

WIPO



AB/XXXI/9

ORIGINAL: English

DATE: June 30, 1997

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

GOVERNING BODIES OF WIPO AND THE UNIONS ADMINISTERED BY WIPO

**Thirty-First Series of Meetings
Geneva, September 22 to October 1, 1997**

AVAILABILITY OF THE INTERNATIONAL CLASSIFICATIONS
IN ELECTRONIC FORM

Memorandum of the International Bureau

INTRODUCTION

1. WIPO's policy in respect of access by third parties to data in electronic form of the International Classifications (the International Patent Classification (IPC), the Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification), the Vienna Classification of the Figurative Elements of Marks (Vienna Classification) and the Locarno Classification for Industrial Designs (Locarno Classification)) is changing. In line with similar trends in other intergovernmental organizations, WIPO is prepared to give industrial property offices and other interested parties access to these electronic data *free of charge*. This is in accordance with WIPO's present policy in giving access to the electronic data relating to the Patent Cooperation Treaty (PCT) and to the electronic data relating to the marks registered under the Madrid Agreement Concerning the International Registration of Marks (Madrid Agreement) or the Protocol Relating to the Madrid Agreement.

2. The Assembly of the IPC Union, at its fourth session (in August 1981), decided on the conditions under which the data of the IPC should be made available on magnetic tape to interested parties, and the IPC Committee of Experts, at its tenth session (in February 1982), agreed on the prices that would apply for different user categories. Annex I to this document sets forth these conditions and prices.
3. The Assembly of the Nice Union, at its seventh session (in June 1983), decided on the conditions and prices that would apply for different user categories in respect of the data of the Nice Classification on magnetic tape (see Annex II to this document). The Assemblies of the Vienna and Locarno Unions have not considered the availability of the data in electronic form of the Vienna and Locarno Classifications.
4. In 1994, when the sixth edition of the IPC was published, the raw data of that edition were made available on diskette (in ASCII format) instead of on magnetic tape (in EBSIDIC format), as a consequence of WIPO having switched from using computer main frames to the PC (personal computer) environment for storing and managing the electronic data of the IPC. In a similar manner, the raw data of the other International Classifications were made available on diskette instead of on magnetic tape.
5. The substantial cost-savings realized by managing the electronic data of the International Classifications in the PC environment—and with the help of the IPCIS (*International Patent Classification Information System*) and NIVLIS (*Nice, Vienna and Locarno Information System*) database management systems—made it possible for the International Bureau to lower the prices of the data files relating to the sixth edition of the IPC (see Annex III to this document), when it entered into force on January 1, 1995, whilst respecting, in principle, the ratio between the cost of producing those files and the price applicable to each user category, as agreed by the Assembly of the IPC Union (see paragraph 2, above). In respect of the data in electronic form of the Nice Classification, similar cost-savings permitted the International Bureau, in January 1996, to lower the prices of the related data files in comparison to the prices fixed by the Assembly of the Nice Union (see Annex IV to this document).*

* Managing the data of the International Classifications in the PC environment with the use of the IPCIS and NIVLIS systems has also permitted the International Bureau to reduce the price of the printed version of the seventh edition of the IPC by approximately 30% (in comparison with the price of the sixth edition) and retain the price of the printed version of the seventh edition of the Nice Classification, published in 1996, despite its considerable increase in volume. The Vienna and Locarno Classifications, which have not been published with the use of these computer aids, have not yet benefited from these more cost-effective publication procedures.

AVAILABILITY OF THE INTERNATIONAL CLASSIFICATIONS ON THE INTERNET

6. Having noted an increasing demand, in particular by the public, for access to the International Classifications on the Internet, WIPO intends to put the authentic versions (English and French) of the current editions of the four International Classifications on its Web site in a format suitable for browsing with a standard Internet browser, permitting any user to access them *free of charge*. The cost of putting the Nice, Vienna and Locarno Classifications on the Internet is minimal (approximately 5,000 Swiss francs for the three Classifications) and they are expected to be available on the Internet during the second half of 1997. The cost of putting the IPC on the Internet would amount to approximately 20,000 Swiss francs, in view of the much more complex conversion of the data, due to the cross-references between different places in the Classification, and it is expected to be available on the Internet during the first half of 1998.

AVAILABILITY OF THE INTERNATIONAL CLASSIFICATIONS ON CD-ROM

7. In late 1996, the International Bureau released a Windows version of the IPC:CLASS CD-ROM, and in the second half of 1997 the authentic versions (English and French) of the current editions of the Nice, Vienna and Locarno Classifications will be published on CD-ROM. Both of these products will henceforth be provided *free of charge* to industrial property offices and intergovernmental organizations, whereas anybody else will be charged a reasonable price for obtaining these CD-ROMs.

AVAILABILITY OF THE INTERNATIONAL CLASSIFICATIONS IN OTHER ELECTRONIC FORM

8. In conformity with what is stated in paragraphs 1 and 6, above, it is proposed that the authentic versions (English and French) of the current editions of the International Classifications be made available in other electronic form, for example, on diskette, *free of charge*, for any purpose, to anybody interested. (This proposal is made in view of the fact that if the data are intended to be used for commercial purposes they cannot be exploited without certain restructuring and programming work; it may be noted that only one buyer of the data files of the sixth edition of the IPC intended to use the data for commercial purposes.)

9. *The Assemblies of the IPC, Nice, Vienna and Locarno Unions are invited to approve the proposal set forth in paragraph 8, above.*

[Annexes follow]

ANNEX I

EXCERPT FROM DOCUMENT IPC/CE/X/2

Availability Of Copies of the Magnetic Tapes of the Third Edition of the IPC

5. Discussions were based on document IPC/CE/IX/6, which sets forth the decisions of the IPC Assembly in respect of the availability of copies of the magnetic tapes of the third edition of the IPC. The relevant passages of the report of the IPC Assembly are quoted below from the above-mentioned document:

- “5. (i) The International Bureau should put at the disposal of the Industrial Property Offices of any country member of the IPC Union which so wishes, the magnetic tape of the third edition of the IPC at cost, provided that any such Office receiving a tape accepts the three conditions set forth in paragraph 6 below.
- “(ii) The decision reported in (i) above, should apply also to the European Patent Office (EPO) and the International Patent Documentation Center (INPADOC).
- “(iii) The International Bureau should put at the disposal of the African Intellectual Property Organization (OAPI) and the Industrial Property Organization for English-speaking Africa (ESARIPO), as well as of any similar Organization serving developing countries, the said tape free of charge, provided that such an Organization accepts the three conditions set forth in paragraph 6 below.”

7. The Committee decided that the tape (in the English or French language) should be made available for:

- (i) use, subject to the conditions set forth in quoted paragraph 6 above:
- to Industrial Property offices of countries being members of the IPC Union, to the EPO and to INPADOC, at the price of 1,000 Swiss francs;
 - to Industrial Property offices of countries not being members of the IPC Union at the price of 2,000 Swiss francs ;
- (ii) internal use only to any other entity so requesting at the price of 5,000 Swiss francs, subject to the conditions set forth in paragraph 8 below;
- (iii) exploiting the tape on a commercial basis at the price of 30,000 Swiss francs, subject to the conditions set forth in paragraph 8 below.

8. The magnetic tape of the third edition of the IPC will be made available, by the International Bureau, to the users referred to in subparagraphs 7 (ii) and (iii) above, subject to the conditions that:

- (i) no reproduction of the tape or its contents, in whole or in part, is made in the form of paper copies or microfiches, except in the case of on-line printouts, and
- (ii) the tape or copies thereof, in whole or in part, are not made available to any third party;

[Annex II follows]

ANNEX II

EXCERPT FROM DOCUMENT N/VII/1*

5. (a) The magnetic tape of the fourth edition of the Nice Classification, in any of the languages in which it is available in machine readable form, will, subject to the conditions set out in (b), below, be made available:
- (i) to the Industrial Property Office of any country that is a member of the Nice Union, and to the Benelux Trademarks Office, if the office undertakes in writing to use the data base exclusively for the purposes of carrying out its official functions, at a price of 300 Swiss francs per copy;
 - (ii) to the Industrial Property Office of any country that is not a member of the Nice Union, if such office undertakes in writing to use the data base exclusively for the purposes of carrying out its official functions, at a price of 500 Swiss francs per copy;
 - (iii) to the African Intellectual Property Organization (OAPI) and the Industrial Property Organization for English-speaking Africa (ESARIPO), as well as any similar organization consisting exclusively of developing countries, if such Organization undertakes in writing to use the data base exclusively for the purposes of carrying out its official functions, one copy free of charge;
 - (iv) to any prospective user other than those mentioned under (i), (ii) or (iii) , above, if such user undertakes in writing to use the data base exclusively for its own internal purposes, at a price of 1,000 Swiss francs per copy;
 - (v) to any purchaser who or which does not undertake to use the data base exclusively for carrying out its official functions or exclusively for its own internal purposes, at a price of 5,000 Swiss francs per copy.
- (b) provided, in any of the cases under (a) (i) to (v), that the office, organization, user or purchaser will also undertake in writing
- (i) not to reproduce the tape or its contents, in whole or in part, in the form of paper copies or microfiches, except in the case of on-line printouts, and
 - (ii) not to make the tape or copies thereof, in whole or in part, available to any third party.

[Annex III follows]

* The text reproduced in this Annex was adopted by the Assembly of the Nice Union (see document N/A/VII/3, paragraph 5).

ANNEX III

DATA FILES RELATING TO THE SIXTH EDITION
OF THE INTERNATIONAL PATENT CLASSIFICATION (IPC)

Users and Prices

The data files (in ASCII format on diskette) relating to the sixth edition of the IPC, in English or French, may be ordered from WIPO and will be supplied on the following conditions, with the exception of the IPC symbols data file which may be obtained free of charge by any user:

- (i) to the industrial property office of any country being a member of the IPC Union, the African Regional Industrial Property Organization (ARIPO), the European Patent Office (EPO) or the African Intellectual Property Organization (OAPI), *for the purposes of carrying out its functions*, free of charge;
- (ii) to the Industrial Property Office of any country not being a member of the IPC Union, *for the purposes of carrying out its functions*:
 - 500 CHF for the complete text of IPC⁶;
 - 300 CHF for the catchword index relating to IPC⁶;
 - 200 CHF for the concordance data relating to IPC⁵/IPC⁶;
- (iii) to any entity other than those mentioned under (i) or (ii), above, that undertakes to use the data files *for internal purposes only*:
 - 1,000 CHF for the complete text of IPC⁶;
 - 500 CHF for the catchword index relating to IPC⁶;
 - 300 CHF for the concordance data relating to IPC⁵/IPC⁶;
- (iv) to any other entity, or any of the above entities, with the object to use the data files *for commercial purposes*:
 - 20,000 CHF for the complete text of IPC⁶;
 - 3,000 CHF for the catchword index relating to IPC⁶;
 - 2,000 CHF for the concordance data relating to IPC⁵/IPC⁶,

subject to the requirement that the purchaser must declare in writing:

- (v) *not* to reproduce the data files or their contents, in whole or in part, in the form of paper copies or microfiches, except in the case of on-line printouts, and
- (vi) *not* to make the data files or copies thereof, in whole or in part, available to any third party.

[Annex IV follows]

ANNEX IV

DATA FILE CONTAINING THE SEVENTH EDITION
OF THE NICE CLASSIFICATION

Conditions and Prices

The data file containing the complete text of the seventh edition of the Nice Classification, in the authentic (English or French) languages may be ordered from WIPO and will be supplied on the following conditions:

- (i) to industrial property offices of the States members of the Nice Union, the African Intellectual Property Organization (OAPI), the African Regional Industrial Property Organization (ARIPO), the Benelux Trademark Office (BBM), the Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM) and developing countries, if the office/organization undertakes in writing *to use the data file exclusively for the purposes of carrying out its official functions*: free of charge;
- (ii) to industrial property offices of other countries, if the office undertakes in writing *to use the data file exclusively for the purposes of carrying out its official functions*: 300 Swiss francs;
- (iii) to any other purchaser not covered by (i) or (ii), above, if such a user undertakes in writing *to use the data file exclusively for its own internal purposes*: 500 Swiss francs;
- (iv) to any purchaser intending *to use the data file for any purpose*, i.e., not undertaking to use the data file exclusively for carrying out its official functions or exclusively for its own internal purposes: 3,000 Swiss francs;

provided that, for each of the categories (i) to (iii), the entity ordering the data file undertakes in writing:

- (v) *not* to reproduce the data file or its contents, in whole or in part, in the form of paper copies or microfiches, except in the case of on-line printouts, and
- (vi) *not* to make the data file or copies thereof, in whole or in part, available to any third party.

[End of Annex IV and of document]