

ANNEX III

PROCEDURES OF REVISION AND PUBLICATION OF THE IPC

PROPOSAL

Principles

1. After a transitional period, as described below, the maintenance of two separate and autonomous levels of the IPC, i.e. of the core and of the advanced levels, will be discontinued. Only one text of the Classification will be maintained and published, corresponding to the current advanced level. The terms “core level” and “advanced level” will be discontinued, since they have led to confusion. Titles, references, notes, definitions and version indicators of the current core level groups will be the same whether the full text of the Classification is displayed or a part of it (e.g. main groups only). Common rules for classification apply to all users of the IPC.
2. Small Offices with limited resources or expertise for classification may classify their documents either at subclass level (as foreseen in Article 4(4) of the Strasbourg Agreement) or using the main groups of the IPC. Offices using only main groups fulfill their obligations as foreseen in Article 4(3) of the Strasbourg Agreement. On the other hand, those Offices whose patent collections belong to the PCT minimum documentation are held to use the complete Classification (i.e., the current advanced level). Offices should notify the International Bureau (IB) whether they classify using subclass, main groups only or the complete Classification. The IB will publish a list, regularly updated, indicating the above use.

Publication

3. The IPC will be published once a year in electronic form only. The Committee will review, at its forty-second Session, whether the number of publications should be increased to twice yearly. The IB will in the meantime review the IT tools available to offices for the translation and preparation of national versions of the IPC, including definitions, so as to increase their effectiveness and robustness. There will no longer be a paper publication. The “PDF” version will become available, at the latest, on the day of entry in force. Only one version of the master and “PDF” files will be published corresponding to the complete IPC. A view of the main groups alone will be available, as an alternative to the full text or the hierarchical view of the Classification. However, the IB will assist Offices with limited Internet resources to provide, on demand, a version that is convenient for their environment.
4. For yearly publication the date of entry in force will be January 1. The master files (i.e., scheme, RCL, compilation and validity files) and the early Internet publication will be published in both official languages six months before entry in force in order to allow the timely preparation of national versions of the Classification, of the Working Lists and the subsequent reclassification.

Revision Requests/Revision Projects

5. In view of the importance of the harmonization process of the internal classification systems of the IP5 Offices for the development of the IPC, any project forwarded from this process (including Trilateral Harmony projects) will automatically be included in the IPC revision program and treated with priority. Such projects will be considered during their IPC phase in order to check their compliance with IPC rules and to ensure the clarity and common international understanding of their content. Amendments to the submitted proposals that would require additional reclassification in respect to the original proposal should be considered only in exceptional cases, with good reasons and with the approval of the project originating office.

6. Other revision requests may be submitted by any member or observer of the IPC Union. For those requests, the new revision policy and criteria for acceptance will apply (see Project CE 405). They should be submitted to the IPC e-forum at least three months before consideration for inclusion in the revision program by the IPC/CE. It should be noted that any new proposed scheme should take into account the local classification systems, in particular those of the Trilateral Offices, in order to minimize the resources required for reclassification. The IB, in cooperation with the EPO, will establish for each request a table with an estimated distribution of families to be reclassified by each Office. This table will be submitted to the e-forum at least two months before the consideration of the request. Offices, in particular those having increased reclassification tasks, should comment on their ability to reclassify their documents for a proposed request prior to discussion at the Committee of Experts meeting.

7. Before accepting a revision request the availability of resources for reclassification of the PCT minimum documentation should be assured. If this is not the case and if, however, the project does satisfy the criteria, then the revision request will be put in abeyance until such resources become available.

8. A single revision project will be created per revision request. Exceptionally, more than one revision project might be created if different areas of the Classification are concerned and if there is no overlap in the documentation to be reclassified. A request should not be divided into different projects according to the hierarchical level of the proposed groups. However, once the main structure of a project has been approved, the discussion of a part of a project might be forwarded to a subsidiary body or subgroup (see below revision procedure).

Revision Procedure/Preparation of the French version

9. The Committee recognizes that the IP5 offices, in the framework of the hybrid classification foundation project, will be the driving force behind the IPC revision in the years to come. In that respect the IP5 offices will make IPC revision proposals based on their internal schemes. Concerning existing harmony projects, the trilateral offices will decide at which stage a project will enter its IPC phase.

10. The Committee realizes the need of an efficient revision process. A technical body is needed that will adapt the proposals by the IP5 or the trilateral offices to the IPC rules and language, as described in paragraph 5 above. A wide participation in its physical meetings will allow a better international understanding and use of the new schemes to be adopted, and is expected to contribute to a broader participation in the reclassification work.

11. In view of the limited number of revision projects during the next two years, it is proposed that this technical body will be the IPC/WG in its current composition. The Committee will evaluate at its next sessions whether the IPC/WG accomplishes these tasks in an efficient way and, if not, whether there will be a need for a review, e.g. of its composition or its working methods.

12. All revision projects will be considered by the IPC/WG and after completion they will be forwarded to the Committee for final adoption. In order to achieve efficient consideration of the revision projects, the work of the IPC/WG will be limited to the consideration of revision, definition and maintenance projects, priority being given to revision projects and to the corresponding definition projects. Other tasks that were considered during the last years by the IPC/WG, e.g. coordination of the reclassification work or monitoring of the use of residual groups, will be considered by the Committee, which might create *ad hoc* or permanent task forces to deal with such matters, e.g., the QCTF.

13. Discussions on the IPC e-forum should be enhanced. These discussions should try to settle most of the substantive and technical issues prior to subsequent physical meeting of the IPC/WG. In particular when there are controversial issues on a project, two rounds of comments should be organized between sessions. During sessions some issues or parts of a project may be forwarded either to a subsidiary body or to a subgroup with limited participation. The IPC/WG should be further encouraged to take measures that would increase its efficiency.

14. The IB will in principle prepare the first draft of the French version of a project when the project is at a rather advanced stage, e.g. once approximately 80% of the proposal is approved, early enough after the session of the IPC/WG in order to allow time for commenting by French-speaking Offices. The IPC/WG will discuss the French version whenever needed, in particular when deficiencies in the English version are discovered during the preparation of the French version. Otherwise, if the English version is already completed, the French version might be adopted directly by the Committee. In case of short and relatively simple projects, the French version might be prepared by a volunteering Office eventually during a session of the IPC/WG.

15. Once consideration of a project is completed by the IPC/WG, it is forwarded to the Committee for final adoption. This adoption may take place either electronically or either during an ordinary session of the Committee, depending on the date of publication. If needed, the RCL will also be adopted and the cross references checked. This adoption will also be the last opportunity for checking the new scheme before publication.

Reclassification.

16. It is confirmed that every effort should be made to make the reclassified search files of the PCT minimum documentation available on the date of entry into force of the corresponding revised schemes. The IP5 Offices confirm their commitment to reclassify the PCT minimum documents having a simple family member in one of their working languages for those revision projects that have originated from a Harmony project or the IP5 “Common Hybrid Classification” foundation project, following the provisions that will be described in the revised CONOPS. For other projects other distributions of reclassification work could be decided depending on the interest that some Offices might have on a particular project, e.g. China with Project C432, the principle being to reclassify one simple family member and propagate the symbol(s) to the other members as appropriate. Further details on the propagation of symbols to other family members are indicated in CONOPS. When considering a revision request each Office should indicate to what extent it will be able to participate in the reclassification. For example if a project is based on ECLA, the EPO could commit to reclassify all families already classified in ECLA.

17. All remaining families will be distributed to Offices based on an algorithm that takes into account their preferences and the priority Office. The QCTF will work out the details of the distribution algorithm.

18. Concerning the collections of Offices classifying at a subclass or main group only, their documents having a family member reclassified by a user of the complete IPC, will receive the new symbol(s) by propagation. The remaining documents will be reclassified, if needed, by the respective Offices. Assistance may be requested by these Offices in order to reclassify such remaining documents.

19. If an Office cannot achieve reclassification of the complete collection to which it was committed, before the entry into force of a new scheme, the Committee should decide whether the entry into force of this scheme should be postponed or whether it should be published with incomplete reclassification provided that there is a specific new completion date. However it should be noted that Offices which will not have the resources to accomplish reclassification before the entry into force should continue reclassification of the remaining documents. Assistance from other Offices could be requested, e.g. via family members or using automatic translation of original documents.

20. In case that complete reclassification cannot be achieved by the envisaged date of entry into force the procedure adopted at the 40th session of the Committee for subclass H04W as exceptional and experimental should be used when needed. This would, for example, allow the front file classification of active technologies. In any case a considerable amount of the backfile should be reclassified on the date of entry into force. In the new scheme, warnings should be included indicating which collections of documents are not yet reclassified, e.g., documents of country X published between date 1 and date 2. These warnings should include links to the corresponding scheme that should be used to search these collections. Furthermore, no new revision should be undertaken in that area before completion of the reclassification.

21. A centralized system will be created at WIPO in order to organize, facilitate and monitor the reclassification. The system will regularly receive Working Lists by the EPO and possibly additional national lists by other offices containing the families to be reclassified. Offices will be able either to reclassify the documents in their list one by one using this service, or they will be able to extract their working lists and then submit their result lists after reclassification. Links will be provided to the new and the old scheme, to the full text of the documents and their family members. Access to the reclassification data will be available to all. Interested Offices or the public will be able to submit proposals to the IB for reclassification of those families that remain without reclassification after a certain period. The IB will regularly monitor the situation with the remaining not yet reclassified documents and alert Offices which have not yet completed their tasks. Links will also be provided from the internet publication of the IPC to those documents that are not reclassified through the corresponding "bridge". The IB will propose in due time detailed requirement specification to be considered by the QCTF.

Standards – Databases

22. Concerning the standards ST.8 and ST.10C, in principle there is no need for major modifications. Amendments might also be needed to some master files. Concerning the master files and the Internet versions published since 2006.01, a decision should be taken as to whether core level attributes should be maintained or not. The practice of rolling up symbols and the handling of existing rolled-up symbols in the MCD, should also be reconsidered. The QCTF should investigate these issues and propose the necessary amendments to the Committee.

Timetable of Implementation

23. The IB will launch a consultation of current core level Offices and of other users, on the new simplified structure and process. Based on this consultation and following the 2nd seminar with IPC users, which will be scheduled for February 2010, the Committee will finally adopt the new structure of the IPC. The IB will prepare amendments to the Guide and to all other basic documents (e.g. Guidelines) to align them to the new structure and procedures. Concerning in particular CONOPS, discussion will continue in the framework of project SC022 and a proposal will be submitted to the Committee for adoption at its next session. The Committee will also adopt any amendments needed to Standards ST.8 and ST.10C (see paragraph 22 above) and forward these amendments to the Standards and Documentation Working Group for adoption. All the above modifications will enter into force with the relevant publication of the IPC in 2011.

24. All projects completed and adopted by the CE at its 41st session and by the ALS at its sixth and seventh session will enter into force on January 1, 2010, in both the core and advanced levels. The IPC/WG at its June session will include all pending A and C projects in its agenda.

25. The IB is requested to take action for the promotion and publicizing of the new simplified structure and procedure to the IPC users, and to bring the matter to the attention of the IPC Union Assembly as well.

[Technical Annexes follow]