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IP5 Working Group 1 – Working Group on Classification

The 5th Meeting

March 21 - 24, 2011

State Intellectual Property Office of the People's Republic of China

Beijing, China

Report

INTRODUCTION

1. The fifth meeting of the IP5 WG1 - Working Group on Classification was held at the State Intellectual Property Office of the People's Republic of China in Beijing, China on March 21-25, 2011. The World Intellectual Property Organization (WIPO) participated as observer. The list of participants appears in Annex 1.
2. The meeting was chaired by Mr. ZENG Zhihua, Director General of the Patent Documentation Department, SIPO. Mr. ZENG welcomed the participants on behalf of SIPO. All participants expressed deep sympathy to Japanese people suffering from the earthquake and tsunami in Japan.

ADOPTION OF THE AGENDA

3. The agenda was adopted with one modification (Annex 2).

REVIEW OF ACTION POINTS

4. The Working Group discussed the Action Points (Annex 3). Action Points 41-43 and 47-51 were completed. Concerning Action Point 44, the USPTO will no longer pursue the inclusion of the USPC in the WIPO proposal,

therefore the Action Point was closed. Action Points 45-46 were taken as agenda items.

5. WIPO will provide information on the IPC reclassification tender by mid of April (new Action Point 52), and on further progress at the sixth session of the Working Group (new Action Point 53).

Review of Pilot Projects

6. The Working Group reviewed the six CHC pilot projects.

F001 (G11B7/24):

F001 was promoted to the IPC phase on 23 Aug 2010, and is very close to being approved by the IPC/WG. Work on the definitions is moving forward and approval is expected at the next meeting of the IPC/WG.

F002 (G11B 7/12):

F002 was promoted to the IPC phase on 15 Sep 2010. The proposed scheme was adopted at the IPC/CE 43. Work on the definitions is on-going.

F003 (D04H):

F003 was promoted to the IPC phase on 26 May 2010, and was adopted at the IPC/CE 43. Definitions are now under discussion.

F004 (G10L):

Final scheme agreement (see F004 annex 37) was reached and the project will be submitted as a revision request under SC020. Definition discussions will continue under the FEF, so that all issues will be resolved before submission to the IPC project. Then, the agreed upon definitions of the scheme will be posted under IPC project F004, without need to reactivate Definition Project D133.

F005 (H01L 31/04-31/078):

F005 was promoted to the IPC phase on 27 April 2010. Agreement was reached to exclude from the scope of the project subject matter not directly related to semiconductors.

- F005, in its restricted form, was adopted at the IPC/CE43 meeting;

- the excluded subject matter will be dealt with in a new IPC project (F007). The EPO agreed to become the Rapporteur Office for this new project. The JPO expected further discussion amongst the IP5 Offices on which subclass to select. The EPO thought that there was no problem in having WIPO involved in the discussions and that WIPO's experience would be very helpful. Offices are invited to send their comments on the Swedish proposal to the EPO by April 1st, 2011.

The IP5 Offices, by trying to strictly follow the "one voice policy", have had difficulties in preparing the Rapporteur Report for the IPC/CE43. In order to overcome these difficulties in the future, it was agreed to modify CHC-OPS as to the communication policy in the IPC Phase (see section 3.2.2.2 of CHC-OPS).

F006 (G06F 3/033):

Pilot project F006 was created on 2 August 2010, and entered the IPC phase on 17 January 2011. RU comments were received in February 2011, which suggest a completely different scheme than the one envisaged by the IP5 Offices.

P021 (G06F 19/30):

The IP5 Offices agreed to invite their technical experts to further discuss the project so as to achieve consensus. A new Action Point was created (new Action Point 54).

Pilot Projects Evaluation

7. SIPO gave a brief evaluation of the pilot projects. According to the evaluation templates received, SIPO considered all the pilot projects were in time and effective, and CHC Project could be accelerated properly in the future.
8. Rapporteurs of each project shared the experiences on how to put forward the Project and solve problems. It was agreed that the evaluation of pilot projects could help improving the quality and efficiency of the CHC Project, and that the experience acquired should be captured in the CHC-OPS document.
9. As a result of the discussions, the Working Group agreed on the following:

- a. already at an early stage of the project, Rapporteurs should follow IPC revision guidelines and make sure that scheme proposals are in line with IPC rules;
- b. in the IP5 phase, the FEF is used to follow the project; in the IPC phase, the IEF should be used instead for posting comments and reports. In each IP5 Office a dedicated mailbox would be used for communication purposes during the IPC phase when issues arise that may be sensitive and better kept within the IP5 (this point would be brought into CHC-OPS 3.2.2.2);
- c. the comments from each office should be submitted before the feedback deadline, and the JPO suggested setting up an automatic reminder function in the FEF; (new Action Point 55)
- d. comments should be detailed and constructive, and as for objections, technical reasoning and counter-proposals should be presented; and
- e. examiner visits / staff exchanges could be introduced if needed.

10. SIPO will provide an evaluation report on the pilot projects (new Action Point 56).

Training Material and Guidelines for the CHC Foundation Project

11. Concerning this item, the EPO considered it should be discussed in two parts. One part relates to the training material, and the other part to the Guidelines for conducting the CHC Project. Since the guidelines could be determined only after the completion of the CHC-OPS document, the EPO suggested discussing the sharing of the training material first.

12. The JPO informed the Working Group that it is currently translating the FI-related training material from Japanese into English, and that it is willing to provide the result of the exercise to the other IP5 Offices. (new Action Point 57)

It was agreed that the general training material should be included in a new project (V005) on the FEF while training material specific to a project should be included in the corresponding project file on the FEF (new Action Point 58). Basic training material is also available on WIPO's website. SIPO suggested that IP5 Offices which have internal schemes, may share their guidelines and related training material. It was agreed to hold detailed discussions on the use of the agreed scheme when working on the

definitions and to capture field-specific information useful for training in definitions.

Cooperative Patent Classification

13. The EPO and USPTO presented the CPC which will initially be based on ECLA. A training pilot took place at the USPTO in March, 2011; IT systems will need to be upgraded both at the EPO and USPTO; training material (Field-specific Classification Rules, FCRs) will be completed in the next year. The EPO mentioned that ECLA housekeeping activities will start in 2011, and clarified that ECLA revision will be frozen on 1st of July, 2012. From 2013, the CPC will be used to classify documents at the EPO and USPTO.
14. SIPO, JPO, KIPO and WIPO showed their interests in sharing information, training material and IT upgrade information. The EPO and USPTO agreed to share the related information and the training material on the FEF (V005) when available.

JPO suggestion for the next step

15. The JPO presented a proposal for CHC acceleration. First of all, the JPO clarified that the intention was to find an easier way to put forward the CHC Project and not to change the current CHC procedure. The JPO is planning to carry out a comparison between FI and ECLA in order to identify areas that could be easily harmonized and those which would need further discussion. The JPO indicated that they are working on a comparison procedure.
16. All IP5 Offices expressed interest in this proposal and expected more information. The JPO agreed to provide details on the template which would be used for the analysis within one week (new Action Point 59). IP5 Offices agreed to send feedback on the template by the middle of April (new Action Point 60). Once the internal comparison is completed (by the end of June 2011), the JPO will present the results of the comparison by middle of July (new Action Point 61). IP5 Offices agreed to send feedback before next WG1 meeting (new Action Point 62). The JPO will also pick up some typical "Type I" areas and propose them as P-proposals accordingly for the IP5 Offices to be able to start new projects in the next WG1 meetings.

Combined IPC/CPC /FI Display and Use

17. WIPO presented a proposal on a common publication platform displaying IPC, CPC and FI in parallel. Accordingly, CPC and FI would be renumbered in line with the numbering rules of the IPC. IPC, CPC or FI classification symbols would all be included in the "Int.Cl." field of documents. In this proposal, additional level indicators in ST8 would indicate the scheme used, e.g. A for full IPC, E for CPC or J for FI. Since CPC and FI symbols are based on the IPC, Offices attributing these symbols would fulfil their Strasbourg Agreement obligations without a need for rolling-up.
- 17bis. It was noted that the ultimate goal was to harmonize CPC and FI and thus include harmonized schemes in the IPC, which remains the common International Patent Classification system.
18. All IP5 Offices expressed interest in this proposal. The Working Group agreed that further discussions were needed before taking a final decision.
19. In that respect a new project (V004) was created on the FEF, the IB will submit a more specific proposal by the end of May 2011 (new Action Point 63) as Rapporteur. The IP5 Offices are invited to provide comments by the end of July (new Action Point 64) based on which the IB will submit a detailed proposal by the middle of September to be considered at the next IP5 WG1 meeting (new Action Point 65).

Review and Approval of the CHC-OPS Document (V001)

20. The IP5 Offices discussed the CHC-OPS document (V001), and agreed on it in principle. Rapporteur will post a revised version 1.2 on V001 (new Action Point 66) and invite comments on the version 1.2 from Offices (new Action Point 67). As the Rapporteur of V001, JPO will post updated CHC-OPS document (Version 1.3) on the FEF (new Action Point 68).

Quality Assurance in CHC Foundation Project

21. The EPO presented in detail an amended version of the document "Assurance of Classification Consistency in the CHC Foundation Project" (IP5/CLA/2011/5/11.1).
22. It is noticed that a test phase could help assuring the quality and efficiency of reclassification work and the CHC Foundation Project. Each Office can

decide whether or not to run the test phase subject to its own workload and the availability of resources.

23. IP5 Offices agreed that the sample of documents to be tested should be no more than 10% of the total number of patent documents and no more than 100 documents as well.

24. IP5 agreed that each Office is responsible for checking the quality of its own classification process and products.

Next Step for CHC Project

25. The Working Group agreed to formulate a comprehensive plan for the CHC Foundation Project on the basis of JPO comparison between FI and ECLA, USPTO proposal for the CHC Roadmap, and WIPO's proposal.

26. SIPO suggested that the IP5 Offices carry out the reclassification work for F002, F003 and F005 as early as possible. The EPO mentioned that related reclassification working lists will be posted on WIPO's website after receiving RCL data from WIPO. WIPO predicted that the data may be available in May 2011.

Resource Requirements for 2012-2013

27. The IP5 Offices discussed Resource Requirements for 2012-2013, and the approach of each IP5 Office to calculate the FTE based on its own practical situation. The IP5 Offices took note of the already agreed calculating rules used in the 2010-2011 budget exercise.

28. SIPO considered that resource requirements would be determined mostly on the basis of future work of the CHC Project. Since the works of next step have not been framed, an accurate estimate of resource requirement for the next 2 years is difficult to predict presently, particularly in view of JPO's study and WIPO's proposal.

29. The IP5 Offices agreed to further discuss and reach a consensus on future work plan and the number of CHC projects to be developed (new Action Point 69), and then to estimate the resource requirements accordingly (new Action Point 70).

30. The IP5 Offices agreed that the JPO report to the IP5 Deputy Heads Meeting on the acceleration of CHC Foundation Project, and that SIPO

report to the IP5 Deputy Heads Meeting on the outcome of WG1 Meeting including the next step. Furthermore, the estimated 2012-2013 resource requirements will also be presented.

Mapping Tools

31. The IP5 Offices agreed not to discuss Mapping Tools at this meeting.

Selection of Next Meeting Venue

32. The next meeting of the Working Group will be hosted by the EPO in The Hague, Holland, tentatively scheduled on 10-13 October 2011. IP5 Offices will confirm the date in one week after this meeting (new Action Point 71).

[End]