

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

**ADVANCED SEMINAR  
ON THE INTERNATIONAL PATENT CLASSIFICATION  
(IPC)**

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USPTO PLAN OF ACTION

*Addendum to the discussion paper presented by Mr. Stephen Kunin,  
Deputy Assistant Commissioner for Patent Policy and Projects,  
Patent and Trademark Office,  
United States Department of Commerce, Washington, D.C.*

USPTO PLAN OF ACTION

AN ADDENDUM TO:

IPC IN THE NEW MILLENNIUM

Challenge & Opportunity

BACKGROUND

The problems and proposed solutions set forth in the USPTO paper are wide-ranging and diverse. So too are those presented in the several papers presented by other offices participating in the IPC Advanced Seminar. Analyzing and rationalizing the many proposals, drafting consensus initiatives, and developing clear implementation plans will be a complex process. Some may feel it is too complex, and urge a "step-by-step" approach. However, the USPTO believes that piecemeal action to remedy the many ills of the IPC is doomed to failure -- more importantly, it will insure the ultimate failure of the IPC. Rather, the goal should be to construct a comprehensive approach, one that is ambitious and breaks the restraints that have gradually brought the IPC to its present, near ineffective state.

The USPTO recognizes that it is neither appropriate nor possible for the IPC Advanced Seminar to try to produce this kind of product. However, the Advanced Seminar is charged with preparing draft recommendations for review by the IPC/CE, and is authorized to establish a Task Force to further the work of the Seminar in order to present those recommendations in detailed form to the IPC/CE for their consideration. Consequently, the USPTO offers the following plan of action intended to:

- Establish the outlines of the Seminar's recommendations; and
- Suggest a process whereby there could be developed a comprehensive set of detailed action proposals designed to reinvigorate the IPC.

THE PLAN

A. The USPTO suggests that the Advanced Seminar adopt the following set of broad recommendations:

1. Improve the structure and presentation of the IPC.
2. Provide promptly to users the results of the IPC revision process.

3. Use contractor support in the process of IPC revision and document support, wherein a “contractor” might be a national Industrial Property Office.
4. Establish a working relationship between the IPC/CE and SCIT.
5. Develop and use automated tools to assist in IPC revision and document placement.
6. Develop and implement an IPC training program, including use of computer-based training tools.
7. Enhance the WIPO role in IPC matters, including revision, maintenance, coordination, contracting, etc.
8. Develop options to defray the costs of IPC development, revision and maintenance.

B. The USPTO further suggests that the Advanced Seminar:

1. Establish a Task Force to prepare detailed proposals for IPC/CE consideration.
2. Instruct the Task Force to prepare the proposals in accordance with the following framework:
  - The Task Force proposals should envision that the IPC/CE establish an ad hoc New Millennium Working Group (NMWG) with the goal of developing a comprehensive plan to implement steps necessary to accomplish the Seminar’s recommendations.
  - The NMWG would be comprised of a plurality of sub-groups, each responsible for one (or, as appropriate, a combination) of the Seminar’s broad recommendations, specifically for developing the implementation steps required to accomplish the recommendation(s).
  - A committee composed of the sub-group chairpersons would coordinate the work of the sub-groups.
  - The Task Force proposals would include for each sub-group a context and frame of reference drawn from the papers and report of the Advanced Seminar (see example below).
  - The Task Force proposals would suggest a process, by which the membership of NMWG and its sub-groups would be determined and, in order to provide flexibility and facilitate coordination, would foresee the possibility of cross-membership between sub-groups.
  - The Task Force proposals would include a suggested schedule, specifically:

March 1999

- IPC/CE reviews and acts on Seminar Task Force proposals, establishes NMWG.

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|----------------|---|--|
| September 1999 | - | IPC/CE reviews NMWG status report and draft plans. Provides comments and guidance.   |
| March 2000     | - | IPC/CE reviews NMWG final report, including comprehensive action plan; modifies/approves plan; initiates action based on plan. |

3. Example sub-group context and terms of reference for the sub-group charged with improving the structure and presentation of the IPC:

#### Context

- Inconsistent placement of patent documents in the system severely limits the IPC's value and utility. The system provides classifiers very little guidance concerning how patent documents should be placed in the system. Additionally, few clues are offered to differentiate between similar or related categories as regards the proper location for a given technology. This has given rise to widely varying approaches to document placement, resulting in high levels of system incoherence and substantial system user dissatisfaction.
- IPC system presentation makes it difficult to locate related art. For example, notes are limited in the information they provide and in the locations where they are provided. Similar to the problem above, this deficiency also relates to too little guidance, in this case for system users trying to identify the appropriate classifications in which to find documents pertinent to their search needs.
- Classifications containing a very large number of patent documents have resulted from the IPC system's revision process, which is largely theoretical and disconnected from the realities of document placement and system use. The reverse of this problem and having the same cause is a surplus of classifications containing very few documents. Whether containing too many or too few documents, such classifications are essentially useless for either storage or retrieval. They are burdensome to the system, causing expense with little value and adding to system disrepute.
- The backfile of patent documents is not reclassified when a new IPC edition issues. Consequently, the IPC has become not one system but rather seven systems, rendering it - in 'pure' form - virtually unusable by most for its intended purposes. It has become nearly impossible, even with the aid of computers, to trace a search through the plurality of IPC editions.

Terms of Reference

- Provide rules of placement and proof of concept. Expand, enhance and make consistent rules for consistent placement of documents to enable users to be able reliably to retrieve desired documents. Rules of placement should include:
  - schemes for establishing consistent interrelationships between classifications;
  - instructions to classify documents based upon claimed subject matter;
  - provision of definitions;
  - provision of representative documents for each classification; and,
  - inclusion of additional reference notes wherever necessary.
- Require either previous in-Office use, or a test phase, prior to approving proposals for projects. This requirement will enhance the quality of the classification schemes created and increase productivity by establishing the potential usefulness of all proposed classifications through their successful use within an Office or testing by classification of representative sets of patent documents.
- Reclassify the backfile for all new reclassification projects and begin using the new classifications as the projects are completed. Reclassify the entire backfile as each new classification scheme is created and agreed to by the member offices. The new classification schemes and documents placed in each classification would begin to form a new IPC in which the backfile of documents is kept current. The old IPC would not have any additional classifications added after the 7th edition. As new classifications are added to the new IPC, their equivalents would be removed from the old IPC. To reduce the number of documents needing to be reclassified, patent family information should be taken advantage of whenever appropriate to assign classifications to a number of family members based on the classification of one member.

## CONCLUSION

The USPTO believes that the IPC is at a critical juncture. There is a clear consensus that it is beset by serious problems and is losing relevance. The huge amount of resources - talent, effort, money - that have been invested over the last three decades is in danger of being lost. The very fact that the Advanced Seminar is being held evidences the concern we all share. It is an opportunity that must not be squandered.

To be effective, the product of the Seminar must be more than a simple iteration of problems and of recommendations that are, in essence, statements of desirable result. It is vital that the product also contains a "roadmap" - a process that, if followed, can lead to those results. That is the underlying intent of this plan of action -- to focus Seminar attention not only on the development of recommendations, but also on constructing a process by which those recommendations might be achieved -- and, as well, to provide an example of how all that might be done.

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