



Order among patents

Europe's new classifying
system could be used
around the world

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Efforts to unify patent laws internationally date back to the end of the 19th century, but as long as national systems stay primarily independent the chances of success are slim.

A prime example is the system used to classify patents, an important factor in the task of searching the files to make sure an invention hasn't been patented by someone else. Since World War II, for instance, the German classification system has been used with minor amendments in about 10 countries. But, since such national systems are necessarily further developed as time goes by, their application tends to vary considerably unless constant cooperation is maintained between countries where they are used.

This is what happened in Europe, and much of the initial advantage of the common system was lost.

A new effort at unification is now being made among the member states of the Council of Europe, which has adopted an international classification system that took nearly 15 years to work out.

Before the introduction of this system, which is designed gradually to replace national patent classification, the only truly international system was the Universal Decimal Classification (UDC), that was adapted from the basic system developed by the U.S. librarian Melvil Dewey in 1875. The Dewey decimal system has drawbacks because it was devised to provide for the classification of matter of any kind, especially according to the requirements of libraries, whereas a patent classification must be designed to meet the particularly practical requirements of the patent system, primarily the search and the survey of prior rights.

The main reason for an international system of classification is the need to know the state of the art. The patent offices of different countries need this knowledge for the examination of applications in respect of novelty—on which the grant of a patent depends—and engineers need to check whether it is worthwhile to file an application or to work in a particular field.

It is more and more generally accepted that the granting of a patent should depend on whether a particular invention is known or unknown not only in the country in question but also in the world. It is therefore necessary to take into consideration not only the specifications granted in the country concerned but also foreign specifica-

tions and related technical and scientific literature.

The new International Classification system divides the body of knowledge, including everything which at least one of the contracting nations regards as proper to the field of patents, into eight sections. Each of the sections is subdivided into subsections, classes and subclasses.

The system has the following layout:

- Human necessities. This covers agriculture, foodstuffs, personal and domestic articles, health, sports, games, etc.

- Performing operations. This covers the technique relating to separating and mixing, shaping, metal-working, printing and transporting.

- Chemistry and metallurgy. This covers the whole field of chemistry and metallurgy except certain applications which are covered by other sections. Thus medical preparations are covered in section A (health).

- Textiles and paper.

- Fixed construction—all subjects relating to building and mining.

- Mechanical engineering. This covers engines and pumps, engineering elements, lighting, heating and refrigeration, weapons and blasting.

- Physics. This covers all kinds of instruments, optics, computing and nuclear engineering.

- Electricity. The whole field of electricity is covered by this except some applications, for example, electrotherapy, which is covered in Section A (health).

The sections are divided into 115 classes, 607 subclasses and more than 44,000 groups.

To ensure the further development of the classification, a system of continuous revision has been provided.

The convention is in force between Belgium, Denmark, France, the Federal Republic of Germany, Great Britain, Ireland, Italy, the Netherlands, Norway, Sweden, Switzerland, Turkey, Australia, Spain and Israel.

Niels Borch-Jacobsen of the Council of Europe Secretariat-General says the new classification system is already arousing keen interest in the U.S., Russia and Japan, and there is nothing to prevent it from being universally adopted one day. The present U.S. system divides patents into three main categories: General and Mechanical, Chemical and Electrical. Subclasses are revised periodically.