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WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

**INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)**

**MEETING OF INTERNATIONAL AUTHORITIES
UNDER THE PATENT COOPERATION TREATY (PCT)**

Twelfth Session

Geneva, December 12 to 16, 2005

**CLASSIFICATION OF INTERNATIONAL APPLICATIONS
NOT SEARCHED BEFORE INTERNATIONAL PUBLICATION**

Document prepared by the International Bureau

SUMMARY

1. In July 2005, the International Bureau ceased its practice of applying subclass level International Patent Classification (IPC) symbols to international publications for which no classification information had been received from the International Searching Authority. Since that time, additional arrangements have been made for obtaining pre-classification data from International Searching Authorities so that from October 20, 2005, IPC symbols have again been provided for most international applications published without an international search report, at a more detailed level than the International Bureau had previously supplied. The Meeting is invited to note the new arrangements and to comment on any outstanding issues.

BACKGROUND

2. Under Rule 43.3, the International Searching Authority classifies the international application according to the IPC and presents the classification information in the international search report. The classification symbols are then included on the front page of the international publication, supplied to patent information databases and used to provide lists of international publications according to classification in the PCT Gazette.

3. When publication of the international application is due before the international search has been established, paragraph 15.36 of the PCT International Search and Preliminary Examination Guidelines provides that “the examiner must, upon request by the International Bureau, establish the classification before the search is carried out”. This classification would be applied to the A2 publication and any correction to the classification which was required would appear in the A3 publication when the international search report had been established.

4. For one International Searching Authority, the International Bureau has direct access to a database of “pre-classification” data (symbols which have been allotted for the purpose of assignment of the international application to an appropriate examiner). This provides a reliable means of retrieving expert (though not final) classification information, to the extent to which it is available to the Authority, though the process of retrieving this information for significant numbers of international applications is very time-consuming.

5. However, the systems for obtaining classification information from some International Searching Authorities were not effective and for some years the International Bureau had applied provisional International Patent Classification (IPC) symbols at subclass level to international applications when no classification information received before international publication. By July 2005, the number of international applications which required such classification had become too large for the International Bureau to deal with. It was also noted that subclass level classification, applied by staff who were not experts in the relevant technology, was of limited value to patent information users and, under the eighth edition of the IPC, would be rejected by the Master Classification Database which was a key feature of the reformed IPC system.

6. Consequently, the practice was ended, resulting in around 12% of international applications published in July to September 2005 being issued without classification, raising concern from patent information users that this made the information contained in the publications less accessible.

CURRENT SITUATION

7. The International Bureau entered into discussion with International Searching Authorities to set up new systems for supplying classification information for international applications for which the international search report was not established prior to international publication. For international applications published on or after October 20, 2005, there have been improvements to the systems for the supply of pre-classification data from the International Searching Authorities. The pre-classification data generally includes complete IPC codes rather than the subclass level symbols which the International Bureau had been supplying.

8. Consequently, the number of international publications published without classification information has been significantly reduced. However, there remain some international publications for which the International Searching Authority is not able to provide classification and the International Bureau is continuing discussions with the Authorities to find a suitable solution to the problem.

9. The Meeting is invited to note and offer comments on the arrangements described in paragraphs 7 and 8, above.