

ANNEX III

REPORT ON TRILATERAL CLASSIFICATION WORKING GROUP MEETING
HELD IN WASHINGTON FROM SEPTEMBER 23 TO 27, 2002

prepared by the European Patent Office (EPO)

INTRODUCTION

The main purpose of the meeting was 1) to develop in detail the procedures for the HARMONY projects; 2) to discuss further development of the Concept of Operations (CONOPS) for the advanced level of the reformed IPC; 3) to discuss the pending items for the reformed IPC; 4) to define a trilateral position on the approach for the traditional knowledge in the IPC.

SURVEY OF ITEMS

Review of the Current Harmony Projects

In 5 of the suspended IPC projects the schemes have been agreed upon. There was also provisional agreement between EPO and USPTO on T001 and for T010 the JPO and EPO agreed on a final scheme. The approved schemes should be submitted to the IPC Revision Working Group. It is to be noted that when only 2 TO's have agreed on a scheme it can only be presented for the advanced level after agreement of the third office on this action.

Semiconductor Pilot Project

The USPTO made substantial progress in this area and the new E-class symbols are expected to appear on the US patent documents from mid November onwards. The EPO requests their examiners to use these symbols as guidance for classification in ECLA. In a later phase an automatic conversion from USPC E-class into ECLA is planned. The USPTO underlined the pilot status of this project and only after a positive evaluation extension to other areas can be set up.

Operation Manual for Trilateral Harmony

To avoid confusion between the steps in the HARMONY process and the steps for the reformed IPC it is agreed to use the acronym TOPS—Trilateral Operation ProcedureS—for the HARMONY project and to use the acronym CONOPS—CONcept of OperationS—only for the reformed IPC. The first version of the TOPS document is planned for end of November 2002. In the scope of TOPS a project plan is to be made for each project, which is to be updated bi-monthly. Also a specific process for defining the scope of a project is defined and to be integrated in the project plan.

The distribution of work is based on the family relationship in DOC d.b. In practice all US Basic documents of a family are to be reclassified by the USPTO and all other “Basics” by the EPO. The JPO treats all families having a JP document but no “Basic” document as mentioned above.

To facilitate the scheme development the exchange of examiners, which is already very successful between the JPO and EPO now is also to be extended to EPO and USPTO, if possible.

Testing of the schemes is based on a maximum of 10% of the documents but in principle only with families having an EP, JP and US member.

The result of the reclassification work is to be implemented in the local schemes (ECLA FI and USPC).

It is agreed to maintain approximately 20 ongoing harmony-type revision projects active at all times, i.e. when some projects are finished, new ones can be started.

A Trilateral Harmony Project e-forum work area is to be set up on the WIPO website in the coming weeks.

IPC Revision Procedures

The general procedure for the core and advanced level revision projects has already been approved. Also the main issues on the functioning of the MCD for the advanced level are already decided. The IB felt that at least a global document summarising the decisions taken as well the still outstanding items should be made available for the November meeting of the ad hoc IPC Reform Working Group. The EPO will prepare such a document, which reflects also the agreed procedures for the CONOPS.

The EPO presented 2 particular situations for consideration:

In the first case a classification is to be replaced as result of a reclassification activity but is not present for one of the family members. The TO's advise to add the new classification symbol and to generate a message to the office for which the deletion on the document could not be carried out.

In the second case an Office is selected to carry out a reclassification on basis of the selection rules for the family but the document of this Office does not have the classification symbol to be modified. For reasons of simplicity for the MCD, the TO's advise to keep the selected office for doing the reclassification activity and to request the generation of a delete and addition for the reclassification of the other family members.

Trilateral Policy Where the Local Systems are not Used as a Search Tool

The TO's realise that there are areas in their local classification systems (in addition to the IPC) where additional reclassification work will not bring added value to searching in view of alternative existing search tools (e.g. chemical abstracts). The TO's agree to identify these areas in their own national search systems and to share this information. It is not necessary to refine classifications in areas where examiners do not use the classification as a search tool.

Standardisation of Notes in the IPC

Standardised wording should be adopted for each category of Notes for multiple classification wherever possible. Notes that indicate obligatory classification should appear in the scheme. Notes should not contradict the general principles of classification.

Coverage of General, Application and Residual Places in the IPC

Scope issues involving general application and residual places should be discussed during the revision of the Guide.

Appropriate Contents of the Core and Advanced Level in Areas with a Last Place Rule

The EPO as well as the IB reported on their findings to bring all classifications indented under the same parent classification in the same level of the IPC. The EPO found that for C07 and C08 as general rule the core level should not go beyond the main group level although a few main groups could be further subdivided. IB found that the application of the majority principle did not change the relative size of the core and advanced level.

Residual Places in the IPC (Alternative X-Notations)

It is proposed to create residual main groups in each subclass where appropriate. These residual groups should be monitored closely to identify areas where there is a need for reclassification or a misuse.

Where to Classify

The three rules for determining where to classify are to be described in the Guide namely the Best-Fit Selection Rule, the Last-Place Priority Rule and the Top-to-bottom Priority Rule. The last two rules must follow the principle of inclusiveness to function properly. The Top-to-bottom Priority Rule is tested as part of the Harmony projects and will be attempted to be used in all Harmony and IPC projects except when it is proven to be ineffective for a particular technology.

Traditional Knowledge Task Force

It is felt that only plants should be covered in this revision of the IPC because of time constraints. A new main group e.g. A61K36/00 should be created to cover plants used for medical purposes. The four schemes covering Traditional Knowledge in this area have common points and these common subdivisions could be the basis for the further subdivision of the new main group. The IB would submit a proposal on behalf of the Task Force taking into account the above-mentioned points.

Systematic Maintenance

It is felt that the maintenance of the core and advanced level should be carried out at the same time because they are interrelated. The maintenance should not involve significant reclassification of documents. The role of the Maintenance Task Force should be limited to develop the procedures for the systematic maintenance and the Revision Working Group should probably carry out the actual maintenance.

[Annex IV follows]