

**Response Document  
on**

**Consultation on whether there is a continuing need for a  
UK Patent Classification Key**

**21 May 2007**

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# 1 INTRODUCTION

## 1.1 Background

- 1.1.1 The United Kingdom Patent Classification Key (UKC) is a tool for the classification and retrieval of UK patents. It was initially established in 1888 and has evolved to define 409 subject matter headings with more than 80,000 terms covering the full range of technology. More than 2.25 million UK patent documents are classified to the UKC, along with all European Patent Office (EPO) and Patent Co-operation Treaty (PCT) publications prior to 1989. Terms from the UKC headings are applied by patent examiners and entered on the Patent Register (OPTICS) for inclusion at publication; UK patent examiners also apply International Patent Classification key (IPC) and the European Classification key (ECLA) terms to all UK publications. The Register can be interrogated by patent examiners searching UKC terms with the results being exported to a separate tool (EpoqueNet) for inspection. File-lists of documents classified to UKC terms are also available from the Search and Advisory Service.
- 1.1.2 A [formal consultation document](#) on whether there is a continuing need for a UK Patent Classification Key was launched on 30<sup>th</sup> August 2005 with responses requested by 22<sup>nd</sup> November 2005. The consultation document was sent to a number of individuals and to the organisations listed in Annex A of the consultation document. The consultation document was also available on the then Patent Office website, and via the directgov website. During the consultation period the related pages on the Patent Office website were visited over 2000 times. Also, during the consultation period a notice directing readers to the relevant portion of the website was included in the [Patents and Designs Journal](#). All staff in the Patents Directorate of the then Patent Office were made aware of the consultation process and document, and, as major users of the UKC key, were encouraged to contribute to a parallel internal discussion process.
- 1.1.3 In the mid 1990s we held a consultation exercise on the Future of the UKC key. The decision at the time was to retain the UKC key and, in view of a changing environment, to review the position later. The recent consultation was intended to inform all interested parties of the background to the use of the UKC key and of the changing environment in which it is used, so as to obtain views on the continuing need for the UKC key. The consultation was also used to obtain some feedback on the related practice of republication of cases filed under the Patent Co-operation Treaty (PCT).
- 1.1.4 The consultation sought comments from anyone interested in the patent system in the UK, but especially those who have been or expect to be users of the system. Information was sought about whether and how individuals/ organisations make use of the UKC key. Views were also sought on the value of the practice of re-publishing PCT (original language English) cases when they enter the National Phase in the UK.
- 1.1.5 Details of the responses received are provided below.

## 2 SUMMARY OF RESPONSES AND CONCLUSIONS

### 2.1 Whether there is a continuing need for the UKC key

2.1.1 Outside the UK Intellectual Property Office the UKC key is generally not used as a search tool and so does not appear to be needed.

2.1.2 Whilst there was a perception that some searches conducted by the UK Intellectual Property Office yield results which are unique and have a consequential added value not provided by other search authorities, and that the UKC key is beneficial in some subject-matter areas, there appears to be a minimal element of risk in relation to quality of searches in ceasing to use the UKC key.

2.1.3 Although the costs of the UKC key compare favourably with other search tools, when considered in the light of the number of searches having their result influenced by the UKC search, the costs appear difficult to justify.

2.1.4 Some examiner effort appears to be wasted at present in conducting UKC searches, and applying UK classifications to cases which are never likely to be searched using the UKC key.

2.1.5 **In conclusion** – The benefits of using the UKC key are considered minimal and are not justified when considered in relation to the overall costs. We should therefore adopt scenario (c) outlined in the consultation document: abandon the UKC key and no longer apply UKC terms to published patent specifications.

### 2.2 Re-publication of PCT National phase cases

2.2.1 There is no public support for continuing the practice of re-publication of PCT Section 89 (original language English) cases if the UKC key is abandoned, provided such cases would still be picked up by Espacenet (which we believe they would).

2.2.2 **In conclusion** – In view of the conclusion that we should cease to classify using the UKC key, there seems no justification for continuing to re-publish PCT Section 89 (original language English) cases.

## 3 DETAILED REVIEW OF RESPONSES

### 3.1 Respondents

3.1.1 Responses were received from Rasik Davda, Ministry of Defence Intellectual Property Group, BP International Ltd, The British Library, The Patents Practice Working Group, Dudley Hawkins, Bill Hanson, The Licensing and Executives Society (Britain and Ireland), and The Anti-Counterfeiting Group.

3.1.2 The Thompson Scientific User Group was consulted at their 31<sup>st</sup> meeting held at AstraZeneca R&D Charnwood on 31<sup>st</sup> October 2005. The meeting included representatives (who expressed personal opinions rather than the policy of their respective companies) from, AstraZeneca, Avecia, BP International, Eli Lilly, GlaxoSmithKline, Pfizer, P&G, Shell, Unilever, and World Patent Information. An extract from the relevant parts of the minutes of that meeting is available on request.

### 3.2 Whether there is a continuing need for the UKC key

3.2.1 A considerable number of visits have been made to the consultation document on the website but there have been relatively few substantive responses (less than 10). The only respondent which uses the UK classification as a search tool is the MOD and their use of it *“has diminished to almost zero”*.

3.2.2 Several responses indicated that the UKC key had been used in the past but that usage had reduced (generally) to nil.

3.2.3 It is clear that the primary classification search tools used by respondents are the International Patent Classification key (IPC) and the European Classification key (ECLA, an enhanced version of the IPC).

3.2.4 Two responses did argue or intimate that the UKC key has some value and should be retained. One of those respondents stated *“I have not made direct use of the classification for performing searches”*. The main thrust of the argument in support of retention being that the search conducted by the UK Office can unearth citations which are not found by other searches using the IPC. One respondent stating *“This is particularly apparent when there have been a family of patent applications and only the UK Patent Office has uncovered certain documents”*. The Patents Practice Working Group asked *“Is there any data available regarding how many additional citations this (the UKC key) tends to find over those found using the other classification keys available during the UK search?”*.

3.2.5 A subsequent study (see Annex) into this shows that for 5.5% of our searches, searching using the UKC key yields citations which would not have been found if the searches did not include an element of searching using the UKC key. However, these are not likely to be the only citations found (some citations against those cases will also have been found using other tools). It is also important to note that if we cease classifying using the UKC key, all cases classified up to the date that we cease will remain available for searching using the UKC key. There will therefore be no immediate effect

3.2.6 The TSUG (a group of highly experienced, practising searchers) stated that they did not use the UK classification since they did not know of its existence, nor did they know of any tools which could be used to conduct UKC searches.

### **3.3 Re-publication of PCT National phase cases**

- 3.3.1** Four respondents made comments on whether there is a need to continue to republish PCT (original language English) cases. One respondent expressed the opinion that “*republication should only cease if it could be guaranteed that the UK national phase application would still be picked up by Espacenet*”. Subsequent checks show that such cases would still be picked up by Espacenet. All other respondents on this subject expressed the opinion that re-publication of such cases should cease.

# ANNEX

## Study to establish the extent to which using the UKC key yields citations which would not otherwise be found

### Background

1. During the consultation on whether there is a continuing need for the UKC key, concern was raised that the UKC search may be yielding citations that may not otherwise be found. A subsequent study was undertaken to establish how many citations we find solely as a result of using the UKC key, and how many searches are affected.

### Method

2. Over the period June-August 2006 examiners were requested to adopt the following approach to each of their searches, unless it was likely to adversely affect their productivity:
- Conduct all searching apart from the UKC search and review the documents in the EPOQUE viewer
  - Then, conduct a UKC search and add the documents found to the viewer
  - Finally, note the number of additional citations which were found using the UKC

### Results

3. Examiners were asked to record the following information (results in brackets):
- The number of searches for which a UKC search was conducted (1861)
  - The number of those searches for which UKC citations were measured, including nil results (1662)
  - Number of those searches yielding citations attributed to the UKC search (192)
  - Number of UKC citations (293)

### Discussion

4. It is reasonable to assume that those cases for which the UKC citations were not measured would have yielded results of the same proportions. The estimated number of cases which would normally yield UKC-only citations is  $(1861/1662) \times 192 = 215$ .

5. From internal systems (PAFS), we know that we conducted 4347 searches in the period. This will include a proportion of PCT S89 cases on which we did not conduct the search. We normally process around 1600 PCT cases each year. The estimated number of cases searched during the period is therefore  $4347 - (1600/4) = 3947$ . Thus, about 5.5% of our searches yield citations which are found using the UKC and no other search tool.

6. Given the methodology of searching during this exercise (i.e. UKC last) it is reasonable to assume that the citations found are of high quality as examiners will tend to only cite documents which are as good or better than those they have already found.