

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

**SPECIAL UNION FOR THE INTERNATIONAL PATENT CLASSIFICATION  
(IPC UNION)**

**COMMITTEE OF EXPERTS**

**Fortieth Session  
Geneva, February 6 to 8, 2008**

REPORT

*adopted by the Committee of Experts*

## INTRODUCTION

1. The Committee of Experts of the IPC Union (hereinafter referred to as “the Committee”) held its fortieth session in Geneva on February 6 and 7, 2008. The following members of the Committee were represented at the session: Australia, Austria, Brazil, Bulgaria, Canada, China, Denmark, Egypt, Estonia, Finland, France, Germany, Israel, Ireland, Italy, Japan, Kyrgyzstan, Mexico, Netherlands, Norway, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, the Former Yugoslav Republic of Macedonia, United Kingdom, United States of America (32). Ukraine was represented as observer. The Eurasian Patent Organization (EAPO) and the European Patent Office (EPO) were also represented. The list of participants appears as Annex I to this report.

2. The session was opened by Mr. Francis Gurry, Deputy Director General, WIPO, who welcomed the participants.

## OFFICERS

3. The Committee unanimously elected Mr. Heiko Wongel (EPO) as Chair and Mr. Sang Hyun Byun (Republic of Korea) and Mr. Mauricio Caballero Galván (Mexico) as Vice-Chairs.

4. Mr. Antonios Farassopoulos (WIPO) acted as Secretary of the session.

#### ADOPTION OF THE AGENDA

5. The Committee unanimously adopted the agenda, which appears as Annex II to this report.

#### DISCUSSIONS, CONCLUSIONS AND DECISIONS

6. As decided by the Governing Bodies of WIPO at their tenth series of meetings held from September 24 to October 2, 1979 (see document AB/X/32, paragraphs 51 and 52), the report of this session reflects only the conclusions of the Committee (decisions, recommendations, opinions, etc.) and does not, in particular, reflect the statements made by any participant, except where a reservation in relation to any specific conclusion of the Committee was expressed or repeated after the conclusion was reached.

#### AMENDMENTS TO THE IPC

7. Discussions were based on Annexes 1 and 2 of project file CE 402 containing amendments to the IPC approved by the Working Group.

8. The Committee adopted, with some modifications, the proposed amendments, which appear in the Technical Annexes to this report. It was decided that these amendments would be included in the next edition of the core level of the IPC.

9. It was noted that the new subclass H04W, which had already been approved by the IPC Revision Working Group (hereinafter referred to as “the Working Group”), could not enter into force in the next edition of the core level (IPC-2009), since reclassification for this subclass was not expected to be completed before 2012 (see paragraph 14 of document IPC/CE/39/7). However, the Trilateral Offices would already introduce the scheme into their local classification systems at an earlier date and would thus be able to use it for the classification of their front file. In that respect, other offices using the IPC would have to bear disadvantages. The Working Group, at its eighteenth session, had invited the Committee to consider this problematic situation and to find a solution that would alleviate or avoid drawbacks for these offices (see paragraph 44 of document IPC/WG/18/4).

10. Having noted the strong desire, expressed by many delegations during the session, of the necessity of entry into force in 2009 of the new subclass H04W that covered a rapidly developing technology, the Committee decided, as an exceptional and experimental case, to introduce the said subclass into the core level of the IPC (IPC-2009) before completion of its reclassification, in order to allow offices to be able to use it for the classification of their front file already in 2009. Meanwhile, IPC users would be notified that reclassification in this area was not complete and also be informed of those patent collections which were not completely reclassified and of the scheme which should be used for searching these collections (see paragraphs 26 and 27, below). Therefore, the Committee invited the Quality Control Task Force (QCTF) to further investigate and propose a way of presenting this warning in the scheme and how to monitor the reclassification progress with respect to this subclass.

11. The Rapporteur of project C 435 was invited to submit proposals for transfer notes in subclass H04W and for Definitions, and to check if additional references in related areas of the IPC were needed.

12. The IPC Advanced Level Subcommittee (hereinafter referred to as “the Subcommittee”) was invited to complete the corresponding advanced level revision of project A 005 and to adopt the said transfer notes, references and Definitions at its fifth session in March, 2008.

#### IMPLEMENTATION OF THE RESULTS OF THE REFORM IN THE IPC AND STATUS OF THE IPC DEVELOPMENT PROGRAM

13. Discussions were based on document IPC/CE/40/2 which contains a status report on several tasks in the program of the Working Group with respect to the implementation of the results of the reform in the IPC. The Committee took note of the contents of this document and, in particular, of the decisions taken by the Working Group, and expressed its satisfaction with the work carried out.

14. The Committee noted that the Working Group had completed the task of the removal of references from guidance headings, and had removed informative references from the scheme of 32 subclasses. The Committee also noted an oral explanation of the Secretariat that completion of the task “Removal of Informative References from the Scheme” would most likely last for several more years, given the large number of references to be reviewed and the current working procedure. The Committee therefore invited the International Bureau to prepare a proposal for a more efficient approach to be considered by the Working Group at its next session.

15. Concerning the task “Renumbering of Pre-Reform Residual Main Groups Being Residual to the Whole Subclass”, the Committee noted that the Working Group had agreed to delete eight existing residual main groups with specific titles and to transfer them to new standardized residual main groups. For two of these groups, subgroups were also deleted and transferred to new main groups. For further 23 existing residual main groups, it was agreed that no changes were needed. The consideration of the remaining groups would be continued at the next session of the Working Group. The current status of this task with respect to each subclass is summarized in Annex 51 to project file WG 111.

16. With respect to the task “Introduction of Residual Main Groups in IPC Subclasses”, the Committee noted that the Working Group had continued consideration of the remaining subclasses without residual main groups in the framework of definition projects and core level revision projects, and that for six more subclasses an agreement had been reached. The current status of this task with respect to each subclass is summarized in the said Annex 51.

17. With respect to the continuing task “Elaboration of Classification Definitions”, the Committee noted that a total of 97 definition projects had been successfully completed both in English and French, and that the target of a total of 100 subclass definitions by end of 2008, as set forth in Task 1(b) of the IPC Development Program 2006 to 2008 (see Annex III to document IPC/CE/37/9), would be achieved. Annex IV to the report of the eighteenth session of the Working Group (see document IPC/WG/18/4) contains a table summarizing the status of each definition project on the program.

18. The Secretariat informed the Committee that all completed definitions that were not yet introduced in the Electronic Layer of the IPC would be included therein during the fourth quarter of 2008.

19. The Committee also noted that Japan and Sweden expressed concerns that the quality of definitions could suffer in view of the large number of 39 new definition projects initiated at the last session of the Working Group and the potentially high workload associated with them, in particular, for the reviewing and commenting of proposals. The Committee agreed that offices would have the option to request, on the e-forum, to temporarily suspend the electronic adoption of definition projects if they did not dispose of sufficient resources for commenting.

20. The Committee also noted concerns of the quality of some definitions already completed and invited the International Bureau to consider means of efficiently revising such definitions, e.g. by means of an Internet-based editing approach similar to that of Wikipedia.

#### PUBLICATION OF IPC VERSIONS 2007.10 AND 2008.01 AND RELATED RECLASSIFICATION OF PATENT FILES

21. Discussions were based on document IPC/CE/40/3 and a compilation of working documents (see Annexes 2 and 3 to project file QC 003).

22. Two new versions of the advanced level of the IPC (IPC-2007.10 and 2008.01), containing amendments to the advanced level, entered into force on October 1, 2007, and on January 1, 2008, respectively. These new versions of the advanced level, in particular the associated master files, were officially published on the WIPO IPC website in the two authentic languages, English and French, in due time, before their entering into force.

23. For the systematic reclassification of patent files according to the latest version of the IPC, working lists of documents were prepared by the EPO for all industrial property offices that could potentially take part in the reclassification, and were made available for downloading on the dedicated WIPO IPC website.

24. Ten industrial property offices participated in the reclassification of patent files related to the 2007.10 version of the advanced level of the IPC. This resulted in the reclassification of more than 85% of the worldwide patent collection corresponding to the revised areas of that version.

25. The Committee also noted a short oral report of the Secretariat on the first three meetings of the QCTF. In addition to the original members Ireland, Japan, Sweden, and the EPO, the following members joined the QCTF at the last two meetings: Brazil, Spain, United States of America. Reports of the meetings are available on the e-forum in Project QC 000.

26. In particular, the Committee noted a summary of recommendations of the QCTF established at its second meeting, held in November 2007, regarding the task of monitoring reclassification (see Annex 2 to project file QC003). The QCTF had agreed to treat the monitoring of reclassification of the pre-reform backfile and the monitoring of the reclassification of documents published after January 1, 2006, as separate tasks. The QCTF had also agreed that, for the latter task, tentative percentage numbers could be calculated based on the working lists prepared by the EPO and result files provided by the reclassifying offices. These numbers should be made available in tabular form for public inspection on the IPC reclassification website in order to inform the user community about the status of reclassification in areas of the IPC that were affected by revision. The QCTF had also recommended including, in the Internet presentation of the IPC, warning indicators in such areas where reclassification would not be completed.

27. The Committee invited the QCTF to further investigate the quantitative analysis of reclassification, in particular of percentage numbers and their meaningfulness, and appropriate thresholds of percentages above which reclassification could be considered as completed and warning indicators be removed.

28. The Committee endorsed the amendments in the IPC corresponding to IPC-2007.10 and IPC-2008.01, as adopted by the Subcommittee, and approved the actions of the International Bureau concerning the publication of these new versions.

#### MASTER CLASSIFICATION DATABASE STATUS REPORT

29. Discussions were based on document IPC/CE/40/4, concerning a tabular status report on the Master Classification Database (MCD) prepared by the EPO.

30. The Committee was informed that 92% of the patent documents in the MCD which were published before 2006 had received valid advanced level symbols, and that 97% of the patent documents in the MCD which were published after January 1, 2006, had received valid advanced level symbols.

31. The Committee agreed that the QCTF should investigate the reasons for the incomplete reclassification of the documents published before 2006, and means for improving the status of reclassification, e.g. by excluding documents with different kind codes but belonging to the same family. The QCTF was also invited to investigate the reasons for missing classification data, e.g. by requesting further information from offices regarding the availability of classification data of their national patent collections.

32. The QCTF was also invited to investigate how the availability of valid classification symbols for all documents published after January 1, 2006, could further be improved.

33. Finally, the Committee expressed its thanks to the EPO for providing MCD status report, and invited the EPO to provide such status reports also in the future.

## MODIFICATION OF THE RULES FOR INDEXING IN THE IPC

34. Discussions were based on project CE 393 containing a proposal by Sweden for modifying the rules for indexing in the IPC and, in particular, on the final rapporteur report (see Annex 8 to project file CE 393).

35. The Committee noted that the majority of commenting offices were not in favor of the initial proposal to change the rules for indexing in the IPC by allowing the use of indexing codes with any classification symbol and, therefore, agreed with the Rapporteur's conclusion to withdraw his initial proposal.

36. Bearing in mind the problem relating to the inconsistency of application of indexing codes, the Committee invited the QCTF to further investigate the problem and propose a solution, for example, the possibility of improving the structure of the validity file in order to enable checking that indexing codes are given together with allowed classification codes. A similar solution could also be applied for checking the correctness of application of secondary classification.

37. The QCTF was invited to prepare a proposal in that respect for consideration at the next session of the Committee.

REVISION OF THE *GUIDE TO THE IPC*

38. Discussions were based on a compilation of working documents (Annexes 4 to 13 to project file WG 182), including a consolidated proposal of the International Bureau to amend the *Guide to the IPC*. The Committee adopted the proposed amendments with some changes.

39. The Committee agreed that the format of the edition indicators used before the entry into force of the reform of the IPC ([2], [3], etc.) for indicating changes with respect to previous editions should be retained; the new format of version indicators (e.g. [2007.01]) should only be used for indicating changes in versions that entered into force after January 1, 2006.

40. The Committee did not agree with the proposal of the United States of America to abolish the presentation of version indicators on front pages of patent documents, since this could bring confusion during the transition period between two editions/versions.

41. The Committee also agreed that the Glossary should remain unchanged, and invited the International Bureau to investigate for which of the terms of the Glossary similar or equivalent definitions appear in notes of the scheme.

42. The Committee finally agreed that the paragraphs of the *Guide* should not be renumbered. Numbers of deleted paragraphs should be retained and the paragraph be indicated as deleted. Numbering of new paragraphs should be based on the number of the preceding existing paragraph complemented by a corresponding subscript like bis, ter, etc.

43. The adopted amended *Guide to the IPC* appears in Annex III to this report.

## PUBLICATION OF IPC-2009 AND RELATED MATERIAL

44. Discussions were based on document IPC/WG/18/2 containing a plan of the publication of IPC-2009 and related material, prepared by the International Bureau.

45. It was noted that for the next edition of the core level of the IPC that is planned to enter into force on January 1, 2009, the International Bureau would publish the new Internet version of the IPC and the related master and transformation files (XML, PDF, etc.) by July 1, 2008. The 2009.01 version of the advanced level would be published simultaneously. The additional publication of the core level in printed form would be discontinued, in view of the low demand for this publication, in particular by countries applying the core level. The new Internet version of the IPC and the related electronic files would then be the only official publication of the IPC. This new Internet version would also include the new versions of the Revision Concordance List (separate for core and advanced levels as currently) and the *Official Catchword Index*.

46. The *Official Catchword Index* had received only few minor amendments during the current revision period. It was therefore agreed to continue the sale of the current edition of the *Catchword Index* until stocks have been exhausted, including an addendum showing the said amendments. The electronic version of the *Catchword Indexes* would be updated to include the said amendments.

47. It was agreed to further improve the Internet version by integrating an option for searching terms and cross references in the IPC, the Definitions and the *Catchword Indexes*, and a link to the PDF files of the IPC version in force. Warnings in new areas where reclassification is incomplete would be included, with links to information on the patent collections not yet reclassified and to the scheme that should be used for searching those patent collections. Furthermore, all previous editions of the IPC would be included (e.g. IPC-1 to 7). In view of those improvements the publication of the IPC:CLASS CD-ROM would be discontinued.

48. A complete set of new Definitions, including those to be approved at the nineteenth session of the Working Group, would be published during the fourth quarter of 2008.

49. The International Bureau would continue the distribution on demand of the IPC on CD-ROM for local use, to those developing countries where limited availability of Internet resources may impede an efficient use of the Internet version or downloading of files.

## RECONSIDERATION OF THE COMPOSITION OF THE IPC ADVANCED LEVEL SUBCOMMITTEE

50. Discussions were based on document IPC/CE/40/5, prepared by the International Bureau, proposing a reconsideration of the current IPC revision strategy.

51. It was recalled that during the reform period, the Committee had approved the creation of a Subcommittee to supervise the revision of the advanced level.

52. At its thirty-third session, in October 2003, the Committee had approved the membership of the Subcommittee and confirmed that, in addition to the International Bureau,

“the membership in the Special Subcommittee should be determined by the volume of patent collections being reclassified by respective offices and that an industrial property office could be elected to the Special Subcommittee if it assumed responsibility to undertake at least 20% of the total reclassification work with respect to the PCT minimum documentation.”

53. However, since reclassification figures had not been available, the 20% criteria were based on the total number of documents belonging to the PCT minimum documentation (see the Annex to document IPC/CE/33/5).

54. At said session the Committee had agreed on the composition of the Subcommittee for the period 2005 to 2008, and that this composition would be reconsidered every three years (see document IPC/CE/33/12, paragraph 26), i.e. in 2008 for the first time.

55. Applying the criteria for the determination of the Subcommittee used in 2003 to the statistics on classification of documents published since January 2006 and on reclassification of the backfile and the front file (see the Annex to document IPC/CE/40/5) would lead to ambiguous conclusions. In any event, the composition of the Subcommittee based exclusively on the proportion of reclassification work may not be a useful criterion in the future in view of the changes in the composition of the PCT minimum documentation and the use of the advanced level for classification by a large majority of offices worldwide.

56. After two years' experience with the reform of the IPC, the composition of the Subcommittee should be considered in the general context of the revision policy and procedure of the reformed IPC. Issues such as the complexity of the Classification with its two levels, their independent revision cycles, as well as their different revision procedures, should be reviewed, aiming at a simplification of the interaction between the two levels and bodies, in order to improve the efficiency of the revision process. In addition, the consistency of application of the IPC by different offices and the improvement of the IPC as a tool for search needed particular consideration by the Committee in the definition of a new revision policy.

57. It was agreed that the matter would require careful consideration before any decision at the next session of the Committee. A special Task Force and two projects on the IPC e-forum (CE 404 and CE 405) were created to conduct this debate. Project CE 404 would deal with the “procedures of revision and publication of the IPC”, with the International Bureau, as Rapporteur and project CE 405 with “IPC revision policy and consistency of application”, with the EPO as Rapporteur.

58. The following issues would be addressed in the framework of project CE 404:

- content and relation between core and advanced levels;
- revision and publication cycles of the two levels;
- accelerated introduction of completed harmony projects into the IPC;
- procedure of revision of the IPC; and
- necessity and degree of reclassification before entry in force of a new scheme in the IPC.

59. The following issues would be addressed in the framework of project CE 405:

- consistency in the use of the IPC for classifying;
- identification of deficient areas in the IPC;
- IPC revision policy, in particular determination of objective criteria to identify the areas to be revised and to set priorities; and
- development of methods to assess the benefit of a revision of the IPC in relation to the cost of this revision.

60. It was decided that project CE 404 should be given priority status and that appropriate deadlines for submission of proposals and comments should be introduced to the e-forum by the International Bureau for these two projects. It was decided that a physical meeting of the Task Force would be necessary during the second half of 2008. The Committee noted, with appreciation, the proposal by the United States Patent and Trademark Office to host such a meeting, in combination with the sixth session of the Subcommittee during the second or third week of September 2008.

61. The following offices declared their interest to become members of the Task Force: France, Germany, Ireland, Israel, Japan, Portugal, Republic of Korea, Russian Federation, Slovakia, Sweden, United Kingdom, United States of America and the EPO.

62. It was agreed that the Subcommittee and the Working Group would continue to work with their current mandate and composition until the Committee would have decided on the future revision procedure.

#### NEXT SESSION OF THE COMMITTEE

63. Owing to lack of time, the report was not adopted during the physical session of the Committee.

64. It was decided to adopt the report electronically, using a procedure similar to that used by the Working Group. A dedicated project, i.e. CE 409, would be created on the e-forum. The International Bureau would post the draft report to this project within five working days after the session in question. Offices should submit their comments on the draft report within five working days of the publication of the draft report. Finally, the International Bureau, in collaboration with the Chair, would then prepare the final report. If the adoption of the report was successful by this means, such adoption could be followed for future sessions of the Committee.

65. It was noted that it might be necessary to convene an extraordinary session of the Committee in October-November 2008 if the special Task force could reach an agreement on the new revision procedures during its session in September. The International Bureau will inform the Committee after the session of the Task Force if such a session is necessary.

66. The Committee noted the following tentative dates for its next regular session:

Geneva, March 16 to 20, 2009.

*67. This report was unanimously adopted by the Committee by electronic means on February 25, 2008.*

[Annexes follow]