Cooperative Patent Classification: Status Update and Tips for Searchers

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Executive Summary

Cooperative Patent Classification (CPC) is a new classification system aimed at harmonizing the EPO's European Classification (ECLA) and the USPTO's United States Patent Classification (USPC). The CPC codes are largely based on ECLA. This bulletin provides information about the status of the transition to the CPC system and provides tips for searching while the classifications are in transition.

CPC Status at a Glance:

- All EPO applications and patents are publishing with CPCs.
- Over 50% of USPTO applications and patents are publishing with CPCs.
- There is a two-year transition period at the USPTO (approximate).
- Third-party data providers are adding metadata over time.

Availability of CPC Information for Newly Published Patent Documents

All EPO and many US patent applications with publication dates on or after January 1, 2013 will receive CPCs at publication. The USPTO has indicated an approximate two-year transition period before patents and applications will publish exclusively with CPCs. All EPO published patent applications are assigned one or more CPCs at publication; the associated metadata, however, may not be available in each and every patent document database on the date of publication. Searchers should consult with their patent search system provider for more information regarding metadata updates. Note that there are currently no CPCs for business method or plant patents because this subject matter is generally not patentable in Europe.

CPC Responsibility – US and EPO Published Applications and Granted Patents

The responsibility for assigning CPC codes is summarized in the following table:

Patent Document	CPC Assignment Responsibility
US published patent applications	Serco Inc. / EPO examiners
US granted patents	USPTO examiners / EPO examiners
EP published patent applications	EPO examiners
EP granted patents	EPO examiners

The USPTO has contracted Serco Inc. to assign CPCs to published US patent applications. USPTO examiners are responsible for assigning CPCs to US granted patents. The USPTO will transition from US patent classifications to CPCs during a two (2) year period with a target conclusion at the end of 2014. EPO examiners are responsible for assigning CPCs to both EPO published patent applications and EPO issued patents. A quality assurance program was established in which EPO examiners review the CPCs of both newly published US patent applications and newly granted US patents. EPO examiners may propose a different CPC for any given US published patent application and this new classification will

represent current CPC data, if adopted. The quality assurance program will affect US patent applications with and without EPO counterpart applications.

CPC Data Availability for Searchers

Free patent search websites, such as the USPTO's http://patft.uspto.gov/netahtml/PTO/search-adv.htm and the EPO's http://worldwide.espacenet.com/advancedSearch?locale=en_EP, allow patent searching based on current CPC information. Subscription-based patent search database providers considered when preparing this document, including Thomson Reuters and Questel, provide for CPC-based patent searching. Some subscription-based patent search databases provide both original and current CPC information with the corresponding patent search results, as well as the office (US or EP) responsible for assigning the CPC information. Subscription-based patent search features may vary between database providers.

Risks Associated with CPC-Based Patent Searches

It is possible to miss one or more relevant patent documents based on a patent classification search regardless of the classification system selected. This difference between desired and actual patent search results may be explained by one or more of the following factors:

- The search query classifications are different from those assigned by the classification authority with respect to the relevant patent document.
- The relevant patent document was misclassified at the time of publication.
- The searcher's patent search database does not include the latest patent classification metadata.

A CPC-based search is not immune from these potential issues and may be further impacted if relevant patent documents did not receive a CPC classification at publication. Some patent documents, such as plant or business method patent documents, may never receive a CPC. Others may receive a CPC well after publication. The likelihood of overlooking a relevant patent document when conducting a CPC-based patent search alone may be greater if the relevant patent document is a recent US published patent application or US granted patent, as opposed to an EPO-issued document. This may be a factor throughout the two-year USPC to CPC transition period at the USPTO.

Using CPC Information to Create Patent Alerts / Watches

Many patent search systems include an automated feature that initiates a user-defined search query at a predefined frequency to identify new patent application publications and granted patents. This feature is commonly referred to as a patent alert or a patent watch. When creating patent alerts / patent watches, reliance on CPC-based queries should be used with caution as some newly-published patent applications may not include CPC metadata at the time of publication, which is particularly true for US published patent applications through the end of 2014. In addition, CPC metadata may be updated by the EPO sometime after publication. Supplementing a CPC-based patent alert / patent watch with a corresponding IPC or USPC patent alert / patent watch is recommended.

Additional CPC Information

The primary sources of CPC definition information are the CPC website http://www.cooperativepatentclassification.org and the European Patent Office website http://www.epo.org. The following links may be used to review the classification definition based on any given CPC code:

- http://worldwide.espacenet.com/classification?locale=en_EP
- http://www.cooperativepatentclassification.org/cpcSchemeAndDefinitions/table.html

CPC codes can also be determined based on the previous ECLA codes by using the following concordance table:

- http://www.cooperativepatentclassification.org/cpcConcordances.html