

CLASSIFICATION SYSTEMS USED BY RWS

IPC ***International Patent Classification System***

The IPC system operates from about 1973 and is used by all the major patent offices when classifying documents. Because IPC headings are assigned by a variety of different bodies, patent family members are often classified amongst a number of different IPC headings.

The IPC is reviewed every 5 years but existing material is not retrospectively re-classified. As a result, when conducting searches it is often necessary to classify a search subject more than once in order to select the appropriate classifications for the entire search period.

For a comprehensive manual search, RWS searchers will usually classify the subject by the appropriate IPC headings and produce search lists. The best and some marginal headings would be covered to allow for differences in classification of documents by various Patent Offices.

CAPRI For searches extending before 1973 (e.g. a validity search of a mechanical invention), RWS is in the unique position to have access to a system containing some 12,000,000 reclassified documents from major countries. CAPRI stands for the **C**omputerized **A**dministration of **P**atent documents **R**eclassified by **I**nternational Patent Classification, which in simple terms means that all patent documents from major countries which were published before 1973, i.e. before the effective starting date of the IPC, have been retrospectively reclassified by patent examiners, according to the IPC. For example, using the CAPRI system, a list of patents indexed under a particular IPC heading, say F16D 47/06, can be obtained for the period 1920-1972, while the period 1973 to date can be covered according to the same IPC heading, using the EPIDOS system and/or CD-ROM, Internet/Online sources. This is particularly significant for general and mechanical inventions; it allows a subject matter search to be conducted over a long search period and on a consistent technical classification basis.

EPC ***European Patent Office Classification System***

The EPC (or ECLA as it is often known) system was instigated by European Patent Office (EPO) examiners, originally as an internal search tool. EPC headings are assigned to patents by EPO examiners on the basis of subject matter; they do not depend upon the IPC printed on the original document. In general the EPC provides a number of sub-divisions for IPC headings and is often considered as a prototype for the next edition of the IPC. As the EPC is far more sub-divided than the IPC, it is possible to select definitions which are more narrowly defined (i.e. the search is more closely targeted to the subject area). However, under the EPC system less cross-referencing between headings occurs than under the IPC system, and therefore an EPC search is not as broad as the corresponding IPC search.

An advantage of searches by EPC is that when new headings are created, material in existing headings is retrospectively re-classified (as is the case in the US Patent Classification for example), and therefore the search can be conducted using one or several headings that cover the entire search period. In addition the EPC is updated monthly to cope with changes in "fast moving" technologies.

The EPC headings never appear on the printed publication, not even on EP applications or patents. RWS generates lists of publications referenced under a specific EPC heading on-line. The documents are then identified by their publication number and the full specifications inspected manually.

USPC ***U.S. Patent Office Classification System***

Whereas the IPC and EPC are based on the same principles, the U.S. classification system is organised very differently. Many Intellectual Property professionals in Europe are unfamiliar with this classification system. Likewise, U.S. examiners are not very accurate in assigning IPC headings to patents, and mainly work from a rather crude concordance list. As a result, to search U.S. publications by IPC either manually or electronically is prone to deliver highly unreliable results.

RWS never conducts searches or watches of US publications by the IPC accorded by U.S. examiners. We are well-versed with the USPC, and have an entire set of US patents at our disposal. Another advantage of USPC searches is that all US publications are retrospectively re-classified when new headings are created (as is the case in the EPC), and therefore the search can be conducted using one or several headings that cover the entire search period.

Alternatively, we may also search US patents via the EPC system (see above). The classification headings are in this case much more reliable because they have been accorded by EPO examiners who are experts in this system.

CONDUCTING SUBJECT MATTER SEARCHES

What do we need to conduct a search?

Client ↓ **Instructions / Request**

As much detail as required to understand the subject of the search, e.g. one or several of the following:

- description of the subject matter
- specification of patent to be invalidated / publication numbers / copies of known prior art
- previous search results in parallel examination procedures. We always try to search in areas not previously covered by searches of our clients or patent offices!

To prepare the best search strategy, it is very important to know what the search is trying to achieve (e.g. invalidate a patent, infringement clearance / right-to-use).

Searches by subject specialists

RWS ↓ **Allocation**

Search is assigned to one or more searcher(s) with the appropriate technical background and languages.

Tailor-made search strategies

Classification

Classification of the search subject according to the International, the European or the US Patent Classification Systems, as appropriate (see overleaf). If electronic databases are used, appropriate keywords may also be selected. The search strategy is always independently checked.

How many publications do we have to inspect?

Search list (manual searches)

By means of databases, the Internet or CD-ROM, lists of all publications referenced under the selected classification headings (main and secondary headings) in a specific country and period are produced. These provide the total number of publications to be inspected in the course of a search. This is a crucial phase in any search, and the quality of the list (completeness without too much irrelevant material) is paramount.

We conduct searches to fit your budget

a) Working to an initial budget/deadline

The search is put in hand, and an appropriate strategy, i.e. classification and search method (manual or electronic databases or a combination of both) is selected to fit the budget and / or deadline. Confirmation of this strategy is sent to the client at the outset, but without delaying the search.

We suggest all options available

b) Detailed Estimate (no initial budget)

On the basis of the search lists the time required (and hence the cost) for the search is calculated. Estimates usually provide several options with regard to the classification (distinction between best and marginal headings), the countries/bodies (itemized), the period covered, plus an indication of the likely turnaround.

We disclose our strategy before you confirm your order

Client ↓ **Final Instructions / Confirmation**

Client confirms as estimated or selects budget / options (i.e. headings, countries / bodies, period) to be covered. Deadlines for receipt of final or interim reports are agreed.

Certified quality management (ISO 9002)

RWS ↓ **Conducting the Search**

During the course of the search there are daily reviews of progress. Final results and reports are independently checked. Interim reports are available to accommodate urgent deadlines.

We tell you exactly what and where we have searched

Final Report

Detailed report setting out:

- A summary of the search subject and its particular features
- References located and their relevance to search features
- Family members of the references reported
- Field of search (classifications / key words / periods covered / databases used)
- Definitions of the headings searched (enclosure)
- Recommendations for extension of the search (if appropriate)
- Copies / extracts / abstracts as appropriate (enclosures)