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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

SPECIAL UNION FOR THE INTERNATIONAL PATENT CLASSIFICATION
(IPC UNION)

AD HOC IPC REFORM WORKING GROUP

Seventh Session
Geneva, May 13 to 17, 2002

REPORT

adopted by the Working Group

INTRODUCTION

1. The ad hoc IPC Reform Working Group (hereinafter referred to as “the Working Group”) held its seventh session in Geneva from May 13 to 17, 2002. The following members of the Working Group were represented at the session: Belgium, Canada, Croatia, Finland, France, Germany, Ireland, Japan, Mexico, Norway, Portugal, Republic of Korea, Romania, Russian Federation, Slovenia, Sweden, Switzerland, United States of America, European Patent Office (EPO) (19). Hungary was represented by an observer. The list of participants appears as Annex I to this report.

2. The session was opened by Mr. G. Smith, Director, Office of the PCT (Patent Cooperation Treaty), WIPO, who welcomed the participants on behalf of the Director General.

OFFICERS

3. The Working Group unanimously elected Mr. R. W. Saifer (United States of America) as Chair and Mr. O.A. Aasen (Norway) as Vice-Chair.

4. Mr. Makarov acted as Secretary of the session.

ADOPTION OF THE AGENDA

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

CONCLUSIONS, DISCUSSIONS 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 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 THIRTY-FIRST SESSION OF THE IPC COMMITTEE OF EXPERTS

7. The Working Group noted an oral report by the Secretariat on the thirty-first session of the IPC Committee of Experts (hereinafter referred to as “the Committee”) (see document IPC/CE/31/8), at which session the Committee had considered the results of the IPC reform process in 2001 and provided guidance for carrying out the reform in 2002.

8. The Working Group was particularly informed that the Committee had agreed to consider Tasks No. 3 (“Introduction of Electronic Data Illustrating the Contents of IPC entries”) and No. 5 (“Review of the Hybrid Systems in the IPC”) on the IPC reform program completed.

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

9. The Delegation of the EPO reported on the sixth meeting of the Trilateral Working Group on Classification, held in Washington, D.C. from April 8 to 12, 2002. The Delegation explained that the main purpose of the meeting was to develop the global structure of the Concept of Operations for the advanced level of the reformed IPC, as well as to discuss the procedure for classification harmonization projects.

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

WORKING STRUCTURE AND WORKING METHODS OF IPC BODIES

11. Discussions were based on document IPC/REF/7/2. The Working Group noted that, at the thirty-first session of the Committee, certain Delegations had proposed, in order to accelerate a decision-making process in the IPC Union, that the Working Group be abolished, its duties assumed by the Committee itself and the number of annual meetings of the

Committee increased. It was also noted that the Committee had authorized the Working Group to consider the proposal and, in case the majority of Delegations would be in favor of it, to request the Director General of WIPO, on behalf of the Committee, to convene its extraordinary session in order to take a decision on this matter.

12. The Secretariat indicated that, although the proposal under discussion no doubt had merit, its implementation in the current year could negatively influence the IPC reform process, in view of additional resources that would be needed for convening an extraordinary session of the Committee and taking into consideration that the Working Group had reached a stage where several tasks on its program could be completed in the course of this year.

13. The Working Group endorsed the reasoning of the Secretariat and agreed to recommend to the Committee to consider the abolishment of the Working Group and the increase in the number of annual meetings of the Committee at its next ordinary session, at the beginning of 2003.

14. The Working Group considered the proposal of the International Bureau for the improvement of working methods of the Committee and its working groups and approved the proposal, with certain changes, as presented in Annex IV to this report.

15. The Working Group agreed to recommend to the Committee to adopt the proposal as contributing to a more efficient IPC-related work. The Working Group further agreed that electronic handling of the meeting documentation, as promulgated in paragraph 8 of the proposal, should henceforth be applied to the documentation of the Working Group.

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

Revision Policy and Revision Procedure for the Reformed IPC

16. The Working Group considered the modified proposal by the International Bureau on the revision policy and revision procedure for the reformed IPC (see project file IPC/R 2/99 Rev.7, Annex 40) and, following several changes made, approved the proposal as given in Annex V to this report.

17. With regard to paragraph 50 of the proposal, relating to the preparation of the French version of the amendments to the advanced level of the IPC, the Working Group noted that it was not currently possible to indicate details of procedure for the preparation of the French version since Task No. 16 on the revision program (“Study ways and means for the establishment of the French version of the advanced level of the IPC”) had not yet been thoroughly considered by the Working Group. In this context, the Working Group requested the International Bureau to include consideration of Task No. 16 on the agenda of its next session and to compile background material for its discussion.

18. The Delegation of France said that it was not acceptable for the International Bureau to rely on volunteering offices for the drafting of amendments to the advanced level of the IPC which is required for one of the authentic languages. It also recalled that the Working Group had noted at its fourth session that manpower resources available to offices with French as their working language would not be sufficient to cope with the increased volume of translation work (see paragraph 59 of document IPC/REF/4/4).

19. The Working Group also noted that, under the CLAIMS project, the International Bureau is carrying out investigation of computer-assisted tools for supporting translation of amendments to the advanced level and requested the International Bureau to make a status report on the elaboration of such tools at its next session.

20. The Working Group agreed to consider Task No. 2 completed subject to further elaboration of paragraph 39 of Annex V to this report, namely on the basis of results of consideration of Task No. 16. The Working Group also noted that it would be desirable to prepare a revision procedure for the Guide to the IPC and agreed that such a procedure could be considered in the framework of Task No. 17 ("Revision of the Guide to the IPC").

Systematic Maintenance of the IPC

21. The Working Group considered the rapporteur report submitted by Sweden and made available at the session, in which comments submitted on the initial proposal by Sweden (see project file IPC/R 2/99 Rev.7, Annex 39) were taken into consideration.

22. The Working Group reviewed an outline of the systematic maintenance procedure, provided by Sweden, which included indication of the goals of maintenance procedure, its principal forms and general problems requiring special attention. The Working Group generally supported the provided outline of the procedure and recommended to more clearly specify the relationship and links between the systematic maintenance and classification definitions projects and define IPC areas (subclasses or related fields of technology) for which maintenance projects should be conducted.

23. The Working Group requested Sweden to elaborate, by August 15, 2002, a detailed IPC maintenance procedure on the basis of the already provided layout and taking into account the existing IPC revision procedure and the procedure for preparing classification definitions. Comments on the maintenance procedure were invited by September 15, 2002, and the rapporteur report by Sweden by October 15, 2002.

24. The Working Group indicated that, when the IPC maintenance procedure had been elaborated, it should be tested by carrying out several pilot projects.

25. Finally, the Working Group expressed its gratitude to Sweden for having proposed this new IPC-related activity aimed at continuous improvement of the quality of the IPC and decided to create a new Task No. 19 on the IPC reform program "Elaborate an IPC Systematic Maintenance Procedure."

Creation of Subclasses and Main Groups for not Otherwise Provided for Subject Matter

26. The Working Group considered a proposal by the United States of America (see project file IPC/R 2/99 Rev.8, Annex 48) on the creation in the IPC of subclasses and main groups for not otherwise provided for subject matter. The Delegation of the United States of America explained that the proposal was intended to replace existing X-notation practice in the IPC, prevent incompatibility problems between the core and the advanced level and facilitate collecting subject matter relating to new technologies for which no distinct place in the IPC was provided.

27. The Working Group agreed that the existing X-notation practice did not work in a satisfactory manner, and generally supported the proposal by the United States of America, although an opinion was expressed that it would be more efficient for implementation at subclass level when residual main groups could be created.

28. The Working Group agreed that the proposal required further investigation and, to this end, invited comments on the proposal by September 15, 2002, and requested the United States of America to submit the rapporteur report by October 15, 2002.

29. The Working Group decided that further consideration of this matter should be made in the framework of Task No. 15 ("Study the Feasibility of Introducing a Simplified Set of Rules in the IPC").

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

30. Discussions were based on Annex 37 to project file IPC/R 4/99 Rev.10, containing Guidelines for Determining Subject Matter Appropriate for Obligatory and Nonobligatory Classification proposed by the United States of America. These Guidelines were approved with some amendments and are reproduced in Annex VI to this report.

31. The Working Group also discussed a document prepared by the International Bureau, containing a survey of the notes specifying multiple classification in the IPC, in order to provide material for standardization of such notes as requested by the Committee of Experts at its thirty-first session. It was noted that 11 different types of wording of such notes had been identified, but that probably the number of different types of such notes would be smaller after their standardization. The Working Group invited its members to submit, by September 15, 2002, comments on how standardization of these notes, supplemented by similar notes introduced in the current revision period, could be achieved. It was noted that the International Bureau would act as Rapporteur for this task and would submit the rapporteur report by October 15, 2002.

32. The Working Group agreed that practical work on the standardization of these notes should be done in the future in the framework of the IPC maintenance procedure.

DETERMINATION OF THE MOST APPROPRIATE DURATION OF REVISION CYCLES

33. The Working Group considered the modified proposal by the International Bureau on the most appropriate duration of revision cycles (see project file IPC/R 7/99 Rev.2, Annex 11) and, following several changes made, approved the proposal as given in Annex VII to this report.

34. In the context of revision cycles, the Working Group noted that the IPC revision procedure and the IPC maintenance procedure under elaboration could partially overlap in respect of certain amendments to the IPC and agreed that the proper borderline between the both procedures should be established when the IPC maintenance procedure would become operational.

35. The Working Group agreed to recommend to the Committee of Experts to consider Task No. 7 completed.

36. In view of the approaching end of the current revision period, the Working Group requested the International Bureau to initiate discussion of different aspects concerned with the future publication of the next edition of the IPC and to include this matter on the agenda of the next session of the Committee of Experts, at the beginning of 2003.

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

Impact of the Reformed IPC on the Front Page of Patent Documents

37. The Delegation of the EPO introduced its proposal relating to actions needed for the front page of patent documents in view of IPC reform (see project file IPC 8/99 Rev.12, Annex 54). The Delegation explained that this proposal had been discussed with the EPO member States and among the Trilateral Offices.

38. The Delegation proposed two options for the presentation of classification symbols on the front page of patent documents. The first option was concerned with the use of indicators for the core or advanced level symbols and for invention information or other information. The second option was based on the use of a graphic technique for explaining the meaning of classification symbols.

39. Having considered both options, the Working Group expressed clear preference for the second option as providing a more user-friendly presentation of classification symbols, namely:

- classification symbols presented in a tabular form;
- the core level symbols printed in normal font and the advanced level symbols in italics;
- the invention information symbols printed in bold font and the other information symbols in regular font;

– the version indicator for the core level symbols (year) placed in round brackets after the abbreviation Int. Cl.;

– the version indicator for each advanced level symbol (year, month) placed in round brackets after each advanced level symbol.

40. An example of such presentation of classification symbols is given in Annex VIII to this report.

41. The Working Group agreed that, contrary to its intention expressed at its previous session (see document IPC/REF/6/2, paragraph 43), advanced level symbols could be printed on the front page of patent documents and industrial property offices could decide which level symbols should be printed on their documents.

42. The Working Group finally agreed that the approved presentation of classification symbols was tentative and invited its members to consult respective administrative services in their offices with regard to the applicability of the approved presentation, with a view to taking a final decision at the next session of the Working Group.

43. The Working Group also considered a review of existing WIPO standards, prepared by the EPO, that could require modifications in view of the proposed new presentation of classification symbols on the front page and requested the International Bureau to inform the Standing Committee on Information Technologies accordingly.

Actions Needed for the Use of the Reformed IPC

44. The Working Group considered a final list of actions needed for the use of the reformed IPC, prepared by the EPO (see project file IPC/R 8/99 Rev.12, Annex 56), and approved it with minor corrections, as given in Annex IX to this report.

45. In response to the request by the Working Group to provide measures for keeping the history of classification schemes in the reformed IPC, the Secretariat explained that it could be achieved through special designations in the text of the IPC (validity dates) and by using revision concordance data.

46. The Working Group indicated, finally, that industrial property offices should be fully informed about actions needed for the use of the reformed IPC.

Presentation of the Concept of Operations for the Reformed IPC

47. The Delegation of the United States of America made a presentation of the Concept of Operations for the reformed IPC in the form of flow charts illustrating different stages of the revision procedure in the reformed IPC: project selection and authorization, processing of data in the revision process, introduction of revision changes in the IPC database and reclassification of patent documents. The Delegation explained that the presentation was primarily directed to revision of the advanced level of the IPC and that supporting documents were under preparation by the Trilateral Offices.

48. The Working Group expressed its thanks to the Delegation of the United States of America and indicated that the presented Concept of Operations could serve as a model of the future global classification system.

Master Classification Database

49. The Working Group considered the proposal by the EPO relating to the use of patent family system and class propagation in the Master Classification Database (see project file IPC/R 8/99 Rev.12, Annex 55).

50. The Working Group agreed with the proposed definition of patent family to be used in the Master Classification Database, which would be based on the common set of priorities.

51. With regard to the proposed class propagation, the following remarks were made:

- offices should generate either core level classification or advanced level classification for the same inventive subject, but not both;
- no rolling up of advanced level symbols should be done when core level symbols are present;
- additional advanced level symbols should not be stored in the database as ECLA symbols;
- the initial classification and the classification assigned by the Trilateral Offices should be kept in the advanced level.

52. The Working Group indicated that industrial property offices allotting advanced level symbols to their patent documents should deliver only that data to the Master Classification Database. The core level data would be generated by rolling up from the advanced level.

53. The Working Group agreed on the summary of rules for class propagation as given in Annex X to this report.

54. In view of the need to have the fully functional Master Classification Database in 2005, the Working Group drew attention of its members to the desirability of commencing reclassification of their patent files as soon as possible. To this end, the Working Group requested the International Bureau to provide industrial property offices with a compilation of all amendments to the seventh edition of the IPC adopted so far in the current revision period. It was agreed that by rolling up from ECLA an almost complete backfile for the core and the advanced levels of the IPC could be created by the end of 2004.

GENERAL QUESTION AND ANSWER PAMPHLET ON THE APPLICATION OF THE IPC

55. The Working Group considered a document prepared by the International Bureau on “Frequently Asked Questions About the International Patent Classification (IPC)” (see project file IPC/R 10/99, Annex 1). The Working Group expressed its appreciation of the significant

work done by the International Bureau. The Working Group invited its members to send suggestions for supplementing this document, e.g. by adding other pertinent "questions," by September 1, 2002. The International Bureau would then publish the revised document on the IPC Internet site. It was noted that an electronic mailbox should be attached to the document in order to collect questions by the public. These questions and answers thereto would then be incorporated in the document contributing to its permanent update.

56. Having agreed that the document already represented an excellent informative source for the public, the Working Group decided to recommend to the IPC Committee of Experts to consider Task No. 10 ("General Question and Answer Pamphlet on the Application of the IPC") completed.

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

57. The Working Group recalled a proposal made by the International Bureau at its previous session (see project file IPC/R 14/00 Rev.7, Annex 22) relating to two options that could be followed for properly arranging the distribution of groups between the core and the advanced levels in the areas of the IPC where the last place rule applies.

58. On the basis of the comments earlier submitted and made at the session, the Working Group agreed that, for arranging the distribution of groups in these areas, the option based on the principle of majority should be generally followed, namely, when the majority of groups with the same hierarchical position belong to the core or to the advanced level, other groups should be moved to the same level.

59. The Working Group indicated that it was particularly important for the IPC reform process to arrive at hierarchically correct distribution of groups, even if that were to result in a not absolutely satisfactory distribution in particular fields where corrections could later be made on an ad hoc basis.

60. The Working Group requested the International Bureau to carry out arrangement of distribution of groups on the basis of the principle of majority in all last place rule areas, with the exception of the largest of such areas, classes C 07 and C 08, which should be treated separately. The International Bureau was also requested to extend this work to the IPC areas where the first place rule applies and to make the results of the work available to the members of the Working Group by the time of its next session.

61. With regard to classes C 07 and C 08, the EPO was requested to propose distribution of groups leading as far as possible, to the inclusion in the core level of only main groups but applying also a correction algorithm proposed by Sweden (see project file IPC/R 14/00 Rev.8, Annex 25).

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

62. The Delegation of the United States of America introduced its proposed Guidelines for determining where to classify patent documents within reformed IPC schemes (see project file IPC/R 15/00 Rev.6, Annex 18) and explained that the objective of the proposal was to describe in detail three existing classification rules and to outline perspectives of using in the IPC a single universal rule.

63. The Working Group agreed that the proposal deserved thorough analysis, in particular with regard to the use of the principle of inclusiveness, and invited comments on the proposal by September 15, 2002, and the rapporteur report from the United States of America by October 15, 2002.

64. The Working Group indicated that testing of the new top-to-bottom precedence rule in various technical fields was especially important.

65. The Working Group also considered a paper submitted by the United States of America and made available at the session, where a proposal was made to apply a standardized sequence of group also in respect of subgroups of the IPC.

66. The Working Group noted the work currently carried out by the Revision Working Group for providing a secondary sort key enabling the main groups to be displayed in a standardized sequence and agreed that, when this work had been finalized, consideration should be given to its extension to the subgroups of the IPC in the framework of the IPC systematic maintenance procedure.

GLOSSARY OF TERMS FOR THE REFORMED IPC

67. The Working Group considered the Glossary of Terms for the reformed IPC approved by the Trilateral Offices (see project file IPC/R 17/01 Rev.5, Annex 16) and noted that several terms of the Glossary had already been approved at the previous session of the Working Group. In view of lack of time and late submission of the Glossary, the Working Group was not in a position to consider all the terms, but approved some of them. These terms, with the addition of the terms approved earlier, are reproduced in Annex XI to this report.

68. The Working Group invited comments on the remaining terms by September 1, 2002, and requested the United States of America to submit the rapporteur report by October 1, 2002.

69. The Working Group agreed that the French version of the Glossary should be established in consultation with industrial property offices having French as a working language, when the Glossary had been finalized.

70. The International Bureau was requested to verify the conformity of the approved and proposed terms to existing terms in the field of industrial property and to terms being under consideration of other WIPO Committees.

REVISION OF THE GUIDE TO THE IPC

71. The Secretariat informed the Working Group of the publication of the second draft of the revised Guide to the IPC prepared by the International Bureau (see project file IPC/R 17/01 Rev.4, Annex 15) and indicated that much work still remained to be done for completion of this publication.

72. The Working Group agreed that, in view of the very large volume of this very important IPC-related publication, its completion could not be achieved at regular sessions of the Working Group and agreed to create, for this purpose, a Task Force. The Working Group decided that the mandate of the Task Force should be to complete the revision of the Guide and to finalize the Glossary of Terms for the reformed IPC.

73. The following members of the Working Group expressed the wish to be members of the Task Force: France, Germany, Japan (provisionally), Sweden, United States of America, EPO. The Working Group agreed that the membership in the Task Force should be open to all members of the Working Group and invited those of its members who did not declare this at the session but would wish to participate in the Task Force to inform the International Bureau by the end of May 2002.

74. The Working Group agreed that the meeting of the Task Force would be held from October 7 to 11, 2002, in Geneva, unless an industrial property office expresses the wish to host the meeting by the end of May 2002.

75. In order to compile comprehensive material for the meeting of the Task Force, the Working Group requested the International Bureau to prepare and include in the second draft of the Guide, by August 15, 2002, a new chapter relating to the use of the IPC for search purposes and invited comments on the second draft of the Guide by September 15, 2002.

IPC REFORM IMPLEMENTATION PLAN

76. The Working Group noted that the actions of the Working Group scheduled for the second quarter of 2002 were accomplished successfully and that Tasks Nos. 2, 7 and 10 were completed.

77. The IPC Reform Implementation Plan was updated accordingly and appears in Annex XII to this report.

INTERNET-BASED IPC MANAGEMENT SYSTEM IBIS

78. The International Bureau made a demonstration of the IBIS Web site (www.wipo.int/ibis/index.htm) and requested comments concerning the beta3 and beta4 IBIS versions which had been developed during the technical assessment of the project and differ slightly from one another. The functions of these two versions would be merged shortly and the portability of the XSL code would be improved in parallel.

79. During the demonstration of the new outpointer tables the following features were highlighted: the results of the processing of the cross-references of the notes and guide headings are included in the new tables. Separate tables were compiled for outpointers which occur with the “takes precedence” string (marked with P) and which are redirected to the source entries (marked with X). The outpointers were made available in Excel file format, as well. From the HTML version with one single click on the source entry, the outpointer and the redirected outpointer can be displayed. A self-running viewlet provides help to the users of the outpointer tables.

80. The Secretariat invited the members of the IPC community to use the IPC Webforum (see at webforum.wipo.int/ipc) which enables the efficient capture of tacit knowledge of the reform and revision communities. The webforum, based upon the webboard software, is password protected. The password can be obtained by sending a registration request to the following address: mikhail.makarov@wipo.int. Users can subscribe to digest the whole IPC conference, or to digest special topics. Users are requested always to “reply” postings if discussing a particular topic.

81. The Secretariat also made a demonstration of the IPC Frequently Asked Questions (FAQs). The Secretariat invited the members of the Working Group to submit their comments on the IPC FAQ through the Webforum.

STATUS OF THE IPC REFORM PROGRAM FOR THE YEAR 2002

82. 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 XIII to this report.

NEXT SESSION OF THE WORKING GROUP

83. The Working Group noted the tentative dates for its eighth session: November 4 to 8, 2002.

84. This report was unanimously adopted by the Working Group at its closing meeting on May 17, 2002.

[Annexes follow]