

AMENDMENTS TO THE “GUIDELINES FOR DETERMINING WHERE TO CLASSIFY PATENT DOCUMENTS WITHIN THE IPC”

GENERAL

The IPC utilizes three distinct general classifying rules (i.e., first place priority, last place priority, and common) for determining the appropriate groups for obligatory classification of inventive things within subclass schemes. Optimally, the Classification, or at least each of its subclass schemes, should when feasible use only a single general classifying rule.

Currently, many of - - -

“Common” Rule

The “common” rule is the “default” general classification rule and is applied in all areas of the IPC where no other general classification rule or special classification rule is specified for a subclass scheme or a portion of a scheme.

Schemes, or distinct portions of schemes, that use the “common” rule require that an inventive thing be obligatorily classified in the group within whose scope this particular inventive thing is most completely embraced. This rule generally requires devising subclasses and the classification schemes, or portions of schemes, where it is applied in such a way that one and the same type of inventive thing can be classified in only one place in the scheme. This means, for this rule to be optimally applied, that classification places must be mutually exclusive of each other for every possible inventive thing at all hierarchical levels. In situations where there are plural groups in the subclass scheme within which an inventive thing could potentially fit (e.g., different groups cover portions of the entire inventive thing, a very specific and a more general group could both cover the inventive thing), specific procedures for determining relative priority between the possible groups are followed, specified below, to determine which group most completely embraces the inventive thing.

In contrast to the first and last place priority rules described above, no general priority based on the relative position of groups in a scheme is applied in the common rule areas of the IPC. In the common rule areas of the IPC, when the inventive thing can fit within two or more groups of equal complexity or specialisation, classification should be made in all appropriate groups of equal complexity or specialisation. However, the following principles of priority are applied to limit unnecessary multiple classification and to select the group that most adequately represents the inventive thing being classified:

(a) Groups for more complex matter take priority over groups for less complex matter. For example, groups for combinations take priority over groups for subcombinations and groups for “whole things” take priority over groups for “details.”

(b) Groups for more specialized subject matter take priority over groups for less specialized subject matter. For example, groups for unique types of matter or groups for matter with means for solving particular problems take priority over more general groups.

However, when references or local precedence rules apply, these overrule the above principles of priority.

Specifically, after the appropriate subclass for the inventive thing is determined, the group in the scheme that most completely embraces it is selected by sequentially:

1. Determining, by review of all of the main groups in the scheme, if only one main group covers the inventive thing. If this is so, go to step 3.
2. If it is determined in step 1 that two or more main groups could potentially cover the inventive thing being classified (e.g., the group titles state only subcombinations of the inventive thing), then the principles of priority stated above should be used as guidance.
 - (i) If these principles - - -

[Annex VI follows]