

WIPO



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

ASSEMBLY

**Twenty-Third (15th Ordinary) Session
Geneva, September 26 to October 5, 2005**

AVAILABILITY OF THE IPC ELECTRONIC DATA

Document prepared by the International Bureau

1. At its twenty-second (8th extraordinary) session, held in September/October 2004, the Assembly of the International Patent Classification (IPC) Union considered the proposal by the International Bureau to introduce prices for the electronic data of the reformed IPC. According to this proposal, the prices should be applied for the provision of the IPC data to certain categories of users other than industrial property offices.
2. Although some members of the Assembly questioned whether it would be advisable to reverse WIPO's policy of making the IPC data freely available, the Assembly agreed that this proposal should be first discussed by the Committee of Experts of the IPC Union and requested the Committee to consider the matter and to report the result of the consideration to the Assembly at its next session, in 2005 (see document IPC/A/22/3, paragraph 16).
3. The International Bureau prepared a detailed proposal for the consideration of the Committee of Experts (see document IPC/CE/36/9), according to which the following conditions would be applied for the availability of the IPC datafiles of the authentic (English and French) versions of the eighth (2006) edition of the IPC:
 - (i) to industrial property offices: free of charge;
 - (ii) to governmental organizations and educational institutions: free of charge;

- (iii) to other organizations and companies for internal use of the data:
3,000 Swiss francs;
- (iv) to other organizations and companies for commercial use of the data:
10,000 Swiss francs.

4. It was underlined by the International Bureau that the provision and dissemination of the data relating to national versions of the IPC was under authority of respective industrial property offices and that those offices would continue to receive the IPC data of the authentic versions of the IPC free of charge for any purposes including commercial activities, for example, for making those datafiles freely available to organizations or companies responsible for dissemination of their patent information.

5. The Committee of Experts considered the detailed proposal by the International Bureau at its thirty-sixth session, held in February 2005 (see document IPC/CE/36/11, paragraphs 34 to 45). In the extensive discussion that followed, certain Delegations considered as appropriate the establishment of prices, in view of the considerable expenses required for the preparation and provision of the datafiles of the reformed IPC, whereas other Delegations felt that introduction of prices would negatively influence promotion of the reformed IPC.

6. Finally, the Committee agreed to accept the policy of establishing prices for the IPC datafiles of the authentic versions of the IPC in respect of certain categories of users, as proposed by the International Bureau. However, the Delegations of Ireland, the Netherlands and the United Kingdom reserved their position on this question. The Delegation of Japan stated that prices should be marginal for facilitating dissemination of the IPC data. If prices would not be established at a marginal level, Japan would reserve its position on this question. The Delegations of the United States of America and the EPO supported the position of the Delegation of Japan.

7. The Committee of Experts requested the International Bureau to prepare a report on the results of its discussions concerning the availability of the IPC electronic data, for submitting to the next session of the Assembly of the IPC Union, in 2005.

8. In the absence of consensus among the Members of the Committee of Experts, the International Bureau gave further consideration to the question of the availability of the IPC electronic data following the meeting of the Committee and came to the conclusion that the most efficient way of provision of the IPC datafiles would be their availability online. No provision of the datafiles on physical carriers would be envisaged.

9. The authority files of the authentic versions (English and French) of the IPC will be produced by the new IPC management and information system RIPCIS and will be made available from the special downloadable area of the WIPO IPC website. A similar provision will be implemented for electronic files of the IPC-related material, such as catchword index files, revision concordance data files, classification definitions files.

10. Such an online provision of the IPC datafiles will require only minimal expenses on the part of the International Bureau. In view of this and taking into account the importance of promotion of the reformed IPC with all possible means, the International Bureau now proposes to make available online datafiles of the authentic versions of the eighth edition of the IPC and datafiles of the IPC-related material to any user free of charge even if the datafiles are intended to be used for commercial purposes.

11. To preserve the identity of the IPC datafiles, organizations and companies requesting the datafiles for commercial use should declare not to make them available to a third party. In addition, these organizations and companies should acknowledge WIPO's copyright in respect of the IPC data in their public products and services.

12. Publication of the IPC:CLASS CD-ROM, containing the IPC data, will be continued. The International Bureau plans to publish, at the end of 2005, a new version of IPC:CLASS which will contain a complete text of the eighth edition of the IPC in English and French, including the Catchword Indexes and the electronic layer. The CD-ROM will incorporate facilities enabling downloading of amendments to the advanced level of the IPC from the Internet. This product will be made available to users at cost.

13. The Assembly of the IPC Union is invited to approve the proposals contained in paragraphs 10 and 11, above.

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