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WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

**INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)**

**MEETING OF INTERNATIONAL AUTHORITIES
UNDER THE PATENT COOPERATION TREATY (PCT)**

**Eleventh Session
Geneva, February 21 to 25, 2005**

IMPLICATIONS OF IPC REFORM FOR THE INTERNATIONAL AUTHORITIES

Document prepared by the International Bureau

SUMMARY

1. This document summarizes activities that International Searching Authorities will need to carry out in order to implement International Patent Classification (IPC) reform associated with the publication, in June 2005, of the eighth edition of the IPC. The Meeting is, in particular, invited to consider whether systems, in addition to those which are already planned, will be required to ensure that the correct advanced level classification is applied in the event that a relevant revision comes into force in between the completion of the international search and international publication.

BACKGROUND

2. IPC reform has been under way in WIPO since 1999. Its principal objective is to accommodate the Classification to the use in the electronic environment. Many fundamental changes are being made to the IPC in the course of the reform, such as division of the Classification into the core and the advanced level, creation of the electronic layer and the establishment of the Master Classification Database for collecting the worldwide patent classification information.

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3. The basic period of IPC reform is close to completion. It will result in the publication, in June 2005, of the next, eighth, edition of the IPC (IPC-2006). This edition will include new features incorporated during the reform process, as well as many changes originating from the revision of the seventh edition of the IPC. The eighth edition of the IPC will enter into force on January 1, 2006.

4. According to the Strasbourg Agreement Concerning the International Patent Classification, member States and international organizations using the IPC should include in their patent documents published on or after January 1, 2006, the complete symbols of the eighth edition of the IPC. In relation to the PCT, this means that PCT international applications published on or after January 1, 2006, should bear the IPC symbols of the new edition.

CLASSIFICATION OF PCT APPLICATIONS

5. The International Bureau assigns to PCT applications the IPC symbols which are indicated in international search reports (ISRs) established by International Searching Authorities. This is the reason why ISRs are of special importance for the publication of classified international applications. According to Rule 43 of the Regulations under the PCT, the international search report shall contain the classification of the subject matter at least according to the International Patent Classification and such classification shall be effected by the International Searching Authority.

6. The international publication of the international application is effected after the expiration of 18 months from the priority date of that application. Thus, International Searching Authorities should ensure that ISRs for international applications with priority date on or after July 1, 2004 contain the IPC symbols of the eighth edition of the IPC. To allow transfer of the classification data to electronic systems of the International Bureau for publication of international applications, the IPC symbols should be recorded using the relevant standards relating to the reformed IPC.

7. The reformed IPC will contain the core level and the more detailed advanced level. It was agreed that the advanced level should be applied for classifying of at least the PCT minimum documentation. As published international applications are part of the PCT minimum documentation, the advanced level of the reformed IPC should be applied by International Searching Authorities for classification of PCT applications in ISRs.

8. Following January 1, 2006, the advanced level of the IPC will be revised according to an accelerated procedure and it is expected that new versions of the advanced level in specific technical areas could be prepared and published in short intervals, up to three months. In order to provide offices with sufficient time for adapting to new versions of the advanced level, they will be published three months before their entry into force. A system of monitoring should be introduced in order to identify international applications relating to revised areas of the advanced level and to make sure that applications which are to be published on or after the date of entry into force of a new version of the advanced level are classified according to this new version. Establishment of such a system will be facilitated by provision of an IPC Valid Symbols File which will be prepared by the International Bureau, regularly updated with each new version of the advanced level of the IPC and made available

on the WIPO IPC website. The Meeting is invited to indicate whether any further safeguards may be required.

USE OF WIPO STANDARDS

9. ISRs are currently transmitted to the International Bureau on paper or electronically. In view of the progressive move to the electronic exchange of documents between the International Bureau and International Searching Authorities, the number of paper submissions of ISRs will gradually decrease.

10. However, if an ISR containing classification data according to the eighth edition of the IPC is submitted on paper, the classification symbols should be presented according to the revised version of WIPO Standard ST.10/C (“Presentation of Bibliographic Data Components”), which was adopted by the SCIT Standards and Documentation Working Group at its fifth session (see Annex IV to document SCIT/SDWG/5/13).

11. If an ISR containing classification data according to the eighth edition of the IPC is submitted electronically, the classification symbols should be recorded according to the revised version of WIPO Standard ST.8 (“Standard Recording of International Patent Classification (IPC) Symbols on Machine-Readable Records”), which was also adopted by the SCIT Standards and Documentation Working Group at its fifth session (see Annex III to document SCIT/SDWG/5/13).

12. The SCIT Standards and Documentation Working Group also adopted new WIPO Standard ST.36 (“Recommendation for the Processing of Patent Information Using XML (Extensible Markup Language)”). This Standard recommends the XML resources used for filing, processing, publication and exchange of all types of patent information. It is expected that it will be broadly applied for exchange of patent documents, including documentation relating to the PCT, such as ISRs. The Standard and Supplementary material related thereto, such as document type definitions and International Common Elements, specify the values necessary for recording IPC reform information prescribed by WIPO Standard ST.8.

13. *The Meeting is invited to:*

(a) *note the effects of the forthcoming changes outlined in paragraphs 5 to 12, above;*

(b) *recommend what systems should be set up to ensure that International Authorities assign the new version of the advanced level classification to international applications in the event that a relevant revision comes into force between the completion of the international search and the date on which international publication of the international application is to take place, as outlined in paragraph 8, above;*

(c) consider whether any further changes will be required to the procedures of International Authorities concerning classification of international applications.

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