

Special Union for the International Patent Classification (IPC Union) Committee of Experts

Fifty-Third Session
Geneva, February 24 and 25, 2022

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 fifty-third session in Geneva in hybrid format on February 24 and 25, 2022. The following members of the Committee were represented at the session: Argentina, Armenia, Australia, Austria, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, China, Croatia, Czech Republic, Denmark, Estonia, France, Germany, Greece, Ireland, Israel, Italy, Japan, Mexico, Netherlands, Norway, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Spain, Sweden, Switzerland, Turkmenistan, Turkey, United Kingdom, United States of America, Ukraine, Uzbekistan (37). The Eurasian Patent Organization (EAPO), the European Patent Office (EPO) and the European Law Students’ Association (ELSA International) were also represented. The list of participants appears as Annex I to this report.
2. The session was opened by Mr. Kunihiko Fushimi, Director, International Classifications and Standards Division, Infrastructure and Platforms Sector, who welcomed the participants.

OFFICERS

3. The Committee unanimously elected Ms. Catia Valdman (Brazil) as Chair and Ms. Magalie Mathon (France) and Mr. Yoshitaka Ota (Japan) as Vice-Chairs
4. Ms. Xu Ning (Mrs.) (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.
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 PROGRESS OF THE IPC REVISION PROGRAM; FORMAT OF FUTURE IPC REVISION WORKING GROUP MEETINGS

7. The Committee noted a status report on the activities of the IPC Revision Working Group (hereinafter referred to as “the Working Group”), in particular, on the IPC Revision Program, in Annex 18 to project file [CE 462](#), prepared by the International Bureau.
8. The Committee noted that the average number of new entries per year, which entered into force in the recent IPC versions, almost doubled comparing to the IPC versions published five to 10 years ago, with the highest number of new entries per single revision in IPC-2022.01.
9. The Committee also noted that the number of revision projects per year remained at the same level in recent years. In addition to the FiveIPOffices, offices such as Brazil, Canada, Germany and the United Kingdom submitted revision requests under the framework of the Renewed IPC Revision Roadmap (Roadmap). The number and status of all projects within the framework of the Roadmap were included in the status report.
10. The Committee expressed its great satisfaction with the work achieved by the Working Group, in particular during the past years of COVID-19 pandemic.
11. It was recalled that, at its fifty-second session, the Committee invited the International Bureau to investigate the feasibility of freezing the IPC e-forum (hereinafter referred to as the “e-forum”) for consideration by the Committee at its next session (see document IPC/CE/52/2, paragraphs 18 and 19).
12. The Committee agreed with the recommendation by the International Bureau that the e-forum would not be frozen before each Working Group meetings. The International Bureau would continue applying the measures adopted by the Committee (see document IPC/CE/52/2, (a) to (c) of paragraph 19), to avoid late submissions to the e-forum right before the Working Group meetings.
13. The Committee also discussed a proposal jointly submitted by the EPO and the United States of America in Annex 6 to project file [CE 539](#), concerning an improved and well-balanced yearly spring and autumn sessions of the Working Group, with respect to the completion of number of projects.

14. The Committee noted that a well-balanced completion of number of projects, in particular, “big” revision projects, between the two Working Group yearly sessions would help a timely implementation of the new version of the IPC in the Cooperative Patent Classification (CPC).

15. Since timely entering into force of the new IPC scheme is of utmost importance for the IPC users community, and timely integration of the new IPC scheme into the CPC would also benefit IPC users, the Committee took good note of this proposal and agreed to instruct the Working Group to consider an improved and well-balanced working manner between its yearly sessions with respect to the completion of the number of projects. Special attention would be given to those “big” projects (e.g. with more than 100 new subdivisions), for example, by applying a case-by-case approach together with coordination among Rapporteurs, the International Bureau, the EPO and the United States of America.

16. The Committee emphasized that such improved balance should not prohibit the Working Group from considering, discussing and completing any such “big” projects at any session, whenever they were ready for completion.

17. The Committee also discussed possible format options for the future Working Group meetings based on the experience during pandemic period. It emphasized the importance of physical participation in terms of discussion to solve complex issues, efficient exchange of views and the necessity of informal discussions during the break, while supporting the continuous possibility of remote participation in light of wider participation. It also underlined the importance of the continuous intensified use of the IPC e-forum in conjunction with hybrid format.

REPORT ON THE PROGRESS OF THE CPC AND FI REVISION PROGRAMS

18. The United States of America and the EPO gave a joint [presentation](#) on the recent developments concerning the CPC. Japan presented a report on the progress of FI/F Term.

19. The Committee noted that the frequency of CPC releases would remain as four times yearly for 2022 and 2023, namely January 1, February 1, May 1 and August 1. The Committee also noted that currently almost sixty-five million patent documents were classified in the CPC. The Committee was further informed about the availability of CPC information on EP-A and EP-B publications and the CPC reclassification service. The Committee expressed its gratitude to the EPO for its potential contribution to facilitate reclassification of the IPC by providing the use of CPC reclassification data.

20. The Committee noted that, starting from 2023, the FI revision for the correspondence to the new version of the IPC and publication of the new version of the IPC would be carried out once per year at the same time, i.e. in January. The Committee also noted that the alignment of the FI with the latest version of the IPC had reached 99.74% as of April 2021, and the Committee expressed its gratitude to Japan for its efforts to improve the alignment between the FI with the latest IPC.

21. The Committee reconfirmed the shared understanding that the coherency between the IPC and other Classifications was important and the efforts to enhance and maintain such coherency should be continued.

REPORT OF THE EXPERT GROUP ON SEMICONDUCTOR TECHNOLOGY (EGST)

22. Discussions were based on a Rapporteur report by the EPO on behalf of the EGST in Annex 325 to project file [CE 481](#) and Annex 3 to project file [CE 539](#).

23. The Committee noted that the EGST had so far designed seven subclasses under the new class H10, which were displayed in Annex 320 of project [CE 481](#) and which were meant to take over the complete existing subclass H01L.

24. The Committee was informed that approximately eight to nine C projects would be foreseen to be emanated from EGST via project [CE 481](#) and that the launch of the C projects would be phased in batches. It was also informed that the first batch of four C projects, namely, C 510, C 511, C 512 and C 513, was launched under the IPC e-forum at the end of 2021. A Roadmap (see Appendix to Annex 3 of project [CE 539](#)) had been issued and would be regularly updated by the EGST for completion of the project [CE 481](#).

25. The Committee extended its gratitude to the EPO, the leading Office of the EGST, and all the member Offices of the EGST for the tremendous work and their contribution to the outcome so far, in particular, in the past years during the Covid-19 pandemic.

26. The Committee decided to endorse the latest Roadmap and the continuation of project [CE 481](#) and EGST activities.

USE OF TRADEMARKS IN THE IPC

27. Discussions were based on a proposal by the EPO in Annex 4 and on comments in Annexes 7 and 9 to the project file [CE 539](#), as well as on Annex 2 to project file [M 815](#).

28. The Committee agreed that the use of marks in the IPC should be, as far as possible, avoided, and decided to modify the current paragraph 29 of *the Guidelines for Revision of the IPC* (hereinafter referred to as the “Guidelines”), as follows.

“29. The use of marks (trademarks, registered marks, service marks etc.) is strongly discouraged. If the use of a mark is absolutely indispensable, the mark should only be presented in examples and acknowledged with the relevant symbol (™, ®, SM etc.)”

29. The International Bureau was invited to prepare a review of existing terms or expressions referring to trademarks in the IPC, under project [M 815](#), for a consideration by the Working Group, with indication on whether they should be removed from the scheme and definitions in view of the new paragraph 29 of the Guidelines.

AMENDMENTS TO THE GUIDE TO THE IPC AND OTHER BASIC IPC DOCUMENTS

30. Discussions were based on project file [CE 454](#) in particular on Annexes 57, 58 and 61 to the project file, submitted respectively by the EPO, the International Bureau and Brazil, containing proposed amendments to the *Guide to the IPC* (hereinafter referred to as the “Guide”), which integrated comments by offices.

31. The Committee adopted, with some modifications, the amendments to the heading on the first page, paragraphs 13, 39, 41, 51, 60, 63, 69, 72, 82, 85, 87 to 88, 91, 94, 105, 114, 147, 150, 154, 164, 174, 183 to 185 and 187 of the Guide, which appear in Annexes 65 and 66 to the project file. These amendments would be included in version 2022 of the Guide.

32. Concerning the proposal by the EPO in Annex 57 for introducing additional paragraph(s) in the Guide for secondary scheme, the Committee agreed to create project CE 531, with the EPO as Rapporteur, for further investigation.

33. The Committee also agreed that discussions on the use of the term “file scope” in the Guide should continue within project [CE 454](#), and invited further comments and proposals for consideration by the Committee at its next session.

34. Discussions were also based on Annex 79 to project file [CE 455](#), compiling all proposed amendments to the Guidelines submitted respectively by the EPO, the International Bureau and the United Kingdom in Annexes 75 to 77 to the project file, together with comments by offices.

35. The Committee adopted the proposed amendments to paragraph 29 of the Guidelines under the agenda item “Use of trademarks in the IPC” (see paragraph 28, above).

36. The Committee adopted, with some modifications, the amendments to paragraphs 1, 5, 11, 12, 13, 16, 17, 17bis (new), 17ter (new), 20bis, 21, 23, 29, 30, 30bis, 30ter (new), 31, 32, 33bis (new), 34, 37, 40, 41, 41ter, 42 to 45, 49, 52, 52bis (new), 52ter (new), 53, 58, 61, 61bis (new), 62, 63, 64, 67, 71, 74, 75, 77, 77bis (new), 78, 79, 79bis (new), 81bis (new), 86bis (new), 88, 94 (deleted), 96, 96bis (new), 96ter (new), 98, 101, 107bis (new), 113, 114, 118, 120, 123, 124, 126, 126bis, 129, 130, 134 (new), 135 (new), 136 (new), 137 (new), 138 (new) and 139 (new) of the Guidelines, the amendments to paragraphs 2 to 4 and 7 of Appendix I, paragraphs 1 to 4, 6 and 7 of Appendix II, paragraphs 6, 8 and 9 of Appendix III, paragraphs 2bis (new), 3, 6, 7 and 8bis (new) of Appendix IV, the Request for Revision of the IPC in Appendix V and the Guidelines for Drafting Classification Definitions of Appendix VI of the Guidelines, which appear in Annexes 82 and 83 to the project file.

37. In the context of the use of abbreviations in the IPC in singular, the Committee agreed to create a new maintenance project M 821, with Sweden as Rapporteur, to further review their appropriate use throughout the IPC.

38. The Committee noted that the proposals by the EPO and the United Kingdom contained suggestions for further improvements of the Definition Template. The Committee took note of those suggestions and agreed that the Definition Template should remain as simple and clear as possible and that its regular changes should be avoided, unless those changes were inevitable.

OVERVIEW OF IPC WORKING LIST MANAGEMENT SOLUTION (IPCWLMS) AND RELATED ISSUES

39. Discussions were based on an overview of IPCWLMS-related issues by the International Bureau in Annex 22 and on comments in Annex 23 to the project file [CE 492](#).

40. The Committee noted that the EPO would prepare a service for offices using the CPC, which would allow making use of the reclassification of CPC symbols by converting them into the IPC using CPC-IPC Concordance.

41. It was agreed that the Task Force dedicated to specific aspects in relation to IPCWLMS business requirements, created by the Committee at its forty-ninth session (see IPC/CE/49/2), would further deal with the issues related to the Distribution Algorithm, Reclassification Lifecycle and the reclassification of families with legacy country codes, e.g. DD, SU or CS, raised by the International Bureau as items 1, 2 and 5 in Annex 22. The Task Force was invited to prepare a proposal to project [CE 492](#) for consideration by the Committee at its next session. The International Bureau was invited to consider possible online meetings of the Task Force where needed.

42. It was further agreed to conduct a survey on the current situation in offices about their use of the IPC in terms of the classification levels. The result of the survey would be used for updating this information in the Distribution Algorithm. The International Bureau was invited to prepare the survey, to be followed by a report to the Committee at its next session.

43. The Committee noted an impact of the attribute “do-it-yourself offices” (DIYO) in the Distribution Algorithm and invited all offices to consider their participation as DIYO in reclassification of patent families, to allow a better reflection of the origin of distributed families and to speed up processing of classification data, which could result in reducing the time needed to create WLs for each reclassification wave.

44. The Committee also noted information about automatic de-activation of old symbols in the legacy, reclassification statistics and warnings, validation during reclassification process and other issues presented in Annex 22. The Committee agreed that the issue related to validation during reclassification process as item 9 in Annex 22 and any other issues would be further dealt with by the Task Force according to paragraph 41, above.

AI-BASED IPC RECLASSIFICATION – A POTENTIAL REPLACEMENT OF “DEFAULT TRANSFER”

45. Discussions were based on Annex 5 to project file [CE 539](#), concerning a document prepared by the International Bureau about AI-based IPC reclassification.

46. The Committee noted that the International Bureau took initiatives to develop an AI-based reclassification service aiming at patent families remained to be reclassified at Stage 3 within IPCWLMS, as an alternative to the current “Default Transfer”. It was informed that the service used the technology for IPCCAT and was trained by the DocDB data.

47. The Committee also noted that the service would be tested by the International Bureau and decided to create project CE 532 to collect the testing results, relevant documentation of such AI-based IPC reclassification service and comments to be submitted by offices on their satisfaction about the results. The Committee would decide at a later stage whether the service could be considered as a future potential replacement of “Default Transfer”.

REPORT ON IPC-RELATED IT SYSTEMS

48. The International Bureau delivered a [presentation](#) of an overview of ongoing developments in the IPC related IT systems and, in particular, on technical changes in relation with WIPO Delta, IPCPUB/IPCCAT and WIPO Common Look and Feel.

49. The Committee noted that the datasets for the automatic categorization of texts were no longer available since 2021. Nevertheless, it would still be possible if offices could send a request to the International Bureau for the generation of the WIPO Delta dataset.

50. The Committee noted the status of the current IPC/CPC/FI dataset published in IPCPUB. As far as the reported CPC/IPC mismatches were concerned, the United States of America agreed to contact the International Bureau for a solution. The Committee was also informed about the new infrastructure of the IPC Publication platform IPCPUB 9.

51. It was informed that the project [CE 522](#) relating to “Divergence in IPC Allocations” would remain active for possible comments until the next session of the Committee.

EXPERIENCE FROM OFFICES ON COMPUTER-ASSISTED (E.G. AI-BASED) CLASSIFICATION

52. The Committee noted [presentations](#) on the experience with computer-assisted (e.g. AI-based) Classification at respective offices given by the following Offices: Brazil, the EPO, Japan and the United States of America.

53. The Committee noted that, for most of the Offices that delivered presentations, the current use of AI evolved from the role of routing patent applications to the relevant examination divisions, to that of actually facilitating prior art search by patent examiners, for helping real classification and reclassification practice.

54. The Committee acknowledged the importance of the exchange of information in this field and invited more offices to share their experience with the development of in-house with computer-assisted classification tools at its next session. It was informed that all the [presentation](#) materials including the past ones are made available on the IPC e-forum under project [CE 524](#).

FRAMEWORK OF TECHNICAL COMPETENCIES FOR PATENT CLASSIFICATION

55. Discussions were based on project file [CE 523](#).

56. The International Bureau presented a proposal for the review of IPC-related competencies of patent examiners which are part of a larger framework of competencies for substantive examination of patents (see Annexes 2 and 3 of project [CE 523](#)), which included explanations and instructions for the review as well as an estimate of workload for the review. The International Bureau further explained that it expected that two rounds of comments would be sufficient to prepare a consolidated table of such competencies for finalization by the Committee at its next session.

57. It was agreed to review the IPC-related competencies of that framework and the International Bureau, as Rapporteur, was invited to set a deadline for the first round of comments.

58. The International Bureau offered to organize a short webinar, upon request, if the experts involved in the review would deem it useful to obtain further explanations on the design principles underlying the framework.

59. This report was unanimously adopted by the Committee of Experts by electronic means on March 17, 2022.

[Annexes follow]