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IP5/CLA/2011/II/Report

IP5 WG1 - Working Group on Classification

Sixth session

10th-13th October 2011
European Patent Office, The Hague

WELCOMING REMARKS

The sixth session of the IP5 Working Group 1 - Working Group on Classification - took place at the European Patent Office in the Hague from 10 to 13 October 2011. The list of participants appears in Annex 1. The meeting was chaired by Mr Herbert Bauer, Principal Director at the EPO.

ADOPTION OF THE AGENDA

The agenda was adopted with the addition of agenda item 7c related to the new CHC revision project proposal P058 submitted by KIPO (see Annex 2).

FEEDBACK FROM FOURTH HEADS MEETING IN TOKYO IN JUNE 2011

The EPO gave a report on the IP5 Heads meeting in Tokyo in June, namely that the Heads said that (in the agreed minutes):

"A detailed review of the Common Hybrid Classification pilots was carried out. The Five Offices agreed to accelerate the CHC Foundation Project based on the results of the comparative study between FI and ECLA that the JPO is carrying out as well as feedback on the results from IP5 Offices. The outcome of this analysis will be considered by the IP5 WG1 - Working Group on Classification in October where a number of CHC revision projects are expected to be launched."

KIPO agreed to the CHC acceleration, however the number of revision projects to be carried out should be considered carefully. KIPO suggested that the reclassification work should be equally shared among the IP5 offices and that the following ratio (marginal expense ratio) should be in a similar range for each office:



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the reclassification requirement per year
_____ x 100

the total budget per year

KIPO suggested that the acceleration of the CHC Project be considered in view of the developments occurring under the CPC. For example, when the CPC is developed, the current ECLA or FI used in a revision project should be compared again with the developed CPC. KIPO also suggested that the JPO study may be used in developing CPC.

KIPO drew attention to KIPO's analysis of the JPO study (see IP5/CLA/2011/II/6g).

SIPO stated that accelerating the CHC Project is necessary. Budgetary issues need to be considered.

USPTO supports the CHC Foundation Project and the launching of new CHC projects, however the USPTO has only limited administrative resources and no resources for the reclassification of documents, including revision changes that may occur from IPC Working Group revisions to the projects.

REVIEW OF THE ACTION POINTS

The revised action point list is contained in Annex 3.

REVIEW OF CURRENT IP5 CHC PROJECTS

Pilot projects F001-F006 and project F007, derived from project F005, were reviewed.

F001 (R = EP) was completed at the latest session of the IPC/WG. Adoption by the Committee of Experts (CE) is expected in 2012.

F002 (R = CN) has been adopted by the CE and will enter into force in the IPC on 1 January 2012. SIPO thanked the EPO for their assistance.

F003 (R = JP) has been adopted by the CE and will enter into force in the IPC on 1 January 2012.

F004 (R = US) the USPTO reported on the progress made. There are still open issues. In order to come to a resolution prior to the upcoming IPC/WG meeting in November, it was agreed to strive for a common approach at the sides of the meeting. Discussions took place among the experts and a video-conference was held with the JPO on this topic. Work will continue after the meeting so that a common view can be presented at the next session of the IPC/WG.



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F005 (R = KR) has been adopted by the CE and will enter into force in the IPC on 1 January 2012. Further aspects of solar cells are now being considered in the framework of the new IP5 CHC project F007.

F006 (R = EP) has been adopted by the CE and will enter into force in the IPC on 1 January 2012. The JPO drew attention to a point on the RCL contained in Annex 15 of the project file.

The Working Group acknowledged the start of project **F007** (R = EP) dealing with other aspects of solar cells not covered by pilot project F005. The initial proposal has been posted by the EPO on the FEF as Annex 1 of the project file. Comments are invited by the end of October 2011. The JPO mentioned the issue of the main group related to testing (H02S50/00).

EVALUATION OF THE PILOT PROJECTS

SIPO as Rapporteur of project V002 introduced document IP5/CLA/2011/II/4. SIPO concluded that F001-F006 have progressed successfully and that communication during the IP5 phase was very effective. For future projects, SIPO drew attention to the need to better communicate during the IPC phase.

All offices thanked SIPO for the evaluation study.

The EPO mentioned that the goals set in the mandate have been achieved. Five projects (F001, F002, F003, F005 and F006) have been completed, while in the meantime there have been new initiatives, e.g. CPC.

In cases where, in the IPC phase, the IP5 Offices need to discuss sensitive issues related to projects amongst the IP5 only, as agreed at the 5th session of WG1, a mailbox in each office should be used in these circumstances. The EPO suggested to use the following naming convention: CHC@office domain.xx. E-mails should contain the project number e.g. F001 as the first term in the subject line in order to facilitate e-mail filtering.

All IP5 Offices agreed with this suggestion.

UPDATE ON THE COOPERATIVE PATENT CLASSIFICATION

The EPO gave an "Update of the Cooperative Patent Classification (CPC)".

The EPO indicated that CPC will be launched on 1 January 2013. A preview of the scheme may be made available to the public in the second half of 2012.. The intention is for other offices to use it for both search and classification. KIPO stated that CPC should be also available as a basis for CHC revision projects. Since the CPC numbering system may overlap with the IPC



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numbering, WIPO asked the USPTO and EPO to make a request at the Committee of Experts to reserve these numbers for CPC use (i.e. not to be used for IPC).

The EPO stated that in July 2012 the ECLA scheme will be frozen and the DOCDB backfile will be converted to CPC. The EPO confirmed that there will be no transition period in which both ECLA and CPC symbols could be used but solely a fixed changeover date. The EPO will provide a snapshot of the ECLA to CPC concordance table.

EPO/USPTO intend to provide comprehensive training and extensive information primarily through the CPC website which will be launched on 25 October 2011.

The EPO and the USPTO will report on the agreed quality assurance plan. The USPTO and EPO pledged that whenever a CPC revision is agreed to, a corresponding IP5 CHC revision request will be submitted. The IP5 Offices should then respond within one month as to be further specified in the CHC-OPS document.

JPO STUDY

The JPO presented the so-called "JPO study". All offices thanked JPO for their extensive work on this topic.

The JPO indicated that the conclusions presented were drawn from the examiner level and that they could be used as a basis for decisions on CHC.

The JPO made a presentation (IP5/CLA/2011/II/6F) on a possible timeline of events for CHC. It was made clear that this presentation illustrates the shortest way possible, e.g. if a proposal enters the IPC phase, the earliest it can be approved is in the next IPC/WG session.

NEW PROJECT PROPOSALS:

The USPTO supported the new CHC project proposals provided that, in view of CPC, only limited administrative resources and no reclassification resources would be expected from the USPTO, including those resulting from WIPO revision working lists.

EPO Proposals (P021 and P057)

P021 (Medical Informatics, G06F 19/30): It was agreed to start project F008 with EPO as Rapporteur. The JPO mentioned that the relationship between the scope of F008 and each subclass under the A61 class and the G06Q subclass should be clarified first during the discussion of F008.



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P057 (Solid probes; Bougies, A61M 23/00): It was agreed to start project F009 with EPO as Rapporteur.

JPO proposals (P022 to P056)

The JPO submitted 35 project proposals, 29 of which were based on ECLA, 2 on FI and the remaining 4 on a mix of ECLA and FI.

- KIPO identified 16 projects that could be launched at this time. KIPO also distributed the result of their study carried out after reviewing the JPO study. KIPO may be able to cover more projects in the future. The projects supported by KIPO were resulting from an analysis on the technical merit of each proposal as well as on the urgency of a revision in the corresponding area.
- After investigation, SIPO agreed to support 29 projects, while 4 projects could not be supported and 2 would need further discussion.
- The EPO mentioned that on one hand the EPO has to respect the decision of the Heads meeting of last June to launch a number of projects but on the other hand, in view of the huge investments on CPC, the EPO could only support a limited number of projects, e.g. around 10.

The list of JPO proposals was discussed (document IP5/CLA/2011/II/7b). The finalised version is contained in Annex 4 to this Report. Colours were used to better identify projects supported by all five Offices:

- Cells in green indicate support for a proposal by an Office.
- Cells in orange indicate needs for further discussion. It was felt that some (minor) issues were still present in project proposals P026 and P039, therefore these project proposals were not turned into projects at this time.
- Cells in red signal a technical issue raised (e.g. on-going reorganisation, concordance with IPC not straightforward or groups not well maintained). The corresponding project proposals were considered not suitable to become new projects.

It was agreed to launch the following CHC projects:

- **F010** (from P023: G03B 21/132 ; 21/56 - 21/64, based on ECLA): R = EP
- **F011** (from P024: G01N21/35 and G01N21/55, based on ECLA): R = EP
- **F012** (from P025: G03B 7/00 - 7/28, mixed): R = JP
- **F013** (from P028: A63B 49/00 - 51/16; 55/00 - 59/18, mixed): R = JP
- **F014** (from P029: E05F 15/00 - 15/20, based on ECLA): R = EP
- **F015** (from P044: A23L 1/0522; 1/164 - 1/19, based on ECLA): R = EP
- **F016** (from P046: C09D 11/00 - 13/00, based on ECLA): R = EP
- **F017** (from P053: H01M 10/50 - 10/54: based on ECLA): R = EP
- **F018** (from P054: H03K 5/04 - 5/07; 5/13 - 5/145, based on ECLA): R = EP



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The USPTO could agree to the launched CHC projects provided that no reclassification work would be needed by the USPTO. It was agreed that the EPO would take care of this work.

The EPO proposed that, due to past experiences with the pilot projects, the EPO would prefer to be the Rapporteur for the ECLA-based projects while JPO would be the preferred Rapporteur for the mixed projects. This proposal was accepted.

For ECLA-based projects, it was agreed that the latest version of ECLA should be uploaded as initial proposal, while taking care of scope issues.

As far as the remaining project proposals were concerned, it was agreed that:

- project proposals where technical issues had been found and appearing in red in the project list (see Annex 4) would be marked as suspended on the FEF and would normally not be re-discussed at the next WG1 meeting. The technical issues identified should be posted as a WG1 decision on the corresponding project file on the FEF
- all other project proposals would be considered again at the next WG1 meeting
- the list of project proposals would be kept for future reference

The EPO suggested the creation of a work plan including all project proposals which are considered as technically acceptable. Such a work plan would make it possible to assign priorities to projects based on their urgency as well as the availability of resources in the IP5 Offices.

KIPO Proposal (P058)

KIPO's CHC project proposal (IP5/CLA/2011/II/7c) was presented. It was agreed that KIPO would post this project proposal as P058 on the FEF and that comments would be submitted by Offices by 31 October 2011.

KIPO INTERNAL CLASSIFICATION SCHEME

KIPO presented KIPO's only internal scheme (IP5/CLA/2011/II/7d) in the business methods area (G06Q 30/00 and G06Q 50/00). KIPO confirmed that this scheme follows the agreed upon 2012.01 IPC scheme and that the further subdivisions (in red in the document) are two-dot level entries. This scheme will become active at KIPO from January 2012 onwards.

FURTHER REMARKS

The EPO confirmed that in the ECLA areas selected, no major change should appear with the move from ECLA to CPC. Should this be the case, the IP5 Offices would be informed.



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It was noted that the list of projects on the FEF was getting very long. WIPO was asked to investigate whether additional filters could be introduced on the FEF, as is currently the case on the IEF (Action Point 53 - WIPO). Two features would be needed:

- the possibility to filter "active" projects
- the possibility to filter projects based on their type, in particular between P-, F- and V-projects

DEPUTY HEADS AND HEADS MEETING

As far as the remaining project proposals were concerned, the EPO stated that currently resources were limited and mentioned the potential need for a Deputy Heads meeting in early 2012 (which the EPO has offered to host). This could be an opportunity for further guidance. The EPO will host the Deputy Heads and Heads meetings in June 2012 in Corsica.

The JPO stated that the IP5 Heads of Office agreed that CHC should be accelerated and that launching just a few projects would not be enough and that the Working Group may have to work on many projects, even without further instruction from the Heads of Office.

KIPO agreed with the JPO stance on acceleration while suggesting that the workload should be balanced among the IP5 offices. KIPO suggested to study how to find a balance between acceleration of the CHC Project and resource requirements before starting a large number of CHC projects.

SIPO agreed with the JPO and stated that resources are crucial and should be considered in the process of starting up a large number of CHC projects.

WIPO PROPOSAL (V004)

Discussions were based on project file V004. WIPO introduced the revised proposal (Annex 6 to project V004), in the light of the submitted comments.

The revised proposal essentially contains three parts:

- 1) Common publication platform;
- 2) Option to classify into the CPC or FI;
- 3) Introduction of a new field in the MCD containing all classification symbols.

It was agreed that the first option will be pursued, i.e. that a common publication platform will be created to display the IPC, CPC and FI schemes in parallel. A warning will be carried with the parallel display indicating that CPC is not a formal, official, or authorised part or version of IPC and that CPC is displayed by WIPO for informational purposes only.



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All offices agreed that this common publication platform of the IPC in parallel with the CPC and the FI would improve understanding and awareness of internal classification systems and facilitate the harmonization of CPC and FI, as well as the development of the IPC.

It was further agreed that, in order to achieve an easy exchange of data and prompt publication, the CPC and FI schemes, and other relevant master files (e.g. definitions), should be available in an XML format compatible with the IPC XML. In order to develop such a format, the EPO, JPO, USPTO and WIPO were invited to work together and use project V 004 on the FEF to exchange documents and opinions. WIPO was invited to submit a working plan by 10 November 2011 (Action Point 54 - WIPO), aiming at defining a common XML format by March 2012. The target for the first publication of the IPC, CPC and FI on the common platform was set on the first quarter of 2013, soon after the first publication of the CPC. WIPO will share with other interested Offices the software package allowing the common parallel publication on their Internet sites. Furthermore, the following opinions were expressed:

- KIPO will consider a possible use of CPC or FI in 2013 if necessary, when CPC will be available, after reviewing the quality of the schemes in relation to the IPC and according to the available resources.
- SIPO supported the first option of the WIPO proposal and expressed their concern on the second option of WIPO's proposal. As appears in SIPO's comments posted on the FEF earlier (Annex 3 of project V004), on the third option, SIPO stated that if some Offices select the use of CPC or FI to classify documents, it would be necessary that the documents of those Offices should be indicated with the corresponding IPC symbols, for the purpose that some other Offices that use IPC for classification and the public could search and access these documents without much difficulty.
- JPO globally supported WIPO's proposal. However, according to JPO's opinion, harmonization between CPC and FI should be considered first and only in those areas where harmonization is problematic should WIPO's proposal's option to classify using the CPC or the FI scheme be offered to "other" offices. In addition, the JPO expressed a preference for WIPO's original proposal where the option to classify into the CPC or FI had a more official status. Under the current proposal the JPO would find it more difficult to justify the need to renumber the FI scheme in an IPC like manner.

In view of the limited interest on the option to classify into the CPC/FI by "other" offices, WIPO considered that the proposed modification of Standard ST.8 and the introduction of a common global classification field in the MCD were not relevant anymore.

WIPO will inform the IPC Committee of Experts on the common publication platform at the next session of the Committee in February 2012.

REVIEW OF CHC-OPS (V001)



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JPO introduced the latest version (1.3) of the CHC-OPS document (IP5/CLA/2011/II/9)

The procedure for launching projects (section 3.2) was not agreed to. In particular Offices expressed diverging opinions as to the need for acknowledgment on the FEF prior to the start of a project or the suspension of a project proposal. Further discussion should be continued on the FEF under project V001 once the JPO has submitted the next revised version.

KIPO suggested further clarification on the different phases of a CHC project (see Annex 5). It was agreed to test the current language used in CHC-OPS with the examiners who will be involved in the newly created projects, while looking at ways to improve this terminology.

GUIDELINES FOR EXAMINERS INVOLVED IN AN IP5 CHC REVISION PROJECT

The EPO suggested the drafting of a brochure to be used by examiners involved in a CHC revision project. These guidelines would be available in Chinese, English, Japanese and Korean and would for a large part be extracted from the CHC-OPS document.

This proposal was agreed. Project V006 should be created on the FEF as the developing platform for these guidelines. The EPO agreed to be the Rapporteur of this new project, and to post a first draft by the end of November 2011 (Action Point 55 - EPO).

TRAINING (V005)

The JPO and the EPO posted the material used to train examiners on the FEF. KIPO indicated that currently no English version of the training material used at KIPO was available. SIPO mentioned the current process in place at SIPO to create training material.

An interest was expressed to have SIPO and KIPO post the training material available in each Office, even if such a material is only available in Chinese or Korean.

WIPO mentioned the availability of IPC training material (including Training Examples) under WIPO's IPC homepage (<http://www.wipo.int/classifications/ipc/en/training/index.html>).

The USPTO and the EPO stated that training material for CPC will be posted as soon as it becomes available.

CHC VISITS

The JPO presented document IP5/CLA/2011/II/12, referring back to the effectiveness of Harmony visits in pushing Harmony projects forward compared with pure electronic communication. CHC visits could for instance be used in cases where issues do not get resolved



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through electronic communication only.

It was agreed that CHC visits could be beneficial in the progression of CHC projects. The principle of CHC visits was agreed, however Offices expressed the need to internally check for available resources and to seek for internal approval of this programme.

A new aspect of JPO's proposal lied in the possibility offered to non-IP5 Offices having access to FEF project files, e.g. EPO Member States to participate in the IP5 discussions through e-mail (e.g. sent to CHC@office domain.xx) or attend CHC visits as Observers. This idea was welcomed by all IP5 offices.

WIPO expressed concerns that by allowing such non-IP5 Offices to participate in the discussions during the IP5 phase, in practice, the borders between the IP5 and the IPC phase would become less clear and therefore keeping the two phases would be less justified from an efficiency point of view.

RESOURCE REQUIREMENTS AND WORK PLAN FOR 2012-2012

In order to share a common position among the IP5 Offices on the goal of CHC, the JPO raised three issues to the EPO, as lead Office for Foundation Project 1, since the EPO and USPTO mentioned limited resources in view of CPC:

- The JPO asked how the EPO, as the lead Office for Foundation Project 1, will proceed with CHC, which at this meeting did not seem to progress at the pace as agreed at the Heads of Offices meeting. The JPO stated that the CHC Project does not only concern the EPO and the USPTO, but all five Offices. At the Heads of Office meeting in June 2011, all Offices unanimously agreed to accelerate CHC.
- The JPO mentioned the importance of taking the feedback received from the user community into account. The JPO was concerned that the low number of eleven CHC projects launched at this Working Group session would not meet the expectations of the users who are mainly interested in CHC since they see it as a way to access American, European as well as Asian documents. They would like to have CHC in place sooner rather than later. There should be a joint IP5 approach on how to proceed further.
- The JPO was wondering what the implications on the other nine Foundation Projects would be if resources were taken out of CHC to support other bilateral activities.

The USPTO stated that the USPTO has made a significant decision to move from the USPC system used for over 100 years to an IPC-based system, CPC. This important decision reflects USPTO's commitment to international patent harmonisation, particularly the CHC Foundation Project. The goal of CHC is to harmonise the IPC and the USPTO fully supports the move to a harmonised classification system, a further refined IPC. The USPTO mentioned that once



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CPC is in place it will allow for greater acceleration of the CHC Foundation Project due to all Offices having an IPC-based classification system.

The EPO mentioned that the CPC as such would not give access to the Chinese and Korean documentation through a finer scheme. The EPO stated that CPC was a top priority for the EPO which has committed more than 60 man years until 2013 for this endeavour. EPO Delegates felt the need for guidance from the Heads of Offices on how to proceed further with CHC.

The EPO noted that the IP5 cooperation in general is progressing quite well across the board, some Foundation Projects moving more quickly than others, e.g. OPD. CPC and CHC are competing for the same resources. This will have an effect on other projects where examiner resources are needed, but it is difficult to know how big this impact will be.

Both the EPO and the USPTO mentioned that feedback both Offices have received from industry so far is very positive over CPC because it merges two big systems (ECLA and USPC) and it is a fast process, with a launch on 1 January 2013.

The JPO stated that, according to JPO's understanding, at least 100 projects should be started at each session of the Working Group, that is to say at least 200 altogether per year in order to meet the mandate given by the Heads of Offices to accelerate CHC and complete the CHC Project within 10 years. The JPO considered that the discussion on the JPO study at the level of the IP5 Heads of Offices was already complete and that the EPO, as the leading Office of the CHC Project, should guide the IP5 Offices as to how to proceed further.

The EPO was of the opinion that the JPO study had been discussed at the level of the IP5 Heads of Offices, but only as a study while the results and proposals have not been discussed at this level yet. The EPO would like to discuss what JPO would like to propose at top level with the results of the JPO study. The mandate given at the June 2011 Heads of Offices meeting was to accelerate CHC and launch a number of CHC projects. The EPO stated that by launching eleven projects this mandate has been achieved.

KIPO mentioned that the precondition would be to identify the obstacles against acceleration and then carry out the acceleration process. A possible way forward could be for each Office to find out the number of projects each Office could carry out and, assuming that the obstacles were removed, what the maximum number of projects Offices could work on would be. KIPO noted that a balance between acceleration of CHC projects and resource requirements among the IP5 Offices was essential and that KIPO was planning to further study this issue. It was agreed that KIPO would prepare a document explaining KIPO's position, for discussion at the next session of the WG1 meeting. (Action Point 56 - KIPO)

The EPO suggested to use project V003 on the FEF to further discuss how to proceed from now on under CHC.



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COMMON PRESENTATION FOR THE NEXT DEPUTY HEADS MEETINGS

A common presentation, prepared by the EPO, was agreed to (see Annex 6).

FINAL REPORT SESSION

This report was adopted at the end of the session.

NEXT MEETING

The JPO proposed to host the next meeting of the Working Group at the JPO in Tokyo in the period 12-16 March 2012. All Offices agreed to the proposal and thanked the JPO for this invitation.