

Special Union for the International Patent Classification (IPC Union)

Committee of Experts

Forty-Third Session Geneva, February 14 to 16, 2011

REPORT

adopted by the Committee of Experts

INTRODUCTION

1. The Committee of Experts of the IPC Union (hereinafter referred to as “the Committee”) held its forty-third session in Geneva from February 14 to 16, 2011. The following members of the Committee were represented at the session: Australia, Austria, Brazil, Canada, China, Czech Republic, Estonia, Finland, France, Germany, Ireland, Israel, Japan, Mexico, Netherlands, Norway, Portugal, Republic of Korea, Romania, Russian Federation, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States of America (28). The African Regional Intellectual Property Organization (ARIPO), Eurasian Patent Organization (EAPO) and the European Patent Office (EPO) were also represented. The list of participants appears as Annex I to this report.
2. The session was opened by Mr. Yo Takagi, Assistant Director General, WIPO, who welcomed the participants.

OFFICERS

3. The Committee unanimously elected Mr. Anders Bruun (Sweden) as Chair and Mr. John Salotto (United States of America) and Mr. John Kabare (ARIPO) as Vice-Chairs.
4. Mr. Antonios Farassopoulos (WIPO) acted as Secretary of the session.

ADOPTION OF THE AGENDA

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

DISCUSSIONS, CONCLUSIONS 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 Committee (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 Committee was expressed or repeated after the conclusion was reached.

REPORT ON THE THIRD AND THE FOURTH SESSIONS OF THE IP5 WG1-WORKING GROUP ON CLASSIFICATION

7. The Committee noted brief oral reports by the United States of America and by the Republic of Korea on the third and fourth sessions, respectively, of the IP5 WG1-Working Group on Classification.

ORAL REPORT ON THE COOPERATIVE PATENT CLASSIFICATION (CPC)

8. The United States of America and the EPO made a joint oral presentation on the recent developments concerning the Cooperative Patent Classification (CPC)
9. The USPTO and the EPO have agreed on the principles of the new CPC which would use the European Classification System (ECLA) as a basis and incorporate the best classification practices of the USPTO. The transition from ECLA to CPC would be an opportunity to 'clean up' and to better document classification practices and rules. Renumbering would be needed to bring the CPC more in line with the IPC.

COMBINED CPC/FI INTRODUCTION INTO THE IPC

10. The Secretariat made an oral presentation of a proposal submitted by the International Bureau on a combined introduction of the CPC and the File Index (FI) into the IPC.
11. The purpose of this proposal would be to allow users, in particular from small- and medium-sized patent offices, the public and industry, to:
 - (a) consult the IPC, the CPC and the FI in one place; and
 - (b) use a combination of IPC, CPC and FI symbols in a simple manner for searching international patent collections.
12. In this respect, IPC, CPC or FI symbols would be published in one common 'International Classification' field on patent documents. By adopting a common numbering system and common classification rules, the combined use of the three systems would improve the precision in searching international collections in global databases (e.g., Espacenet, Patentscope or Depatisnet). It would also allow offices currently using the IPC for classification to adopt either CPC or FI, according to their needs, without having to wait for a complete harmonization of the existing classification systems.

13. The *FiveIPOffices* would consider this proposal at the fifth session of the IP5 WG1, which would take place this March in Beijing. If the *FiveIPOffices* accepted a concept based on this proposal, then the International Bureau would submit, by end-April, a more detailed proposal on the IPC e-forum for discussion and consideration by the forty-fourth session of the Committee in 2012.

AMENDMENTS TO THE IPC

14. Discussions were based on project file CE 432, in particular, on Annex 17 to the project file containing amendments to the IPC approved by the IPC Revision Working Group and amendments to the French version of projects F 002, F 003 and A 040 approved electronically, and the latest rapporteur report of project F 005 prepared by the EPO on behalf of the *FiveIPOffices*.
15. With respect to project F 005, having noted the request to restrict its scope and introduce the project into the next version of the IPC without further delay, the Committee agreed to consider this project as proposed in Annex 20 to the project file.
16. The Committee adopted, with some modifications, the proposed amendments, which appear in the Technical Annexes to this report. It was decided that these amendments would be included in the next version of the IPC which would enter into force on January 1, 2012.
17. Concerning the Revision Concordance List (RCL), discussions were based on Annex 18 to the project file containing a compilation of RCL for each revision project. The International Bureau was requested to include each revision project number in the RCL. The Committee adopted, with some modifications, the proposed RCL, which appears in Annex IV to this report.
18. The Committee also adopted the List of Cross References (CRL) for projects F 002, F 003, F 005 and A 040 (see Annexes 7, 17, 11 and 10 to the corresponding project file) proposed by the International Bureau.

REQUESTS FOR REVISION OF THE IPC

19. Discussions were based on two revision requests submitted by the EPO and Israel (see Annexes 39 to 40 to project file WG 020).
20. The Committee approved the revision request submitted by the EPO on how to resolve the overlap between groups G01P 9/00 and G01C 19/00 resulting from project A 040, and agreed to create new revision project C 458 with the EPO as Rapporteur.
21. Israel requested the Committee to consider a simplification on how to classify "Markush formulae" in class C 07. The considerable amount of time spent in classifying related applications according to paragraph 100 of the *Guide to the IPC (Guide)* was counter productive, since tools other than classification were used for searching in this area.
22. It was noted that the level of detail in class C 07 was sufficient and further simplification was not needed. On the other hand, said paragraph 100 gave instructions on how to avoid an elevated number of classification symbols.
23. It was therefore decided that any revision of class C 07 was not needed. Israel was invited to submit, if necessary, a concrete proposal for simplification of paragraph 100 of the *Guide* to be considered in the framework of project CE 421.

AMENDMENTS TO THE GUIDE TO THE IPC, GUIDELINES FOR REVISION OF THE IPC AND IPC-RELATED WIPO STANDARDS

24. Discussions were based on project file CE 421 containing proposed amendments to the *Guide* submitted by Sweden and comments submitted by Japan (see Annexes 20 and 21), and a proposal prepared by the International Bureau (see Annex 22) including additional amendments to the *Guide* and possible future revision of the *Guide*, IPC-related WIPO Standards and other basic IPC documents.
25. The Committee adopted, with some modifications, the proposed amendments to paragraphs 41, 69 and 71 of the *Guide* submitted by Sweden, taking into account comments by Japan, which appear in Annex III to this report. These amendments would already be included in Version 2011 of the *Guide*.
26. The Committee also agreed to include an example of classification at subclass level in the Version 2011 of the *Guide*, as adopted by the Committee on WIPO Standards (CWS).
27. The Committee recalled that at its forty-second session in February 2010, it had requested the International Bureau to review the use of the term "subject of invention" in the *Guide* and to either clarify its use or to replace it as needed.
28. The Committee agreed that a term "technical subject(s) of invention(s)" should be created in the Glossary of the *Guide* and the International Bureau was therefore invited to submit a detailed proposal on a definition of the said term to the e-forum under project CE 421 for consideration by the Committee at the next revision of the *Guide*.
29. The Committee noted that it might need to decide, at its next session, on a possible combined CPC/FI integration into the IPC (see paragraphs 10 to 13, above), and if that were the case, the *Guide*, IPC-related WIPO Standards, *Guidelines for the Revision of the IPC* and other basic IPC documents should be reviewed. The International Bureau was therefore invited to submit a proposal with the necessary amendments to projects CE 421 and QC 011.
30. The Committee noted a request by the CWS on the possibility of revising WIPO Standard ST.10/C for the presentation of IPC symbols in order to include an alternative method of presentation, for instance, to allow display/print of the parameters by clear text (see paragraphs 9 and 10 of Annex 22 to project file CE 421).
31. The Committee took note of this request. However, in the absence of clear evidence that the current presentation created an accessibility problem, the Committee agreed that there was no immediate need for amending ST.10/C. The Committee further invited the CWS to submit, if needed, a concrete proposal to amend ST.10/C that could be examined at its next session.

MASTER CLASSIFICATION DATABASE AND RECLASSIFICATION STATUS REPORT

32. Discussions were based on Annex 4 to project file QC 013 prepared by the EPO containing a tabular status report on the Mater Classification Database (MCD) coverage statistics.
33. It was noted that all rolled-up core level symbols had been removed from the MCD. The EPO would further investigate the reason for those remaining core level symbols in the MCD attributed to some documents of offices using the full IPC.
34. The Committee also noted that the percentage of unclassified patent documents in the MCD published before 2006 remained unchanged since 2008, and that 98% of patent documents in the MCD published in 2010 had received valid IPC symbols.
35. It was noted that the number of documents published in 2010, which was shown in the statistics, seemed unexpectedly low for certain offices, e.g. Brazil, Italy or Switzerland. The EPO was invited to investigate the reasons for such low figures for each individual office.

36. The EPO informed the Committee that it was too early to provide reclassification statistics for 2011. Such statistics would be provided to the International Bureau gradually and would then be published in the reclassification warnings of the scheme. The Committee recalled that, at its last session, offices had been invited to submit reclassification status information to the e-forum, under project CE 423, such as lists of projects where reclassification was not yet completed, with internal target dates for completion of reclassification. The Committee renewed its invitation to offices to submit such information to project CE 423.
37. The Committee was grateful to the EPO for preparing the MCD status report and invited the EPO to also provide, in the future, classification statistics for those offices classifying at subclass level.
38. The Committee recalled that project QC 015 had been created at its last session to investigate the reasons why reclassification had not been completed. Discussions were based on Annexes 2 to 4 to project file QC 015 containing comments submitted by Brazil and Japan, and a rapporteur report prepared by the EPO on an analysis of incompleteness of reclassification.
39. The Committee noted the QCTF conclusions on the incompleteness of reclassification that most of the families remaining to be reclassified were on the working lists of big offices. The main reason for incompleteness appeared to be a different perception of project scope. Families that had received an "in-scope" symbol by an office other than the reclassifying office, have been considered "out-of-scope" and have so far not been treated by the reclassifying office.
40. Having noted the difficulties for further reviewing those families remaining to be reclassified, the Committee decided that additional analysis was not needed. These families would be moved to Stage II and therefore included in the working lists of the offices having attributed the symbols to be reclassified.

MODIFICATION OF THE RECLASSIFICATION DISTRIBUTION ALGORITHM

41. Discussions were based on Annex 3 to project file QC 017 containing an initial rapporteur proposal, prepared by the EPO, relating to possible new criteria for inclusion in the reclassification distribution algorithm.
42. The Committee noted that the QCTF had identified the following three criteria for potential inclusion in the algorithm:
 - (a) an office should be able to specify that it does not want to receive a family on its working lists if the family does not contain one of the office's documents with classification symbol to be revised;
 - (b) the algorithm should take into account the presence of relevant symbols in a patent family from internal classification schemes, e.g. ECLA or FI, when determining which office would reclassify the family; and
 - (c) the algorithm should refer to a table showing which offices were able to perform an administrative transfer for particular projects based on internal schemes.
43. Having noted the USPTO's position with regard to propagation of classification symbols within families which the USPTO regarded as "out-of-scope", the Committee invited the EPO to work closely with the USPTO to further revise criterion (a). The Committee agreed on criteria (b) and (c). The EPO was invited to implement the criteria in the order of (c), (b) and "revised (a)" for selected revision projects, and to provide statistics on the impact of each criterion on the reclassification workload of each office.

44. Offices were also invited to comment on the current distribution algorithm as described in the Concept of Operations (CONOPS) (see Section 2.5.2 of Annex X to document IPC/CE/36/11) by October 2011. The EPO was then invited to submit a revised proposal for criterion (a) and the result of statistics when implementing the new algorithm by December 2011.
45. The Committee noted that Canada and Brazil volunteered to reclassify all families including a national document which would not then be included in the United States of America's working lists. This information should already be included in criterion (a).

TREATMENT OF NON-RECLASSIFIED PATENT DOCUMENTS IN THE MASTER CLASSIFICATION DATABASE

46. Discussions were based on project file CE 381, in particular, on Annex 11 to the project file, submitted by Sweden, containing an evaluation of the concept of default transfers using some completed revision projects.
47. It was recalled that the QCTF, at its session held in May 2010, had endorsed the proposal of the "best fit" approach by Sweden for the creation of default transfer tables to be used during the third stage of reclassification process (see Annex 3 to project file QC 000).
48. The Committee agreed with the "best fit" approach and invited Sweden to submit, under project CE 381 by the end of April 2011, a comprehensive document with detailed procedures on how to apply the "best fit" approach in practice, which would then be included in the Guidelines for Revision of the IPC.
49. It was further agreed to prepare default transfer columns to be included in the RCL by rapporteurs for each revision project. For those projects that have already entered in force, each project Rapporteur would be invited to submit a table with default transfers. For projects that would enter in force in 2012 and all pending and new projects, Rapporteurs would be invited to include the default transfers in an additional column in the RCL. These default transfers should be submitted to the twenty-sixth session of the IPC Revision Working Group in November 2011. It was also agreed that this matter would be brought to the attention of the IPC Revision Working Group at its next session in May 2011.
50. Brazil provided a study of an automatic classification tool (see Annex 12 to the project file). It was noted that Brazil offered to run a test of a modified version of this tool adapted to reclassification, in order to make a comparison with the "best fit" approach as analyzed by Sweden in said Annex 11 (see paragraph 46, above).

NEXT SESSION OF THE COMMITTEE

51. The Committee noted the following tentative dates for its next regular session:

Geneva, February 27 to March 2, 2012.

52. This report was unanimously adopted by the Committee by electronic means on March 9, 2011.

[Annexes follow]