PATENT CLASSIFICATION: FROM THE EPO AND USPTO COMES A NEW JOINT SYSTEM

On 2 January 2013, the EPO announced the launch, together with the USPTO, of the “Cooperative Patent Classification” (CPC) scheme, i.e. a global classification system for patent documents jointly developed by the two Offices.

The CPC system was generated via a joint effort of the EPO and the USPTO which started in October 2010. The project was initiated with a view to providing a common, internationally compatible classification system not just for patent publications but for all technical documents. The idea is that this new classification system will be used by both Offices when reviewing and examining patent applications.

According to the EPO, “the CPC is an ambitious harmonization product that incorporates the best classification practices of both Offices”.

The goal behind this joint effort is to achieve greater international harmonization in the patent system, so as to improve efficiency and increase quality in the patent system, thereby achieving ever more effective patent protection.

The CPC was created by dedicated project teams from both Offices, and also involved consulting a multitude of patent Examiners with hands-on searching experience in both Offices. Through development of the CPC, both the EPO and the USPTO wish to achieve a level of harmonization that will enhance the ability of each Office to leverage and work use, such as prior art searches, through an integrated network of intellectual property Offices.

Today, the CPC includes about 250,000 symbols initially based on the European Classification system (ECLA), and is said to incorporate the best classification practices of both Offices. In fact, today the EPO and USPTO already have highly developed patent classification systems, and most US patent documents are already classified in the ECLA. However, conversion from the ECLA to the CPC at the EPO will ensure compliance with the International Patent Classification system standards administered by the World Intellectual Property Organization, and avoid the need for the EPO to classify US patent documents. At the same time, at the USPTO the conversion to the CPC will provide an up-to-date, internationally compatible classification system.

As a result, the CPC will enable Examiners as well as users of the patent system to carry out patent searches by accessing the same classified patent document collections. Of course, this harmonization of the classification system will allow for significantly more efficient prior art searches. In addition, the Offices hope that it will enhance efficiency through work-sharing initiatives aimed at reducing unnecessary duplication of work of the various Offices, which in turn should lead to greater certainty for applicants and third parties regarding the prior art actually existing which is relevant for a given patent application.

This joint effort is certainly a welcome development for all users of the patent system, as it should lead to a more cost-effective system for obtaining protection for one’s inventions in Europe as well as in the US, as well as for determining the extent of protection of third party patents.