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WORLD INTELLECTUAL PROPERTY ORGANIZATION
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SPECIAL UNION FOR THE INTERNATIONAL PATENT CLASSIFICATION
(IPC UNION)

AD HOC IPC REFORM WORKING GROUP

Fourth Session

Geneva, October 30 to November 3, 2000

REPORT

adopted by the Working Group

INTRODUCTION

1. The ad hoc IPC Reform Working Group (hereinafter referred to as “the Working Group”) held its fourth session in Geneva from October 30 to November 3, 2000. The following members of the Working Group were represented at the session: Belgium, Canada, Croatia, Egypt, Finland, France, Germany, Ireland, Japan, Netherlands, Norway, Portugal, Republic of Korea, Romania, Russian Federation, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States of America, Eurasian Patent Office (EAPO), European Patent Office (EPO) (23). The Patent Documentation Group (PDG) and the publishers of the journal *World Patent Information* (WPI) were represented by observers. The list of participants appears as Annex I to this report.

2. The session was opened by Mr. J. Calvert (United Kingdom), Chairman of the Working Group. Mr. M. Makarov, Head, International Patent Classification Section, Office of the PCT (Patent Cooperation Treaty), WIPO, welcomed the participants on behalf of the Director General.

OFFICERS

3. Mr. M. Makarov (WIPO) acted as Secretary of the session.

ADOPTION OF THE AGENDA

4. The Working Group unanimously adopted the agenda, which appears as Annex II to this report.

CONCLUSIONS, DISCUSSIONS AND DECISIONS

5. 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 Working Group (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 Working Group was expressed or repeated after the conclusion was reached.

REPORT ON THE THIRD MEETING OF THE TRILATERAL WORKING GROUP ON CLASSIFICATION

6. The Delegation of the EPO, on behalf of the Trilateral Offices, reported on the third meeting of the Trilateral Working Group on Classification, held in Washington, from September 11 to 15, 2000, and introduced document IPC/REF/4/2 containing a report of that meeting. The Delegation explained that the decisions of the Trilateral Offices, summarized in the report of the meeting, served as a basis for establishing the trilateral position with regard to various tasks on the IPC reform program and for submitting working documents under those tasks. The Delegation clarified the contents of some parts of the report by responding to questions raised by the participants at the session.

7. The Working Group noted the report on the third meeting of the Trilateral Working Group on Classification.

CONSIDERATION OF THE IPC REVISION POLICY AND THE REVISION PROCEDURE IN RELATION TO THE CORE AND ADVANCED LEVELS OF THE REFORMED IPC

8. The Working Group discussed the proposal submitted by the International Bureau, relating to the revision policy and revision procedure for the reformed IPC (see Annex 16 to project file IPC/R 2/99 Rev.2) and made the following remarks:

– although it was difficult to specify in detail the revision policy and revision procedure for the reformed IPC until the IPC Committee of Experts took a decision concerning the most appropriate contents of the core level of the IPC, consideration of this task should progress on a provisional basis;

– a systematic maintenance procedure aimed at increasing the quality of the IPC should be introduced for the core and advanced levels; such maintenance procedure should be specified separately from the traditional revision procedure disclosed in the proposal of the International Bureau;

– since revision of the advanced level would often require the respective revision of the core level, some type of accelerated procedure should also be elaborated for the core level.

9. The Working Group noted that revision of the advanced level would practically be carried out by the Trilateral Offices and agreed that, for detailing the IPC revision procedure, it would be necessary to know the procedure that would be employed in the framework of the trilateral cooperation. The Delegation of the EPO informed the Working Group that the respective concept of operation was to be discussed by the Trilateral Offices.

10. With regard to paragraphs 24 and 25 of the proposal by the International Bureau, specifying the role of a special subcommittee supervising the revision of the advanced level, the Working Group agreed that supervision would be necessary in order to ensure the compliance of the amendments to the advanced level with general principles and rules of the reformed IPC and to provide a mechanism for resolving possible disagreements in relation to the proposed amendments. In the opinion of some Delegations, such supervising functions should be carried out by the Committee of Experts itself.

11. The Working Group realized that providing supervision or control over the revision of the advanced level related to the competence of the Committee of Experts and recommended to the Committee to consider this question at its thirtieth session, in February 2001.

12. Having made some changes to the proposal of the International Bureau and excluded some parts of the proposal which could not be specified at the current stage, the Working Group requested the International Bureau to publish the amended proposal in project file IPC/R 2/99 so as to provide a basis for further elaboration of this task.

13. The Working Group also requested the International Bureau to prepare, after the thirtieth session of the Committee of Experts, a revised proposal and to circulate it for comments in time for the fifth session of the Working Group.

INTRODUCTION OF ELECTRONIC DATA ILLUSTRATING THE CONTENTS OF IPC ENTRIES (DEFINITIONS)

14. Discussions were based on the recommendations by the Definition Task Force contained in its Summary of discussions distributed at the session and on the modified definition format paper submitted by the United States of America (see Annex 32 to project file IPC/R 3/99).

15. The definition format was provisionally approved with some amendments and appears as Annex III to this report. Members of the Working Group were requested to submit comments on the format by January 15, 2001, and to propose editorial changes that would bring it more in line with the IPC terminology.

16. The Working Group recalled that the Committee of Experts had instructed the Definition Task Force to study “the difference between informative and defining references” (see document IPC/CE/29/11, paragraph 43). In this respect, the Delegation of Sweden volunteered to prepare, by January 15, 2001, such a study and to submit it for comments by the other members of the Definition Task Force.

17. The Working Group agreed that defining references should be retained in the titles of subclasses or groups of the IPC, but should not be repeated in the “Subclass title” or “Group title” part of classification definitions. With regard to explanatory-type information currently contained in notes in the IPC, it was agreed that notes defining subject matter not covered by a subclass or group should be retained in the IPC, but other explanatory-type information should be transferred to classification definitions.

18. The Working Group agreed to recommend to the IPC Revision Working Group to create Task Forces (one for each technical field) for the elaboration of classification definitions in addition to example definitions already prepared, and indicated that the Task Forces should give priority, in creating definitions, to subclasses currently under revision. In the long term, definitions should be elaborated for all IPC subclasses and main groups, and for selected subgroups where necessary.

GENERAL PRINCIPLES OF CLASSIFICATION; ELABORATION OF RULES FOR MULTIPLE CLASSIFICATION IN THE IPC

19. The Working Group discussed in detail the background paper concerning different types of multiple classification which could be implemented in the IPC, submitted by the EPO, and the draft guidelines on obligatory classification in the IPC, submitted by the United States of America on behalf of the Trilateral Offices (see Annexes 16 and 17, respectively, to project file IPC/R 4/99 Rev.4).

20. With regard to the background paper on multiple classification, the following remarks were made:

- classification of different categories of subject matter, for example, product and process, process and apparatus, should be specifically indicated as a particular type of multiple classification relating to several inventions disclosed in a patent document;
- multiple classification of the Markush-type claims should be explained;
- it should be investigated whether the presented list of six principal types of multiple classification was complete;
- examples of each type of multiple classification should be added for illustrating purposes.

21. With regard to the draft guidelines, the following remarks were made:

- paragraph II of the guidelines could be excluded since its contents was disclosed in other parts of the guidelines;

- paragraphs III(a), III(b), IV and V of the guidelines should be redrafted with due account of corresponding provisions of the Guide to the seventh edition of the IPC;
- the guidelines should specifically address particular aspects of obligatory classification in the core and advanced levels of the IPC, taking into account that classifiers to the core level would not always be experts in the field.

22. The Working Group, finally, agreed that, since rules for multiple classification should be regarded as part of general principles of classification, a combined working document should be prepared on the basis of the discussed background paper and draft guidelines. In the opinion of the Working Group, that combined document should serve as a principal source of material for the future revision of the Guide to the IPC.

23. The Working Group accepted, with appreciation, an offer of the Delegation of the United States of America to prepare, by February 1, 2001, the combined document by incorporating the background paper into the draft guidelines and taking account of the remarks referred to in paragraphs 20 and 21, above. Comments on the draft combined documents were requested by April 1, 2001, with a view that a final version of the document could be submitted in time for its consideration at the fifth session of the Working Group.

REVIEW OF THE HYBRID SYSTEMS IN THE IPC

24. The Working Group noted the work carried out by the Hybrid Systems Task Force in reviewing the hybrid systems in the IPC, as outlined in the Summary of discussions of the Task Force distributed at the session. The discussions of the Working Group were based on the recommendations made by the Task Force.

25. The Working Group noted that the work of the Task Force was initiated by the statistical study of the use of separate indexing schemes conducted by the EPO (see Annex 18 to project file IPC/R 5/99 Rev.3) and agreed that statistical distribution of indexing schemes allowed to define a borderline between low-use and high-use indexing schemes at 10%. In conformity with the principles of treatment of the hybrid systems approved at its third session (see paragraph 35 of document IPC/REF/3/2), the Working Group agreed that indexing schemes introduced in the sixth edition or earlier editions of the IPC with use below 10% should be excluded from the IPC, subject to any persuasive reasons in favor of their retaining which could be submitted by the members of the Working Group by March 1, 2001.

26. The Working Group noted that the indexing schemes introduced in the seventh edition of the IPC should be retained, as well as the indexing schemes contained in the following places of the IPC: B 29 K, B 29 L, B 62 D, C 04 B 103:00 and 111:00, C 09 K, C 10 N, D 06 M and F 16 L.

27. The Working Group considered the draft Guidelines for the creation and use of indexing schemes prepared by the United States of America and made available at the session and agreed that the Guidelines should provide a basis for possible future proposals of indexing schemes or for conversion of existing indexing schemes into classification schemes. With a view to finalizing the Guidelines, the Working Group invited comments thereon by February 1, 2001 and requested the United States of America to submit a final version of the Guidelines by April 1, 2001, for discussing at the fifth session of the Working Group.

28. The Working Group indicated that the following questions should, in particular, be considered for the final version of the Guidelines:

- whether there should be a strong link between the type of information (invention information or other information) and the type of the scheme (classification or indexing), namely, whether indexing symbols should only be used for non-invention information;
- whether creation and use of classification schemes intended for secondary classification, such as subclass A 61 P, should also be covered by the Guidelines;
- whether another search technique, for example, text searching, could be used in particular technical fields instead of indexing schemes.

29. The Working Group agreed to request the IPC Revision Working Group to consider conversion into classification schemes of the indexing schemes which would be retained in the IPC (see paragraph 26, above) on the basis of the above Guidelines when they have been finalized, taking into consideration the relevant studies already conducted by the EPO and the United Kingdom (see Annexes 23 and 24 to project file IPC/R 5/99 Rev.4).

30. In accordance with its earlier decision to abolish double-purpose use of classification groups in the IPC (see paragraph 35(d) of document IPC/REF/3/2), the Working Group approved the recommendation of the Task Force that the existing notes specifying the use of double-purpose schemes for indexing purposes should be replaced by notes explaining the use of classification schemes for additional classification.

31. Finally, the Working Group considered the explanatory paper submitted by the EPO (see Annex 22 to project file IPC/R 5/99 Rev.3) on classifying of constituents in a mixture and approved the approach proposed by the EPO, namely, that the mixture as a whole should be classified as invention information and constituents of the mixture should be classified as additional information using existing classification schemes for compounds, for example, classes C 01 and C 07. It was noted that detailed rules would be needed for classifiers to use that approach in order to avoid inconsistency in classifying.

STUDY OF THE POSSIBILITY OF COOPERATION BETWEEN OFFICES IN THE RECLASSIFICATION OF BACKLOG PATENT FILES

32. The Working Group considered the proposal by the International Bureau concerning a new presentation of classification symbols for the reformed IPC (see Annex 14 to project file IPC/R 8/99 Rev.4) and decided that a linked mode of presentation of additional information symbols should not be used because it would bring unnecessary complexity in the presentation of classification symbols without providing sufficient benefits for the user.

33. In connection with the above-mentioned proposal, the Working Group agreed that the linear form of the presentation of classification symbols, currently used in the IPC, should be replaced by a tabular form as suggested by the EPO and the United States of America (see Annexes 18 and 26 to project file IPC/R 8/99). It was noted that the tabular form of the presentation of classification symbols would allow different types of classification information to be shown in a more simple and clear way.

34. The Working Group recommended to the IPC Committee of Experts to introduce a tabular form of the presentation of classification symbols, noting, however, the need for industrial property offices to verify implementation of this recommendation because it could require changes in the formats, for example, of the first page of patent documents.

35. The Working Group reviewed the background paper, submitted by the EPO, concerning special marking of IPC symbols for the reformed IPC (see Annex 16 to project file IPC/R 8/99 Rev.4) and generally supported the need for introduction of additional data fields indicators. The Working Group noted that, in view of consequences for internal operations of industrial property offices, the proposal should be studied in detail.

36. In order to expedite elaboration of a final list of additional data fields indicators, the Working Group agreed to create a Data Recording Task Force. The Working Group noted that the following Offices volunteered to participate in the Task Force: France, Norway, United Kingdom, United States of America, EPO, and that the International Bureau would act as coordinator of the Task Force.

37. With a view to collecting basic information for the work of the Task Force, the Working Group requested its members to submit comments on the background paper of the EPO by January 1, 2001. The Delegation of the EPO informed the Working Group of the need to identify a complete list of additional indicators as soon as possible, in view of rebuilding the DOC d.b. database, which database would serve as a basis for the future Master Classification Database.

38. The Working Group reviewed the position paper relating to a new proposal on utilizing priority application classification data, submitted by the United States of America on behalf of the Trilateral Offices (see Annex 17 to project file IPC/R 8/99 Rev.4) and generally supported the proposed republication broadcasting of classification data.

39. The Working Group agreed that the proposed broadcasting procedure could lead to improving consistency in classifying published patent documents and to reducing expenses to the classification work.

40. Noting possible legal and practical problems involved, the Working Group decided that the proposal should be further investigated and instructed the Data Recording Task Force (see paragraph 36, above) to carry out a detailed study of the proposal.

DETERMINATION OF THE MOST APPROPRIATE CONTENTS OF THE CORE LEVEL OF THE IPC

41. Discussions were based on the results of the study conducted by the EPO on establishing the restricted core level of the IPC by using an automated procedure based on the file size of IPC groups (see Annexes 12 to 14 to project file IPC/R 14/00 Rev.3). The Working Group expressed its thanks to the EPO for the significant work done in obtaining results relating to the whole section A of the IPC.

42. The Working Group noted that the distribution of IPC groups between the core and advanced levels resulting from the applied procedure would lead to the inclusion of approximately 70% of groups of the current IPC in the core level. It was also noted that the results obtained, in the light of the comments submitted by Sweden and France (see Annexes 16 and 17 to project file IPC/R 14/00 Rev.3), demonstrated the need to take account of precedence rules, for example, the last place rule, in determining the groups that should be included in the core level or the advanced level.

43. The Working Group agreed that, in establishing the most appropriate contents of the core level, several factors should be taken into consideration, such as sufficient searching power for retrieval of information contained in large national patent collections, limited need for revision, minimized reclassification expenses, and that those factors could be conflicting. The Working Group noted that for small industrial property offices it would be preferable to have a small core level for facilitating the use of the IPC, but medium-sized industrial property offices would need a more detailed core level.

44. The Working Group agreed that, in order to provide a sufficient basis for the IPC Committee of Experts in deciding on the most appropriate contents of the core level, it would be extremely important to collect information on the intentions of industrial property offices with regard to the use of the reformed IPC. The Working Group requested the International Bureau to issue, as soon as possible, a circular inviting members of the Working Group to provide information on whether they intend to use, for classification and searching of patent documentation, the core or advanced level of the IPC and whether they intend to carry out reclassification of their search files following revision changes made to the core or advanced levels. The Working Group indicated that the said information should be made available in time for the thirtieth session of the Committee of Experts, in February 2001.

45. The Working Group felt that inclusion of as much as 70% of IPC groups in the core level, as resulted from the study made by the EPO, would not ensure the necessary stability of the core level and that further investigations, in this respect, were needed. It was noted that, as an alternative to the quantitative approach used by the EPO, a hierarchical approach, based on the structure of the IPC in different technical areas, could be applied.

46. The Working Group, finally, agreed that, in conducting further investigations, a potential size of national patent collections not belonging to the PCT minimum documentation should be taken into account and that this factor would allow applying stricter quantitative criteria in the automated analysis.

47. The Delegation of the EPO volunteered to submit the results of the further study based on the above-mentioned criteria by the end of December 2000. The Working Group invited comments on the study to be submitted by the end of January 2001.

FEASIBILITY OF INTRODUCING A SIMPLIFIED SET OF RULES IN THE IPC, IN PARTICULAR A UNIFORM PRECEDENCE RULE

48. The Working Group noted the work carried out by the Rules Task Force, as outlined in the Summary of discussions of the Task Force distributed at the session. The discussions of the Working Group were based on the recommendations made by the Task Force.

49. It was noted that, following the instruction given by the Working Group (see paragraph 53 of document IPC/REF/3/2), the Task Force had elaborated a standardized sequence of main groups in IPC subclasses and the procedure for its implementation in the existing areas of the IPC, on the basis of the proposal by the United States of America to introduce in the IPC a standardized sequence of main groups, a uniform top-to-bottom precedence rule and a uniform inclusiveness rule (see Annex 3 to project file IPC/R 15/00).

50. The Delegation of the United States of America informed the Working Group that the Trilateral Offices had come to the conclusion that the implementation of the proposed top-to-bottom precedence rule and the inclusiveness rule would not be feasible in the existing areas of the IPC, in view of the huge reclassification involved, and that the Trilateral Offices had agreed to test the proposed rules in pilot projects which would be conducted in the framework of the trilateral cooperation.

51. The Working Group expressed the wish to be periodically informed of the progress achieved in the said pilot projects and indicated that, when the results of the tests have been known, the question of the use in the IPC of the top-to-bottom precedence rule and the inclusiveness rule should be reconsidered.

52. The Working Group discussed the standardized sequence of main groups in IPC subclasses proposed by the Task Force and, following minor changes made, approved the standardized sequence as it appears in Annex IV to this report.

53. The Working Group recommended to use the standardized sequence of main groups as guidance in the elaboration of new subclasses or substantially revised subclasses. It was noted that standardization of the presentation of the sequence of main groups was intended to facilitate the use of the IPC and did not aim at the renumbering of main groups in the existing subclasses which are not under substantial revision.

54. The Working Group agreed that presentation of main groups in the standardized sequence, in parallel with their current presentation in the IPC, was possible to achieve by rearranging information in IPC subclass indexes according to the standardized sequence. This would allow, at the choice of the user, display of main groups in the sequence currently present in the IPC or in the standardized sequence.

55. The Working Group agreed to request the IPC Revision Working Group to start, as soon as possible, revision of subclass indexes according to the approved standardized sequence of main groups and creation of subclass indexes using the standardized sequence in subclasses where they are missing. It was noted that, in the course of the revision of subclass indexes, some standardization of the sequence of subgroups in main groups could be achieved by including, in subclass indexes, of subgroups representing different categories of subject matter indicated in the standardized sequence. In the opinion of the Working Group, this procedure could lead, in the long term, to the standardization of the sequence of groups in the IPC.

56. The Working Group indicated that, in the course of the revision of subclass indexes, a limited revision of the subclasses under consideration, for example, introduction of residual main groups where necessary, would be desirable.

57. Finally, the Working Group recommended to the IPC Committee of Experts to consider, when adopting amendments to the seventh edition of the IPC, the possibility of rearranging of main groups according to the standardized sequence.

STUDY OF WAYS AND MEANS FOR THE ESTABLISHMENT OF THE FRENCH VERSION OF THE ADVANCED LEVEL OF THE IPC

58. Discussions were based on Annex 3 to document IPC/R 16/00, containing the proposal by the International Bureau for the establishment of the French version of the advanced level of the IPC. It was agreed that both proposed approaches should be explored, namely:

- (a) outsourcing the translation of amendments to external contractors; and
- (b) elaboration of automated translation tools which could produce translated texts at least of the quality sufficient for final editing.

59. The Working Group noted that financial resources would be required for the study of the best solution and for its implementation in view of the fact that current available manpower resources at the offices having French as a working language would not be sufficient to cope with the increased volume of the translation work.

60. The International Bureau informed the Working Group of its intention to request resources necessary for conducting a study of automated translation tools for the biennium 2002-03.

61. The Working Group, finally, agreed to recommend to the IPC Committee of Experts that a procedure for the preparation of the French version of the advanced level of the IPC should be elaborated.

INTERNET-BASED IPC MANAGEMENT SYSTEM – IBIS (IPCISBIS) PROJECT STATUS

62. The International Bureau gave an overview on the status of the IBIS project and explained that it intended to replace the currently used IPC Information System (IPCIS) by an Internet-based new IPC management system in the framework of the IBIS project. The International Bureau indicated that the new IPC management system was aimed at supporting the revision process for the reformed IPC.

63. The Working Group expressed its support for conducting the IBIS project and requested the International Bureau to provide periodical reports on its progress.

64. Technical information on the project is included in Annex V to this report for future reference of the members of the Working Group.

IMPROVEMENT OF IPC TRAINING BY PROVIDING MODERN TRAINING TECHNIQUES

65. The International Bureau informed the Working Group of the work done in the elaboration of computer-based IPC training tools and made a presentation of the Internet publications *General Information on the IPC* and *Introductory Manual to the IPC*, updated according to the seventh edition of the IPC and containing hyperlinks to IPC-related publications. The International Bureau also demonstrated an Internet-based model of publication of IPC training examples and informed of its plans to include on the IPC Web site a complete collection of training examples.

66. The Working Group expressed its appreciation with the work carried out by the International Bureau.

67. The Delegation of Spain requested the International Bureau to also include on the IPC Web site the Spanish version of the publication *General Information on the IPC*.

STATUS OF THE IPC REFORM PROGRAM

68. The Working Group reviewed the tasks included in the IPC reform program and noted the work which remained to be done in respect of those tasks. The status of the tasks is shown in Annex VI to this report.

NEXT SESSION OF THE WORKING GROUP

69. The Working Group noted the tentative dates for its fifth session: May 14 to 18, 2001.

70. This report was unanimously adopted by the Working Group at its closing meeting on November 3, 2000.

[Annexes follow]