

WIPO



IPC/CE/39/7

ORIGINAL: English

DATE: March 1, 2007

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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

COMMITTEE OF EXPERTS

**Thirty-Ninth Session
Geneva, February 26 to March 1, 2007**

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 thirty-ninth session in Geneva from February 26 to March 1, 2007. The following members of the Committee were represented at the session: Australia, Brazil, Canada, China, Croatia, Czech Republic, Denmark, Egypt, Finland, France, Germany, Greece, Ireland, Israel, Japan, Mexico, Netherlands, Norway, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States of America (30). 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. F. Gurry, Deputy Director General, WIPO, who welcomed the participants on behalf of the Director General of WIPO. Mr. Gurry took the opportunity to announce the retirement of Mr. M. Makarov at the end of February. He praised the work done and devotion shown by Mr. Makarov to the IPC, in particular on the development of the reform and its success. This praise was strongly supported by all Delegations.

OFFICERS

3. The Committee unanimously elected Mr. H. Wongel (EPO) as Chair and Mr. K. Höfken (Germany) and Mr. A. Souza de Abrantes (Brazil) as Vice-Chairs.
4. Mr. A. 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.

COORDINATION OF IPC REVISION AND RECLASSIFICATION OF PATENT FILES

7. Discussions were based on document IPC/CE/39/2, prepared by the International Bureau, containing a proposal for updating two IPC reform documents, and a proposal for partial reclassification of patent files in certain revision projects, following a request by the IPC Revision Working Group (hereinafter referred to as “the Working Group”).

Updating of Documents

8. At its thirty-eighth session, held in October 2006, the Committee adopted an instruction to the Working Group to take into account the availability of resources for reclassification when carrying out revision of the core level. The Committee further requested the International Bureau to prepare proposals for updating the following documents: “Revision Policy and Revision Procedure for the Reformed IPC” and “Working Procedure of the IPC Revision Working Group”, in order to include therein the said instruction (see document IPC/CE/38/10, paragraphs 17 and 18).
9. It was decided to amend the said documents in the following way (the amendments are indicated in italics):

Revision Policy and Revision Procedure for the Reformed IPC (Annex IV to document IPC/CE/33/12)

“19. The IPC Revision Working Group should evaluate all requests to ensure that they comply with the revision policy and the revision criteria laid down by the Committee and described in this document, determine the need for them and their priority. Revision requests approved by the Working Group should be included in the IPC core level revision program. For each approved request, a project file should be created. The Working Group should establish time frames for individual actions on the project (comments, rapporteur report) and should appoint an office-rapporteur.

“20. When considering revision requests which require reclassification of patent files for inclusion in the core level revision program, the Working Group should take into account the availability of resources for reclassification which will be needed as a result of revision. If such resources are not currently available, the Working Group could include the revision request as a revision project in the program with a new “pending” status and should postpone detailed technical discussion of that project until a solution for reclassification of patent files can be found.

“21. The offices-rapporteurs should be responsible - - -”

Working Procedure of the IPC Revision Working Group (Annex VI to document IPC/CE/36/11)

“13. The IPC/WG should evaluate all requests to ensure that they comply with the revision policy and the revision criteria of the IPC/CE, determine the need for them, and their priority. Revision requests approved by the IPC/WG should be included in the IPC core level revision program. For each approved request, a project file should be created on the IPC e-forum. The IPC/WG should establish time frames for individual actions on the project (comments, rapporteur report).

“14. When considering revision requests which require reclassification of patent files for inclusion in the core level revision program, the IPC/WG should take into account the availability of resources for reclassification which will be needed as a result of revision. If such resources are not currently available, the IPC/WG could include the revision request as a revision project in the program with a new “pending” status and should postpone detailed technical discussion of that project until a solution for reclassification of patent files can be found.

“15. The Rapporteurs are responsible - - -”

Partial Reclassification of Patent Files

10. The Working Group, at its sixteenth session, held in November 2006, when considering revision project C 436 “pointed out that the area of main groups C12N 5/00 and C12P 21/00 needed revision in view of their file size largely exceeding 100,000 documents each, several of their subgroups containing tens of thousands of documents each. It was also pointed out that, in view of the inefficiency of the scheme, even major offices were not using the IPC as a tool for classification or search in this area”.

11. Furthermore, “the Working Group was informed that the Trilateral Offices were not in the position to undertake a major reclassification in that area in view of the large amount of documents to be reclassified. However, it was noted that delaying of any revision would further increase the problem in the years to come, since the documentation in this area was increasing at a high rate”.

12. Finally, the Working Group invited the Committee to “examine how to proceed when a need for revision is evident in an area with a rapid rate of growth, while there is a lack of resources for reclassification in one office of the ALS. For example, if an incomplete reclassification of the backfile could be tolerated in such cases, thus allowing the new scheme to be used for the classification of the front file” (see paragraph 30 of document IPC/WG/16/3).

13. The Committee was invited to consider the following options that could be followed in such a case:

(a) the Working Group should base the revision of such area on an existing “local” classification scheme (e.g., ECLA or FI), or a combination of such schemes, aiming to minimize the effort for intellectual reclassification, i.e., the majority of the PCT minimum documentation should be reclassified without intellectual effort in the new revised scheme;

(b) the frontfile should be classified using exclusively the new revised scheme. However the “old” scheme could be used, for a certain time period, for searching those documents that will not be reclassified. The revised scheme should have an indication that there is a need to use the “old” scheme for complete search and hyperlinks to this “old” scheme. Once the reclassification of the backfile completed, these indications-links should be removed from the IPC.

14. The Committee restated its position that, when carrying out a revision of the IPC, the results of the corresponding reclassification of, at least, the PCT minimum patent documentation, should be available at the moment of entering into force of the revised scheme and that this practice was an important feature of the reformed IPC that could not “tolerate” any exceptions.

15. It was further agreed that, although following of the option (a), above, could be a general good practice when revising the IPC, revisions that would lead to incomplete reclassification of the PCT minimum patent documentation, because of lack of resources in some offices, should not be allowed. Instead, the Working Group should examine other alternatives, like a smaller-scale revision project, on the condition that resources for reclassification would be available before entering into force of the revised scheme.

AMENDMENTS TO THE IPC

16. Discussions were based on Annexes 1 and 2 of project file CE 392 containing proposals of amendments to the IPC approved by the Working Group.

17. The Committee adopted, with a minor modification, the proposed amendments, which appear in the Technical Annexes to this report.

IMPLEMENTATION OF THE RESULTS OF THE REFORM IN THE IPC

18. Discussions were based on document IPC/CE/39/3 which contains a status report on several tasks in the program of the Working Group with respect to the implementation of the reform results 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.

19. With respect to the task “Introduction of Residual Main Groups in IPC Subclasses”, the Committee noted that consensus had been reached for additional 51 subclasses and that the remaining 49 subclasses will be further treated in the framework of existing and newly created definition projects (45 subclasses), and core level revision projects (four subclasses). The current status of this task with respect to each subclass is summarized in Annex 35 of project WG 111. Concerning the task “Renumbering of Pre-Reform Residual Main Groups Being Residual to the Whole Subclass”, the Committee noted that, for 13 out of 71 residual main groups, a decision had been taken and that the consideration of the remaining groups would be continued at the next session of the Working Group. With respect to the continuing task “Elaboration of Classification Definitions”, the Committee noted that a total of 72 definition projects had been successfully completed both in English and French.

20. In view of the continuing high workload of the Working Group, in particular of the several tasks emanating from the reform of the IPC in addition to the revision of the core level, the Committee agreed to ask all its members to allocate sufficient resources to the IPC revision and maintenance work in order to achieve a wider participation in this work, so as to allow the completion of these tasks before the entry into force of the next core level edition.

ORDER OF PRESENTATION OF CLASSIFICATION SYMBOLS

21. Discussions were based on document IPC/CE/39/4 including an Annex summarizing the replies received to WIPO Circular No. IPC 172, regarding the order of presentation of IPC symbols on patent documents. This Annex, with some modifications, is reproduced as Annex III to the report

22. The Committee noted that 34 offices had replied and that a broad majority of 32 offices follow the rules of paragraph 156 of the *Guide to the IPC* (Guide) and list the “most adequate” symbol first. Twenty offices also indicated that they use the first classification symbol internally, in particular for the distribution of work related to patent applications. Several offices indicated that they use the first symbol for statistical purposes.

23. The Committee briefly discussed whether paragraph 156 of the Guide, which currently applies to patent documents, should also apply to any other sequential presentations of IPC symbols, such as symbols listed in search reports or on electronic display of bibliographic data of patent applications. It was agreed that this discussion should be continued in the framework of the revision of the Guide.

24. The Committee also noted that the present WIPO Standard ST.8 does not explain whether the “F” attribute should only be used in field 29 of an ST.8 record if the corresponding symbol had special significance according to paragraph 156 of the Guide, and whether the “F” attribute should not be used if the symbol was listed first because of a purely alphanumerical or stochastic ordering. It was again agreed to continue this discussion in the framework of the revision of the Guide.

25. The Secretariat informed the Committee of its plans to publish a consolidated table including selected results of several recent questionnaires in order to inform the IPC user community of the use of the reformed IPC by different intellectual property offices, e.g. the use of the core or advanced levels, the reclassification of their own patent collections, or the use of a “main classification” symbol. The Committee agreed that the replies to questions 1, 5, 6, 7, 8, 9(a), 10, 13, and 14 of the present questionnaire may be used for such information purposes.

PUBLICATION OF IPC VERSION 2007.01 AND RELATED CLASSIFICATION OF PATENT FILES

26. Discussions were based on document IPC/CE/39/5.

27. The Secretariat described the procedure and timing of the Internet publication of the first new version of the advanced level of the reformed IPC (IPC 2007.01) and associated master files, and informed the Committee that there had been some delay in making available those publication and files in English to the general public. The Secretariat indicated that, in the future, new versions of the advanced level of the IPC and new master files will be available to all users at least three months before the new version enters into force.

28. The Secretariat also explained the procedure of reclassification of corresponding patent files, which had been jointly elaborated by WIPO and the EPO and was launched in September 2006, and outlined the results of reclassification that were currently available.

29. In response to a question raised, the Secretariat explained that the compilation file relating to version 2007.01 was available for downloading under the Download Area of the WIPO IPC website, version 2007.01. Responding to another question, the Secretariat indicated that IPC version 2007.01 in the PDF format was planned for production in the future.

30. Certain Delegations noted that it was not simple to navigate through WIPO IPC website, in view of the large amount of material the website contained, and requested the International Bureau to take measures for making navigation on the website more user-friendly.

MASTER CLASSIFICATION DATABASE STATUS REPORT

31. Discussions were based on document IPC/CE/39/6, concerning a status report on the Master Classification Database (MCD) and on a presentation made during the session by the EPO on the same subject.
32. The Committee was informed that the MCD currently held approximately 130 million IPC symbols of the eighth edition at patent family level, which made the IPC-8 coverage in the MCD close to 91%. The Committee also noted that the EPO had issued a backfile DVD in August 2006 and a DVD containing only MCD updates since the 2005 backfile, in September 2006. The EPO would produce such update DVDs with a regular frequency in the future.
33. The Committee noted that a "Backfile Checks" process was ready and could produce, at any time, working lists of documents assigned to offices, containing over five million patent families that were not classified at all according to the IPC. A decision should be taken in the future on how to proceed further with these documents.
34. The Committee was also informed that the frontfile classification data were received from 35 countries and were loaded in the MCD. Error reports were currently communicated by e-mail and could be produced, at any time, upon request. The EPO informed the Committee that the IPC corrections for frontfile data could be sent in a specific XML format.
35. The Committee was further informed that upon the availability of the first revision of the advanced level of the IPC (2007.01), reclassification working lists were prepared by the EPO and were published on the WIPO IPC website for downloading, in November 2006, intended for the 27 offices who could potentially contribute to the reclassification. The reclassification data for approximately 35,000 patent families sent by 10 offices were loaded in the MCD in the first week of 2007 and were immediately available for searching in EPOQUE and esp@cenet. This resulted in the reclassification of 80% of patent families corresponding to the revised areas of the IPC 2007.01.
36. The EPO also reported on several issues in the MCD processing, concerning, for example, procedures dealing with deactivation of revised symbols, construction of the working lists using simple families, missing classification data for MCD backfile, handling of indexing codes, etc. which could require further consideration by the Committee.
37. The Committee underlined the importance of the quality evaluation of the MCD contents, in particular, with respect to the backfile and reclassification data relating to new IPC revisions, and agreed with the EPO's proposal to create a special Task Force for this purpose. The Committee noted that its following members volunteered to participate in the Task Force: Ireland, Japan, Sweden, EPO. The International Bureau would also participate in the Task Force. The Committee agreed that other members could join the Task Force at a later stage.
38. It was also decided that the Task Force would carry out more detailed technical discussions mainly by electronic communication, in order to avoid physical meetings as far as possible.

39. The Committee also requested all industrial property offices, in particular those which could potentially take part in the reclassification but have not yet provided reclassification data for the IPC 2007.01 to the MCD, to send these data as soon as possible. Upon such request, the Czech Republic, Denmark, Israel and the Russian Federation confirmed their intention to deliver the data in the very near future.

40. Finally, the Committee expressed its thanks to the EPO for having made the presentation and providing the MCD status report. The Committee noted, with gratitude, that the coverage of documents in the MCD with classification information of the eighth edition had been continuously increasing, based on joint efforts made by the EPO and other industrial property offices.

IT SUPPORT FOR THE IPC – STATUS REPORT

41. Following a request by the Committee, the International Bureau provided a status report-presentation on recent developments in the field of Information Technology (IT) support for the IPC, with a particular focus on staffing of this activity.

42. The Committee was informed that the production of the IPC Core Level CD-ROM in English and French had been completed and the discs would be soon sent to offices. This CD-ROM is based on the Spanish version of the core level CD-ROM, initially developed in the context of a cooperation agreement between WIPO and the Spanish Patent and Trademark Office (OEPM). It was prepared and sent by WIPO to different Latin American countries in March 2006. Furthermore, it was announced that an IPC-8 compliant version of the IPC categorization assistance tool (IPCCAT) in Spanish had been opened to industrial property offices, and, it was reminded, that a new tool for viewing an electronic version of the IPC already installed on the Intranet of interested IP offices had been made available and that recently the IPC revision management system (RIPCIS) had been opened to the IPC Union member States. The International Bureau indicated that, because of some delays in procurement of IT services, the preparation of the PDF files of the IPC 2007.01 version, as well as of the IPC:CLASS CD-ROM, had been delayed.

43. The International Bureau also informed the Committee of the progress made in IT automation for the publication of new versions of the IPC and presented a preliminary version of a detailed planning showing a typical advanced level IPC revision cycle, including the involvement of WIPO IT resources. It was emphasized that despite the high level of IT automation in place, the experience of the first revision of the IPC in 2006 showed that one full time IT staff post was required to run IPC operations in its authentic languages. It was also stressed that the number of IPC new versions is expected to increase in the future and, therefore, further IT support for the maintenance of IPC systems and for the support of the IPC in Spanish would be needed.

44. In view of the above, the Committee supported the request of Spain and Mexico, aimed at the WIPO Administration, to urgently increase the manpower resources in the IT Operations and Support Section responsible for the support of the reformed IPC, which resources were currently not sufficient, especially in view of the expected departure of the consultant in that Section who was responsible, among other duties, for the Spanish and authentic versions of the IPC and its associated products.

MODIFICATION OF THE RULES FOR INDEXING IN THE IPC

45. Discussions were based on an informal paper submitted by Sweden at the beginning of the session, containing a proposal for modifying the rules for indexing in the IPC.

46. The Committee agreed to further investigate and discuss this proposal. However, due to time limitations, it was decided to continue this discussion on the IPC e-forum in the framework of project CE 393 to be created. Sweden was appointed as Rapporteur and was requested to submit a consolidated proposal by mid-April 2007. Comments were invited on the proposal to be submitted by end of May 2007 and a Rapporteur report by end of June 2007. Final decision would be taken at the next session of the Committee, when considering the regular revision of the Guide.

THANKS TO MR. MAKAROV

47. The session of the Committee was the final one in which Mr. Mikhail Makarov participated, as he retired on March 1, 2007. The Committee took advantage of the opportunity to express its sincere gratitude to him and paid tribute to his excellent administration of the IPC and his outstanding contribution to the development of the Classification, in particular, to the launching and the successful implementation of the IPC reform. The Committee wished him a long and happy retirement.

NEXT SESSION OF THE COMMITTEE

48. In view of the pace of completion of the IPC development program for the years 2006-2008 and the expected workload for this year, it was decided to revert back to the practice which had prevailed before the initiation of the IPC reform, and during the first years of the reform, and to hold one Committee session per year. The Committee noted therefore the following tentative dates for its next session:

Geneva, February 4 to 8, 2008.

49. This report was unanimously adopted by the Committee at its closing meeting on March 1, 2007.

[Annexes follow]