

WIPO



IPC/CE/39/7

ORIGINAL: English

DATE: March 1, 2007

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]

ANNEXE I/ANNEX I

LISTE DES PARTICIPANTS/
LIST OF PARTICIPANTS

I. ÉTATS MEMBRES/MEMBER STATES

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ORGANISATION EURASIENNE DES BREVETS (OEAB)/EURASIAN PATENT
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Ikrom TAKHIROV, Deputy Director, Formal Examination Department, Moscow

IV. BUREAU/OFFICERS

Président/Chair:	Heiko WONGEL (OEB/EPO)
Vice-présidents/Vice-Chairs:	Klaus D. HÖFKEN (Allemagne/Germany) Antonio Carlos SOUZA DE ABRANTES (Brésil/Brazil)
Secrétaire/Secretary:	Antonios FARASSOPOULOS (OMPI/WIPO)

V. BUREAU INTERNATIONAL DE L'ORGANISATION MONDIALE DE LA
PROPRIÉTÉ INTELLECTUELLE (OMPI)/INTERNATIONAL BUREAU OF THE
WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Francis GURRY (vice-directeur général/Deputy Director General); Division des systèmes informatiques du PCT (Traité de coopération en matière de brevets)/PCT (Patent Cooperation Treaty) Information Systems Division; Neil WILSON (directeur des services informatiques/Chief Information Officer and Director), Division de l'informatique/IT Division; Mikhail MAKAROV (directeur par intérim/Acting Director), Division de la classification et des normes relatives à la propriété industrielle/Classification and IP Standards Division; Antonios FARASSOPOULOS (chef de la Section de la classification internationale des brevets (CIB)/Head, International Patent Classification (IPC) Section); Patrick FIÉVET (chef de la Section des opérations et de l'appui informatiques/Head, IT Operations and Support Section); Lutz MAILÄNDER (administrateur principal de la classification des brevets à la Section de la classification internationale des brevets (CIB)/Senior Patent Classification Officer, International Patent Classification (IPC) Section); XU Ning (Mme/Mrs.) (administratrice de la classification en matière de brevets à la Section de la classification internationale des brevets (CIB)/Patent Classification Officer, International Patent Classification (IPC) Section), Mónica MOLÉS (Mlle/Ms.) (consultante à la Section des opérations et de l'appui informatique/Consultant, IT Operations and Support Section)

[L'annexe II suit/
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ANNEX II

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ANNEX III

ORDER OF PRESENTATION OF CLASSIFICATION SYMBOLS

(Summary of Replies Received in Response to WIPO Circular No. IPC 172,
Issued on December 22, 2006)

1. On December 22, 2006, WIPO issued Circular No. IPC 172 including a questionnaire relating to the order of presentation of classification symbols. The International Bureau received a total of 34 replies, including 31 from States being members of the IPC Union (57 members), one from a State not being member of the IPC Union, and two from intergovernmental organizations.
2. The answers to the 16 questions included in the questionnaire of Circular No. IPC 172 can be summarized as follows:

Use of a Main Classification

Question 1: “If your Office allocates several IPC symbols to a particular patent document, does your Office select a ‘most adequate’ symbol for listing first on the front page of the published patent document?”

Thirty-two of the 34 offices replied “Yes”. Only the Greek and the Israeli Offices replied “No”.

Question 2: “If your answer to question 1 is ‘No’, does your Office apply an alphanumerical ordering of the symbols relating to invention information, of the symbols relating to additional information, and of the indexing symbols (i.e., within each of these three categories)?”

The Greek Office replied “No” and the Israeli Office replied “Yes”.

Question 3: “If your answer to question 1 is ‘Yes’, is this first classification symbol used internally for any further purposes, e.g., for determining the examiner or unit in charge?”

Twenty of the 32 offices replied “Yes” and 12 offices replied “No”.

Question 4: “If your answer to question 3 is ‘Yes’, please indicate these internal purposes.”

All 20 offices indicated the use for the internal distribution of work related to the applications, e.g. the examiner or unit in charge. Several offices also mentioned the use for statistical purposes and for ordering the paper search file.

Question 5: “If your answer to question 1 is ‘Yes’, does the order of the subsequent symbols have any significance other than the order explained in paragraph 156 of the Guide and in the notes of secondary classification schemes (e.g., the order of several symbols relating to invention information)?”

Five of the 34 offices replied “Yes” and 27 offices replied “No”.

Question 6: “If your answer to question 5 is ‘Yes’, please explain your ordering of the symbols.”

The Canadian and the Swedish Offices indicated that the symbols are ordered alphanumerically within the lists of inventive and non-inventive symbols, respectively.

The Russian Office indicated that the order may, at the discretion of the classifying examiner, reflect the significance of the feature to be classified.

The Slovenian Office indicated the following order: invention information – secondary classification – additional information.

The Ukrainian Office indicated that the order reflects the decreasing relevance to the invention.

Classifications of Subsequent Publications

Question 7: “Can the classification of the subsequent publication of a granted patent be different from the classification of the initial publication of the patent application?”

Thirty-two of the 34 offices replied “Yes” and the French Office replied “No”.

Classifications Given in International Search Reports of the PCT (to be answered by International Searching Authorities only)

Question 8: “Does the symbol which is listed first in search reports have particular significance in that it most adequately characterizes the invention?”

All International Searching Authorities replied “Yes”.

Presentation of Database Search Results

Question 9: “If your Office provides Internet facilities for searching or browsing of patent documents, does the presentation of classification symbols follow the rules of paragraph 156 of the Guide?”

- (a) for national documents?

Twenty-nine of the 34 offices replied “Yes” and three offices replied “No”.

- (b) for foreign documents?

Sixteen of the 34 offices replied “Yes” and four offices replied “No”.

Question 10: “If your Office provides such facilities for your national documents, is the order of presentation of classification symbols there compliant with the order of the classification symbols on the front page of the respective published national patent document?”

Twenty-nine of the 34 offices replied “Yes” and two offices replied “No”.

Question 11: “If your answer to question 10 is ‘No’, please explain the difference.”

The Swiss Office explained that the order of symbols as part of the results of searches in databases is stochastic at present. By the end of 2007, it will follow the rules of paragraph 156 of the Guide.

The Greek Office indicated that currently only a single symbol is displayed which is not necessarily the first shown on the front page. The software is currently being adapted.

Question 12: “If your Office maintains electronic databases for storing IPC classification symbols for national patent documents, does the database include provision to store information necessary for displaying the symbols in an order consistent with paragraph 156 of the Guide?”

Thirty-one of the 34 offices replied “Yes” and two offices replied “No”.

Use of Attributes “F”, “L”

Question 13: “If your Office applies WIPO Standard ST.8, does your Office use the attributes ‘F’ or ‘L’ in position 29 of records according to WIPO Standard ST.8 (i.e., this field is not left empty)?”

Twenty-five of the 34 offices replied “Yes” and five offices replied “No”.

Miscellaneous

Question 14: “Does your Office encourage the use of ‘additional’ IPC classification symbols when classifying documents?”

Thirty-two of the 34 offices replied “Yes” and the Offices of Germany and Turkey replied “No”.

Question 15: “Many PCT applications claim the priority of previously filed national applications. If WIPO has to publish an application without the International Search Report, missing classification information for this publication could be substituted by classification information of corresponding priority documents. In order to enable WIPO to investigate this opportunity further, please indicate at what time, after the filing of an application, the classification of this application is first available?”

The different replies received are summarized in Table 2, below.

Question 17: “Please provide any further relevant information or comments.”

Brazil: Question 7: “Differences occur only in the case that at the moment of substantive examination, the examiner verifies that there was an error in classification.”

Question 9: “The homepage facilities follows the order given by the examiner at the moment of classification (we assume that the examiner follow the paragraph 156 of the Guide), there is no automatic validation to investigate if the order: inventive, additional information and indexing code is followed.”

China: “Since the PCT application for foreign applicants is not classified again in SIPO, the order of classification symbols in the published document is identical with classifications given in International Search Reports of the PCT.”

EPO: “IPC classification symbols for EP publications and for PCT applications treated by the EPO are usually derived from the ECLA classifications given to the application in question. The order of symbols is determined by the examiner treating the application. Since in ECLA, the concept of a most adequate classification does not exist, examiners might not in all instances apply this concept. However, they are made aware of par. 156 of the IPC Guide. Examiners have the possibility to override the IPC classifications derived from ECLA and can also manually change their order.”

France: “The classifications are attributed to the elements of information contained in the document, according to the instructions of the Guide.

“The classification symbol considered as representing the invention information most adequately is placed first on the front page of the paper document. However, if there is more than one element of invention information in a given document that is to be classified, the second (third...) symbol(s) presented on the front page may be as representative as the first symbol. The order of the symbols may then not constitute safe information.

“In the databases, only the first classification is highlighted by means of a distinct field. The other symbols representing invention information are placed in a single field and are not ordered.

“Similarly, the symbols for additional information and the indexing codes are placed in distinct fields.

“The use of the first classification symbol for internal purposes is done *a posteriori*.”

Questions 9 and 10: “The results of searches are lists of documents and not lists of classification symbols.”

- Germany: Question 14: “The GPTO encourages the use of indexing codes as additional information. The use of further additional information symbols is at the discretion of the examiners; they are scarcely used.”
- Ireland: “The answer ‘No’ to question 9(b) concerning ‘foreign documents’ in our case concerns EP granted patents which designate Ireland. We display classification symbols for these documents in the manner in which they are delivered to us by the EPO.”
- Israel: “In Israel we publish the patent application with the final classification only after we have finished the examination.”
- Portugal: “Indicator ‘F’ or ‘L’ in position 29 of records according to WIPO Standard ST.8 is filled in our Office. Although we agree it is not useful for IPC search purposes in general, it still maintains relevance at least to simplify internal distribution of applications for searching (after pre-classification) and to simplify statistics. It could be useful, also, as a filtering device for non-professional IPC searches. It should be kept. Offices where this indicator, for some reason, is left blank up to now, should start to be fully compliant with ST.8 at least until/if a change to this Standard is agreed in WIPO appropriate organs.”
- Russian Federation: “The order of classifications symbols is also applied in determining an optimal search strategy and sorting search results according to the significance of symbols allotted.”

Slovakia: Question 5: “IPO SR strictly follows the rules of paragraph 156 of the Guide. If there are several symbols describing invention information and/or several symbols describing additional information, in both cases the symbols are listed according to the relevance of the symbols to content of the document.”

Question 9(b): “IPO SR does not provide Internet facilities for searching or browsing of foreign patent documents because of not keeping foreign documentation in our databases. All patent applications even those filed by foreign applicants are finally published as national patent documents.”

Sweden: “We only indicate a ‘most adequate’ symbol and follow the other ordering rules because the Guide to the IPC requires it. We do not see any purpose for it, neither for search nor otherwise.”

United
States of
America:

Question 9: “The US doesn’t provide Internet searching for foreign documents. Additionally, national documents returned from searches are viewable as either image or text. Images show only the IPC classifications assigned to documents at the time of publication, whereas textual display shows only ‘current’ IPC classifications assigned to the document in MCD, which may be different from the initially assigned classifications. While the order of current classifications in the textual view is consistent with paragraph 156 of the Guide, the presentation is not consistent with ST.10/C.”

Uzbekistan: “Patent Office of Uzbekistan does not use indexing codes on its patent documents.”

Table 2: Summary of Replies to Question 15

Country/Organization		Question No. 15
Belarus	BY	18 months after filing
Brazil	BR	18 months after filing
Canada	CA	on publication
China	CN	on publication
Croatia	HR	earliest 18 months after filing
Czech Republic	CZ	16 months after filing
Denmark	DK	internally seven to 10 months after filing
EAPO	EA	on publication
EPO	EP	six weeks before publication
Finland	FI	18 months after earliest priority
France	FR	on publication
Germany	DE	several days after filing
Greece	GR	substantially earlier than publication
Ireland	IE	normal patents: 3 months prior to 18 months publication utility models: 6 months
Israel	IL	after examination
Japan	JP	18 months after filing
Moldova	MD	three months after filing
Netherlands	NL	18 months after earliest priority
Norway	NO	18 months after earliest priority
Poland	PL	–
Portugal	PT	1.5 months after filing
Republic of Korea	KR	three weeks to three months after completion of formal examination
Romania	RO	one month after filing, available to WIPO on request
Russian Federation	RU	three months after filing; revised one month prior to WO publication
Slovakia	SK	18 months after filing
Slovenia	SI	on publication
Sweden	SE	on publication
Switzerland	CH	–
Turkey	TR	three months after filing
Ukraine	UA	on publication
United Kingdom	GB	four months after filing of search request
United States of America	US	on publication
Uruguay	UY	on publication
Uzbekistan	UZ	after publication of granted patent

[Technical Annexes follow]

TECHNICAL ANNEXES

ANNEX 1E A01N [Project-Rapporteur : C432/CN] <CE39>

- CL C 65/00 *Biocides, pest repellants or attractants, or plant growth regulators containing ~~plant material, e.g. mushrooms, derris root~~ material from algae, lichens, bryophyta, multi-cellular fungi or plants, or extracts thereof (containing compounds of determined constitution A01N 27/00-A01N 59/00)*
- AL D 65/02 (transferred to [A01N 65/38](#))
- CL N 65/03 • *Algae*
- CL N 65/04 • *Pteridophyta [fern allies]; Filicophyta [ferns]*
- CL N 65/06 • *Coniferophyta [gymnosperms], e.g. cypress*
- CL N 65/08 • *Magnoliopsida [dicotyledons]*
- CL N 65/10 • • *Apiaceae or Umbelliferae [Carrot family], e.g. parsley, caraway, dill, lovage, fennel or snakebed*
- CL N 65/12 • • *Asteraceae or Compositae [Aster or Sunflower family], e.g. daisy, pyrethrum, artichoke, lettuce, sunflower, wormwood or tarragon*
- CL N 65/14 • • *Celastraceae [Staff-tree or Bittersweet family], e.g. spindle tree, bittersweet or thunder god vine*
- CL N 65/16 • • *Ericaceae [Heath or Blueberry family], e.g. rhododendron, arbutus, pieris, cranberry or bilberry*
- CL N 65/18 • • *Euphorbiaceae [Spurge family], e.g. ricinus [castorbean]*
- CL N 65/20 • • *Fabaceae or Leguminosae [Pea or Legume family], e.g. pea, lentil, soybean, clover, acacia, honey locust, derris or millettia*
- CL N 65/22 • • *Lamiaceae or Labiatae [Mint family], e.g. thyme, rosemary, skullcap, selfheal, lavender, perilla, pennyroyal, peppermint or spearmint*
- CL N 65/24 • • *Lauraceae [Laurel family], e.g. laurel, avocado, sassafras, cinnamon or camphor*
- CL N 65/26 • • *Meliaceae [Chinaberry or Mahogany family], e.g. mahogany, langsat or neem*
- CL N 65/28 • • *Myrtaceae [Myrtle family], e.g. teatree or clove*
- CL N 65/30 • • *Polygonaceae [Buckwheat family], e.g. red-knees or rhubarb*
- CL N 65/32 • • *Ranunculaceae [Buttercup family], e.g. hepatica, hydrastis or goldenseal*
- CL N 65/34 • • *Rosaceae [Rose family], e.g. strawberry, hawthorn, plum, cherry, peach, apricot or almond*

- CL N 65/36 · · · *Rutaceae [Rue family], e.g. lime, orange, lemon, corktree or pricklyash*
- CL N 65/38 · · · *Solanaceae [Potato family], e.g. nightshade, tomato, tobacco or chilli pepper*
- CL N 65/40 · *Liliopsida [monocotyledons]*
- CL N 65/42 · · · *Aloeaceae [Aloe family] or Liliaceae [Lily family], e.g. aloe, veratrum, onion, garlic or chives*
- CL N 65/44 · · · *Poaceae or Gramineae [Grass family], e.g. bamboo, lemon grass or citronella grass*
- CL N 65/46 · · · *Stemonaceae [Stemona family], e.g. croomia*
- CL N 65/48 · · · *Zingiberaceae [Ginger family], e.g. ginger or galangal*
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ANNEX 2E B41F [Project-Rapporteur : C437/SE] <CE39>

- AL D 17/06 (transferred to **B41F 17/13**)
- CL M 17/08 · for printing on filamentary or elongated articles *or material*, or on articles with cylindrical surfaces
- AL M 17/10 · · · on articles *or material* of indefinite length, e.g. wires, hoses, tubes; *or* yarns
- AL N 17/13 · · · · *for printing on rolls of material, the roll serving as impression cylinder, e.g. strip printers*
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ANNEX 3E G05G [Project-Rapporteur : M013/IB] <CE39>

- CL U **7/00** <unchanged>
- CL U **9/00** <unchanged>
- CL U **11/00** <unchanged>
- CL U **13/00** <unchanged>
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[End of Technical Annexes and of document]