and comments submitted by the United States of America.

43. With respect to the additional paragraph of the Guidelines for Revision of the IPC by Sweden, the Committee adopted, with some modifications, the proposed amendments (see paragraph 126bis of Annex IV to this report).

44. It was noted that the default transfer should be done within the codes of WIPO Standard ST.8, e.g. a particular country code could be used as reclassifying office. The Committee invited the EPO to study this issue. The Committee agreed to start implementing default transfers for projects that had already entered into force in 2006, 2007 and 2008. The Committee would decide on the inclusion of additional projects at its next session.

45. The Committee adopted the list of default transfers approved by the IPC Revision Working Group, contained in Annex 14 to project file [WG 261](#).

REPORT ON THE STATUS OF THE IPC E-FORUM

46. The Secretariat gave a [presentation](#) on the IPC E-forum 2012 redesign project. This project was launched in 2011 to rework this 10 year-old application which is one of the critical business applications for the IPC. Its first stage whose objectives were to address design and IT security issues and to improve maintainability of the system, was just completed. Its second and last stage covering functional evolutions is planned for completion in May 2012.

47. The Secretariat also gave a live demonstration of the redesigned IPC E-forum and introduced the plan for its move into production immediately after the Committee of Experts meeting.

48. As several delegations expressed their appreciation and the wish to contribute suggestions and user-level feedback on this system, it was agreed that new project [CE 445](#) would be created for this purpose.

REPORT ON THE PROGRESS OF THE WIPO IPCRECLASS PROJECT

49. The Secretariat also gave a [presentation](#) on the IPCRECLASS project which had been announced in February 2012 as ready for testing by Offices.

50. A general description of the functionalities provided by IPCRECLASS was provided as well as various options to perform IPC reclassification: either on-line or through submission of Result Lists files created outside the system or through the email-based legacy protocol.

51. The Secretariat also gave a live demonstration of on-line reclassification. Submission of Result Lists created off-line and IPC reclassification monitoring were also demonstrated.

52. The Secretariat described the transition plan between current situation and IPCRECLASS future production use, with a test phase in March and an expected production use mid-April 2012.

53. It was also indicated that the move into production would require a freeze of reclassification submissions between April 10 and 13, 2012 and that the EPO would have to produce residual working lists for former IPC revisions (from IPC 2007.01 to 2012.01) by that time. It was also expected that IPC 2013.01 reclassification submissions would be fully processed through IPCRECLASS.

54. Offices reiterated their wish to contribute feedback about this system through the dedicated project [CE 446](#) on the IPC E-forum.

COOPERATION ON THE PROMOTION OF THE IPC BETWEEN WIPO AND THE IPO OF SLOVAK REPUBLIC

55. The IPO of the Slovak Republic gave a [presentation](#) on the accomplishment of their publication and regular maintenance of the Slovakian version of the IPC. They described how, through a cooperation project with WIPO, a relatively small office could translate and publish the IPC 2012.01 into their national language as well as learn how to maintain future versions.

56. The IPO of Slovak Republic thanked the International Bureau, stressing that this achievement would not have been possible without WIPO tools and shared their experience and recommendations with other offices having similar intentions.

57. The IPO of Slovak Republic also requested the International Bureau to consider a forum for discussion on IT support tools for the IPC.

NEXT SESSION OF THE COMMITTEE

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

Geneva, February 25 to March 1, 2013.

59. This report was unanimously adopted by the Committee by electronic means on March 23, 2012.

[Annexes follow]