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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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

AD HOC IPC REFORM WORKING GROUP

Sixth Session

Geneva, October 29 to November 2, 2001

REPORT

adopted by the Working Group

INTRODUCTION

1. The ad hoc IPC Reform Working Group (hereinafter referred to as “the Working Group”) held its sixth session in Geneva from October 29 to November 2, 2001. The following members of the Working Group were represented at the session: Belgium, Canada, Croatia, Finland, France, Germany, Ireland, Japan, Mexico, Netherlands, Norway, Portugal, Romania, Russian Federation, Spain, Sweden, Switzerland, United Kingdom, United States of America, European Patent Office (EPO) (20). The publishers of the journal *World Patent Information (WPI)* were represented by an observer. The list of participants appears as Annex I to this report.

2. The session was opened by Mr. R. Saifer (United States of America), Chairman of the Working Group.

OFFICERS

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

ADOPTION OF THE AGENDA

4. Following some changes made, 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 NINETEENTH SESSION OF THE ASSEMBLY OF THE IPC UNION

6. The Working Group noted an oral report by the Secretariat on the nineteenth session of the Assembly of the IPC Union (see documents IPC/A/19/1 and IPC/A/19/2), held in September/October 2001, at which session the Assembly had considered the IPC reform status report that described the principal results achieved in the process of the reform from 1999 and included the strategic plan for the development of the IPC. The Working Group was informed that the Assembly had taken note of the IPC reform status report and, in the interventions made, the Delegations of the member States of the IPC Union had supported the IPC reform process and underlined the importance of cooperation in conducting the reform in order to fully achieve its objectives.

7. The Working Group was also informed that the Assemblies of the Member States of WIPO, at their thirty-sixth series of meetings in September/October 2001, had approved several Information Technology (IT)-related projects for the 2002-2003 biennium, including the CLAIMS project intended for elaboration of automated classification and reclassification tools, computer-assisted tools for supporting translation of classification texts and implementation of the IPC reform results.

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

8. The Delegation of the EPO reported on the fifth meeting of the Trilateral Working Group on Classification, held in The Hague from September 11 to 14, 2001. The Delegation explained that subjects discussed at the meeting had been grouped into three major categories, namely, IPC reform issues, classification harmonization projects and classification of traditional knowledge.

9. The report on the fifth meeting of the Trilateral Working Group on Classification is reproduced in Annex III to this report.

GLOSSARY OF TERMS FOR THE REFORMED IPC

10. Discussions were based on the Glossary of Terms for the reformed IPC prepared by the United States of America (see project file IPC/R 17/01 Rev.2, Annex 6).

11. The Delegation of the United States of America explained that the proposed Glossary of Terms was intended for clarification of various aspects of IPC reform with a view to facilitating their common understanding.

12. Following detailed discussions, the Working Group approved, with certain changes, the English version of several terms and expressions which are reproduced in Annex IV to this report, but, because of lack of time, was not in a position to finalize consideration of the Glossary.

13. The following remarks were made with respect to remaining terms and expressions in order to facilitate their further elaboration:

- re “Basic Subject Matter of a Subclass”: the first part of the definition of this expression was approved (see the said Annex IV), the second part should be clarified and include appropriate examples;

- re “Combinations/Subcombinations”: the concept of the definitions was approved but their wordings should be reconsidered;

- The definition of the term “indentation” should be added to the Glossary.

14. The Working Group agreed that, upon completion, the Glossary should serve as a reference tool in the elaboration of new concepts of IPC reform, and that a part of the terms from the Glossary should be included in the Guide to the IPC.

15. The United States of America was invited to submit a revised version of the Glossary by March 1, 2002. Comments thereon were invited by April 1, 2002, and the final version of the Glossary by the United States of America was requested by May 1, 2002.

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

16. Discussions were based on project files IPC/R 2/99 Revs.5 and 6 containing the revised proposal on the IPC revision policy and the revision procedure for the reformed IPC, prepared by the International Bureau, and comments submitted on the proposal by industrial property offices.

17. In discussing the proposal, the Working Group agreed that, for revision of the advanced level by subdividing advanced level groups, minimum quantitative criteria should be applied, as they would facilitate determination of IPC areas which were in need of revision and selection of revision proposals which were appropriate for inclusion in the revision program. The Working Group underlined, however, that the criteria should be applied in a flexible manner and the IPC Special Subcommittee, when considering revision proposals, should be authorized to depart from the established criteria when this was justified by cost/benefit reasons.

18. The Working Group noted that the parts of the revision procedure concerned with the preparation of the French version of the IPC could not be currently specified in detail and would be reconsidered in the future depending on the results of Task No. 16 and the CLAIMS project.

19. The Working Group agreed that a systematic IPC maintenance procedure aimed at continuous improvement of the quality of the IPC should be elaborated separately from the IPC revision procedure and accepted, with gratitude, an offer by the Delegation of Sweden to prepare a draft proposal relating to the maintenance procedure in time for the seventh session of the Working Group.

20. The Working Group requested the International Bureau to prepare a modified proposal on the IPC revision policy and the revision procedure, taking into account the comments submitted and made at the session, by March 1, 2002. Comments on the modified proposal were invited by April 1, 2002, and the final proposal was requested from the International Bureau by May 1, 2002.

21. The Working Group agreed that the above deadlines should also be applied with regard to the proposal to be submitted by Sweden.

INTRODUCTION OF ELECTRONIC DATA ILLUSTRATING THE CONTENTS OF IPC ENTRIES

22. Discussions were based on the rapporteur report (see Annex 53 to project file IPC/R 3/99 Rev.11) on the definition for limiting references in the IPC. The following definition was approved by the Working Group, which replaces the one approved at its previous session (see document IPC/REF/5/3, paragraph 17).

23. Limiting reference:

“A limiting reference is a reference associated with a classification place, that:

“(a) excludes specified subject matter from the scope of this classification place, when this subject matter would otherwise fulfill all the requirements of the classification title and definition; and

“(b) indicates the place(s) where this subject matter is classified.”

24. The Working Group discussed also whether references of the “specially adapted for” type should be treated as limiting or informative. It was decided that no general rule could be applied to this type of reference at this time. The Definition Task Forces created by the IPC Revision Working Group should consider them individually and decide on a case-by-case basis. When sufficient experience in developing classification definitions is accumulated, the IPC Revision Working Group should consider whether a general rule could be elaborated.

25. The Working Group agreed to recommend to the IPC Committee of Experts to consider Task No. 3 (“Introduction of electronic data illustrating the contents of IPC entries”) completed.

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

26. The Working Group considered the rapporteur report, submitted by the United States of America, containing Guidelines for Obligatory and Non-Obligatory Classification (see project file IPC/R 4/99 Rev.8, Annex 34).

27. In view of the importance of elaborating detailed definitions of basic concepts relating to obligatory and non-obligatory classification, the Working Group discussed in detail proposed wordings and approved the following definitions:

– “Invention information” in a patent document is all novel and unobvious subject matter in its total disclosure (for example, description, drawings, claims) that represents an addition to the state of the art in the context of the state of the art (for example, a solution to a stated problem). “Invention information” should usually be determined using the claims of the patent document for guidance.

– “Addition to the state of the art” is the difference between the subject matter in question and the state of the art.

– “The state of the art” is the collection of all technical “things” that have already been placed within public knowledge.

28. It was noted that it might be necessary to harmonize the approved definitions with definitions created by other WIPO bodies, for example, the Standing Committee on the Law of Patents, for consistency.

29. The Working Group requested the United States of America to prepare the revised Guidelines for Obligatory and Non-Obligatory Classification, by March 1, 2002, on the basis of the approved definitions and taking into consideration the comments submitted by Sweden and the United Kingdom (see Annexes 35 and 36 to project file) aimed at the simplification and clarification of the guidelines.

30. Comments on the revised Guidelines were invited by April 1, 2002, and the rapporteur report by May 1, 2002.

31. The Working Group pointed out that the Guidelines for Obligatory and Non-Obligatory Classification should provide basic material for relevant parts of the new Guide to the IPC and invited the United States of America and the International Bureau to work in a close contact when preparing, respectively, the revised Guidelines and the new Guide for the reformed IPC.

REVIEW OF THE HYBRID SYSTEMS IN THE IPC

32. Discussions were based on Annex 45 to the project file IPC/R 5/99 containing Guidelines for the Conversion of Existing IPC Indexing Schemes into Classification Schemes, proposed by the Trilateral Offices. These Guidelines were approved with some amendments and are reproduced in Annex V to this report.

33. The Working Group agreed to request the IPC Revision Working Group to carry out pilot projects for converting a number of indexing schemes to classification schemes, using the approved guidelines.

34. The Working Group noted that symbols of converted schemes, as well as those of retained indexing schemes, could be used as additional information and that a special marking of additional information would be provided in the Master Classification Database thus permitting different types of searches.

35. The Working Group agreed to recommend to the IPC Committee of Experts to consider Task No. 5 (“Review of the hybrid systems in the IPC”) completed.

DETERMINATION OF THE MOST APPROPRIATE DURATION OF REVISION CYCLES

36. Discussions were based on project files IPC/R 7/99 and its Rev.1 containing a proposal by the International Bureau on the most appropriate duration of revision cycles for the core level of the reformed IPC and comments submitted on the proposal by industrial property offices.

37. The Working Group agreed that a fixed revision cycle would be needed for the core level of the IPC for the periodical publication of its printed version, preparation of national language versions of the IPC, revision of the Guide to the IPC and proper administration of classification and reclassification work.

38. The Working Group agreed that a three-year revision cycle would be the most efficient for the core level as it would accelerate implementation in the core level of the changes necessitated by technological progress, preserving at the same time its relative stability.

39. The Working Group recommended that, although the three-year revision cycle should normally be applied in the future for the core level, the IPC Committee of Experts could extend the revision cycle if it considered the publication of the new edition of the core level premature, as in the case, for example, of an insufficient number of revision amendments made to the core level.

40. The Working Group approved the proposed procedure of temporarily assigning amendments made to the core level in the course of the revision cycle to the advanced level, but pointed out that this procedure, although facilitating the rapid implementation of the results of the core level revision, could lead to the distortion of the compatibility of the core and the advanced levels; appropriate measures should be taken to prevent this, for example, by using revision concordance data to generate an official core level symbol, required by the Strasbourg Agreement, in an automated way.

41. The Working Group requested the International Bureau to prepare a modified proposal on the most appropriate duration of revision cycles, taking into account the comments submitted and made at the session, by March 1, 2002. Comments on the modified proposal were invited by April 1, 2002, and the final proposal was requested from the International Bureau by May 1, 2002.

ELABORATION OF PRINCIPLES OF THE CREATION, MAINTENANCE AND FUNCTIONING OF THE MASTER CLASSIFICATION DATABASE

42. The Working Group considered a proposal, submitted by the EPO (see project file IPC/R 8/99 Rev.9, Annex 45), concerning revision of WIPO Standard ST.8 and requested the EPO to submit the proposal to the Standing Committee on Information Technologies (SCIT) as a body competent in the field of standards and documentation. The Working Group invited the EPO to include in the proposal an introductory part describing the need for and objectives of the revision and expected benefits.

43. The Working Group discussed a list of actions that would be necessary to take by industrial property offices and to implement in the Master Classification Database (MCD), prepared by the EPO (see project file IPC/R 8/99 Rev.9, Annex 48), and agreed that it would not be beneficial to indicate advanced level symbols on the front page of printed patent documents, in view of rapid changes to the advanced level, and that, instead, it should only be mandatory that respective core level symbols were printed. The Working Group indicated that tools automatically generating parent core level symbols from advanced level symbols would be needed for industrial property offices classifying at the advanced level.

44. The Working Group agreed that the above procedure should be included in the list of actions. However, all industrial property offices should check, in time for the seventh session of the Working Group, that there were no legal implications and that all their administrative services concerned would agree to such an action. The International Bureau was requested to verify whether a decision to implement the above procedure could be considered as being in the competence of the IPC Union.

45. The Working Group requested the EPO to provide illustrations or examples for the actions needed as regards the front page of patent documents so as to facilitate implementation of the actions by industrial property offices, to finalize the list of action with respect to still pending items and to submit the final list of actions in time for the seventh session of the Working Group. The EPO was also invited to investigate the need for modification of existing WIPO standards concerned with the front page of patent documents or for creation of a new standard relating to the presentation of IPC data on patent documents.

46. The Working Group also considered the paper submitted by the EPO concerning the Master Classification Database (see project file IPC/R 8/99 Rev.9, Annex 49) and agreed that this paper should serve as a starting point for the elaboration of the principles of classification, reclassification and dissemination of classification data worldwide.

47. Comments were invited on the said paper by February 1, 2002. The EPO was requested to prepare a revised paper by April 1, 2002, taking into consideration the work carried out by the Trilateral Offices in elaborating the Concept of Operations.

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

48. The Working Group considered the study conducted by the EPO on the distribution of IPC groups between the core and the advanced levels in the areas of the IPC where the last place rule is applied (see project file IPC/R 14/00 Rev.6, Annex 21) and the analysis made by the EPO with regard to the possibilities of using automated and manual procedures in various areas.

49. The Working Group also considered a discussion paper by the International Bureau, distributed at the session, containing an analysis of the application of the manual procedure to last place rule areas in section A of the IPC.

50. In view of the time constraints, the Working Group was not able to take a decision on the distribution of IPC groups in last place rule areas and invited comments, by February 1, 2002, on the papers submitted by the EPO and the International Bureau, using the Virtual IPC available on the WIPO IPC Web site as a reference tool.

51. The EPO was requested to further investigate the possibilities of using the automated procedure on the basis of two algorithms indicated by the International Bureau and to prepare, in cooperation with the International Bureau, a final proposal on the distribution of IPC groups in last place rule areas in time for the seventh session of the Working Group.

STUDY THE FEASIBILITY OF INTRODUCING A SIMPLIFIED SET OF RULES IN THE IPC

52. At its fifth session, the IPC Revision Working Group, in the framework of the revision project C 422, noted the difficulties which Subgroup D had experienced in the application of the "Standardized Sequence of Main Groups" (SSMG) to the main groups of the new subclass C 40 B. The IPC Revision Working Group agreed that the SSMG was not beneficial in the field of the combinatorial chemistry and approved the sequence of main groups in subclass C 40 B corresponding to basic successive stages of combinatorial technology. The IPC Revision Working Group agreed to request the Working Group to reconsider the SSMG, with a view to its detailing and providing more examples to facilitate its application in the elaboration of new subclasses.

53. Comments on this request of the IPC Revision Working Group were submitted by Romania, Sweden and the EPO. These comments are reproduced in Annexes 15 to 17 to the project file IPC/R 15/00.

54. The Working Group agreed that currently there was no need to modify the SSMG as approved at its fourth session. It was noted, however, that the SSMG could not give much guidance when there were several main groups with the same degree of complexity.

55. The Working Group confirmed that, when creating a new scheme, the IPC Revision Working Group should always consider first the application of the SSMG. Should this application cause problems, it was allowed to deviate from the SSMG and a sequence should be applied which was more appropriate for efficient classification and search.

56. It was noted that, in the framework of the definition projects, the SSMG should be applied to the subclass indexes of the corresponding subclasses. The IPC Revision Working Group was requested, when sufficient experience had been accumulated, to report to the Working Group on any difficulties encountered and whether any amendments were needed to the SSMG.

REVISION OF THE GUIDE TO THE IPC

57. The Working Group briefly discussed the first draft of the new Guide for the reformed IPC prepared by the International Bureau (see project file IPC/R 17/01 Rev.1, Annex 5) and expressed its thanks to the International Bureau for the considerable work done.

58. The Working Group approved the layout of material in the Guide and noted that certain parts of the Guide would require further modifications in view of the continuing IPC reform process, and that a new chapter describing the use of the IPC for search purposes would be added to the Guide. The Working Group requested the International Bureau to provide for short introductory notes to various chapters of the Guide so as to facilitate its reading.

59. The Working Group noted that several comments on the new Guide had already been submitted and invited further comments by February 1, 2002.

60. The Working Group requested the International Bureau to prepare the second draft of the Guide by March 1, 2002. Comments on the second draft were invited by April 1, 2002, and a final version of the second draft was requested from the International Bureau by May 1, 2002.

IPC REFORM IMPLEMENTATION PLAN

61. Discussions were based on Annex 5 to document IPC/R 18/01 Rev.2, containing the IPC reform implementation plan progress prepared by the International Bureau at the request of the Working Group (see document IPC/REF/5/3, paragraph 5).

62. The Working Group approved the IPC reform implementation plan which appears in Annex VI to this report. The Working Group further noted that the actions of the Working Group scheduled for the fourth quarter of 2001 were accomplished successfully and that updates of the implementation plan would be submitted at each session of the Working Group.

INTERNET-BASED IPC MANAGEMENT SYSTEM – IBIS PROJECT STATUS

63. The Secretariat gave an oral report on the IBIS project status and indicated that the system was delivered on budget and on time. The new, open, XML-based system exploited free open source software solutions for the publishing of the first to seventh editions of the IPC in the official languages and the integration of amendment proposals coming from the IPC Revision Working Group and the IPC Committee of Experts. It was noted that the German and Spanish versions were also available in XML format. The new system was developed in line with the future paradigm of the Internet-based revision. The new IBIS server had been recently installed. The integration of the amendment proposals was done by on-the-fly XSL processing. Some processes were batch driven (generation of the various views, collecting of valid symbols, collecting of reference information).

64. The Secretariat further explained that the new system handled several features of the reformed IPC including the electronic layer with the chemical illustrating formulae, the separation of the core and advanced levels, and the predefined sort order of main groups. The availability of the new system would be announced in November 2001 through the IPC reform list server.

65. The Working Group expressed its satisfaction with the progress of the IBIS project and requested the International Bureau to provide enhanced online printing facilities in the new system.

STATUS OF THE IPC REFORM PROGRAM FOR THE YEAR 2001

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

NEXT SESSION OF THE WORKING GROUP

67. The Working Group noted the tentative dates for its seventh session:
May 13 to 17, 2002.

68. This report was unanimously adopted by the Working Group at its closing meeting on November 2, 2001.

[Annexes follow]