

Patent Cooperation Treaty (PCT) Working Group

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SPECIFYING NATIONAL CLASSIFICATION ON THE FRONT PAGE OF PUBLISHED INTERNATIONAL APPLICATIONS

Document submitted by the Republic of Korea

SUMMARY

1. It is proposed to specify that national classification symbols assigned by the International Searching Authority could be among the information extracted from the front page of published international applications when the Authority indicates the aforementioned symbols of national classification other than the International Patent Classification (IPC) in the international search report to define the subject matter of the international application.

BACKGROUND

2. When carrying out an international search, the International Searching Authority may use a national classification system to define the subject matter of the requested international application. If so, the international search report shall, wherever possible, indicate the symbols of the used national classification (Section 504 of the Administrative Instructions). In that context, a number of International Searching Authorities are using a national or cooperative classification system like the Cooperative Patent Classification (CPC) together with the IPC, and are classifying or plan to classify international applications using national classification. Authorities doing so often first classify the international applications according to a national classification system, and then assign the equivalent IPC symbols to the national classification symbols using an IPC concordance table, due to the limited resource allocation to classification.

3. The symbols of national classification do not appear on the front page of published international applications as classification information relevant to the subject matter of the published international applications. However, given that the published international

applications, often referred to as WO documents, are requisitely reviewed in the course of international search and are also a critically important prior art material for examiners when searching and examining the applications filed with the national Offices, the European Patent Office (EPO) thus has assigned CPC symbols to the published international applications. Therefore, the international classification needs to be converted into a national classification in order for the examiners to be able to efficiently search published international applications using the national classification familiar to them; and the national classification assigned to the international application can be leveraged as useful classification information when international applications enter the national phase.

PROPOSAL

4. The information of the international application extracted from the front page of the publication of the international publication only specifies the IPC (see paragraph 2.2 of Annex D to the Administrative Instructions). As aforementioned, the national classifications need to be added to that as the classification information of the international application so that national classifications can be added as an element to the electronic records of the relevant information of international applications. If the national Offices can have an electronic access to the national classification of published international applications, national Offices like the EPO might see a reduced burden for classifying the applications into national classification like CPC, and some national Offices may load the information of national classification of the published international applications into an internal system so as to help the examiners search WO documents more efficiently.

5. CPC is a strong candidate for a national classification system that could be added to the front page of published international applications. Currently, CPC is used for search by more than 45 patent Offices and by more than 25,000 examiners, as indicated at the CPC Annual Meeting with national Offices, held in Geneva on February 23, 2016. The national classification that appears on the front page of the published international applications can be determined by having discussions in the Working Group on how many requests are made to the International Searching Authorities that use a certain national classification or on how frequently and heavily a certain national classification is used for prior art search by examiners at the International Searching Authorities and national Offices.

6. It would be desirable to add the symbols of national classification to the front page information of the published international application just as the symbols that are indicated on the international search report by the International Searching Authority for the subject matter of the international application. As aforementioned, many Authorities are already classifying or plan to classify international applications using a national classification system, and thus, classifying international applications using national classification is not likely to demand a significant extra resource input from Authorities. Moreover, since early 2016, the EPO is no longer carrying out a human CPC classification at the time of publication for the WO documents in languages other than EPO official languages, e.g. Korean, Chinese, Japanese or Russian, but only upon entry into the European regional phase. Knowing that classifying the subject matter of an international application accompanies linguistic difficulties, having International Searching Authorities classify the subject matter of the international application using national classification will lead to more efficient and accurate classification results.

FURTHER CONSIDERATIONS

7. If the necessity of the proposal is shared by the delegates of the Working Group, further actions and plans like revising the Regulations and/or Administrative Instructions will be proposed to bring the proposal into effect.

8. *The Working Group is invited to consider the proposal outlined in the present document.*

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