

EUROPEAN PATENT OFFICE
U.S. PATENT AND TRADEMARK OFFICE

CPC NOTICE OF CHANGES 1621

DATE: MAY 1, 2024

PROJECT DP11746

The following classification changes will be effected by this Notice of Changes:

| <u>Action</u> | <u>Subclass</u> | <u>Group(s)</u> |
|--|------------------------|-------------------------------------|
| DEFINITIONS: | | |
| Definitions deleted (no frozen (F) symbol definitions should be deleted) | A01H | 4/005, 4/008 |
| Definitions New: | A01H | 6/00 |
| Definitions Modified: | A01H | SUBCLASS |
| | A01H | 1/02, 1/04, 1/045, 1/06, 1/08, 1/09 |
| | A01H | 3/00, 3/02 |
| | A01H | 4/00, 4/001, 4/002, 4/003, 4/006 |
| | A01H | 5/00 |
| | A01H | 7/00 |
| | A01H | 9/00 |
| | A01H | 11/00 |
| | A01H | 13/00 |
| | A01H | 15/00 |
| | A01H | 17/00 |

No other subclasses/groups are impacted by this Notice of Changes.

This Notice of Changes includes the following [Check the ones included]:

1. CLASSIFICATION SCHEME CHANGES

- A. New, Modified or Deleted Group(s)
- B. New, Modified or Deleted Warning(s)
- C. New, Modified or Deleted Note(s)
- D. New, Modified or Deleted Guidance Heading(s)

2. DEFINITIONS

- A. New or Modified Definitions (Full definition template)
- B. Modified or Deleted Definitions (Definitions Quick Fix)

3. REVISION CONCORDANCE LIST (RCL)

4. CHANGES TO THE CPC-TO-IPC CONCORDANCE LIST (CICL)

5. CHANGES TO THE CROSS-REFERENCE LIST (CRL)

2. A. DEFINITIONS (new)

A01H 6/00

Definition statement

This place covers:

New non-transgenic angiosperms. Those non-transgenic angiosperms with a new combination of genes, those described by phenotype or a single allele.

Special rules of classification

In all cases, allocation of the relevant plant part in A01H 5/00 is mandatory. A01H 6/00 symbols may be listed first when assigned to patent documents.

A01H 6/00 is allocated for new non-transgenic angiosperms that are not otherwise characterised by a further defined subgroup.

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2. A. DEFINITIONS (modified)

A01H

Relationships with other classification places

Replace: The entire Relationships text with the following new text:

Methods for promoting plant growth with electric lighting, magnetic treatments or acoustic treatments, without the purpose of creating a new plant or plant variety, are classified in A01G 7/04 – A01G 7/045.

A01H does not cover undifferentiated plant cells or plant cell lines, unicellular algae, or unicellular fungi.

Plant cells, plant tissues and plant cell lines that are not being reproduced or regenerated into new plants or new plant varieties are classified in C12N 5/04 or C12N 5/14.

Cell culture media therefor are classified in C12N 5/0025.

Apparatus and devices specifically adapted to ferment or grow plant cell or plant cell lines are classified in C12M 1/00 or C12M 3/00.

Measuring or testing processes involving nucleic acids are classified in C12Q.

References

Insert: The following new Limiting references section:

Limiting references

This place does not cover:

| | |
|---|------------|
| Unicellular algae | C12N 1/12 |
| Unicellular, single celled fungi | C12N 1/14 |
| Specific mutations prepared by genetic engineering on plant cell or plant tissues | C12N 15/00 |

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Informative referencesReplace: The Informative references table with the following revised table:

| | |
|--|-------------|
| Botany, e.g. influencing non-chemically the growth of plants without producing new plants | A01G 7/00 |
| Biocides, pest repellants or attractants or plant growth regulators, e.g. influencing chemically the growth of plants without producing new plants | A01N 25/00 |
| Culture media for undifferentiated plant cell or plant tissue culture | C12N 5/0025 |
| Undifferentiated plant cells or tissues, e.g. cell lines or tissues per se | C12N 5/04 |
| Plant cells modified by introduction of foreign genetic material | C12N 5/14 |
| Nucleic acid hybridisation assays, detecting genotypes | C12Q 1/68 |

Special rules of classificationReplace: The entire Special rules text with the following revised text:

A01H groups and subgroups are globally directed to tissue culture and classical breeding techniques and C12N 15/82 subgroups to transgenics. However, the two are not mutually exclusive. For example, traits which have been identified and used in transgenics may warrant classification in both areas, as may regeneration methods, which are part of a transformation protocol.

Main groups A01H 1/00 – A01H 4/00 are used for new methods or processes that bring a technical contribution over the prior art. Methods or processes representing the state of the art are not classified. Technical contributions may or may not be claimed and should be well characterised or preferably exemplified.

Main groups A01H 5/00 – A01H 17/00 are only used for new, non-transgenic plants (usually varieties).

Particular plant taxons must be cross-classified in the subgroups of A01H 5/00 – A01H 5/12 corresponding to the plant part and cross-classified in the subgroups of A01H 6/00 – A01H 11/00, A01H 17/00 according to plant taxons.

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A01H 1/02

Definition statement

Replace: The entire Definition statement text with the following revised text:

Creation of hybrids, interspecific crossing, genic (e.g. male or female A01H 1/022 – A01H 1/024) and nongenetic (e.g. by using chemicals A01H 1/026) sterility systems. Apparatus for pollination in A01H 1/027.

Relationships with other classification places

Replace: The entire Relationships text with the following new text:

Methods for preparing hybrid plant cells or cell lines by protoplast fusion of two or more cells without reproducing a new plant are classified in C12N 15/02.

A01H 1/04

Definition statement

Replace: The entire Definition statement text with the following revised text:

Marker-assisted breeding; specific allelic combination. Methods of using phenotypic markers for selection, where the traits are outside of the scope of the output or input traits listed in A01H 1/10 – A01H 1/129.

Relationships with other classification places

Replace: The entire Relationships text with the following new text:

Marker-assisted breeding includes selecting traits based on morphological (phenotypic), biochemical, cytological or DNA/RNA (genotypic) variation. When the process of selection includes chemical analysis of the marker, testing involving biospecific ligand binding methods or the immunological testing of plant cells, then it is also classified in G01N 33/5097.

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A01H 1/045

Definition statement

Replace: The phrase “Inter alia marker” with “Marker-assisted” so that the Definition statement text appears as follows:

Marker-assisted breeding using molecular markers described by a specific sequence.

Relationships with other classification places

Replace: The entire Relationships text with the following new text:

Nucleic acid primers and probes used in marker-assisted breeding processes for detection or identification of plants, fungi or algae are classified in C12Q 1/6895.

Special rules of classification

Replace: The entire Special rules text with the following revised text:

Molecular breeding and marker-assisted breeding techniques for transgenic traits in plants are classified in C12N 15/8201 – C12N 15/8214.

A01H 1/06

Definition statement

Replace: The entire Definition statement text with the following revised text:

Altering repair and recombination systems.

Relationships with other classification places

Replace: The entire Relationships text with the following new text:

Methods for generating mutant plant cell lines without inserting foreign genetic material, e.g. by using chemical mutagens or specific culture conditions and do not result in producing new plants are classified in C12N 15/01.

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A01H 1/08

Definition statement

Replace: The entire Definition statement text with the following revised text:

Creation of haploids or doubled haploids.

Delete: The entire Relationships with other classification places section.

A01H 1/09

Definition statement

Replace: The entire Definition statement text with the following new text:

Apparatus or devices specifically adapted for producing plants with changes in chromosome number, e.g. haploids or double haploids, and methods based on the use or operation of the apparatus or its parts.

Delete: The entire Relationships with other classification places section.

Insert: The following new Special rules section:

Special rules of classification

Methods that take place within an apparatus adapted for producing plants with changes in chromosome number, which are not based on the use or operation of the apparatus or its parts, are classified in A01H 1/08.

A01H 3/00

Definition statement

Replace: The entire Definition statement text with the following revised text:

Methods for modifying phenotypes without modifying genotypes.

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Delete: The entire Relationships with other classification places section.

Informative references

Replace: The entire Informative references table with the following revised table:

| | |
|--|------------|
| Botany, e.g. influencing non-chemically the growth of plants without producing new plants | A01G 7/00 |
| Biocides, pest repellants or attractants or plant growth regulators, e.g. influencing chemically the growth of plants without producing new plants | A01N 25/00 |

Insert: The following new Special rules section:

Special rules of classification

Modification of the phenotypes by controlling duration, wavelength, intensity or periodicity of illumination are classified in A01H 3/02. But modification of the phenotypes by treatment with chemicals are classified in A01H 3/04.

A01H 3/02

Relationships with other classification places

Replace: The entire Relationships text with the following new text:

Processes of treating unicellular algae, unicellular fungi, plant cells or plant cell lines, with electrical or wave energy, magnetism or sound waves are classified in C12N 13/00.

Processes of illuminating plants with electric lighting for the purpose of promoting plant growth are classified in A01G 7/045.

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A01H 4/00

Relationships with other classification places

Replace: The entire Relationships text with the following new text:

Horticultural methods for soilless cultivation of plants, e.g. hydroponics, growing plants in gravel, vermiculite, rice hulls, coconut coir or foam fibres are classified in A01G 31/00.

Undifferentiated plant cells, plant cell lines or plant cell tissues, wherein no new plants are produced, are classified in C12N 5/04.

A01H 4/001

Definition statement

Replace: The entire Definition statement text with the following new text:

Apparatus or devices specifically adapted for reproducing or regenerating whole plants by plant tissue culture and methods based on the use or operation of the apparatus or its parts.

Relationships with other classification places

Replace: The entire Relationships text with the following new text:

Apparatus or devices specifically adapted for fermentation or growth of unicellular algae or unicellular fungi, i.e. bioreactors and fermenters, are classified in C12M 1/00.

Apparatus or devices specifically adapted to culture plant cells, plant cell lines, i.e. bioreactors and fermenters, are classified in C12M 3/00.

Insert: The following new Special rules section:

Special rules of classification

Methods that take place within an apparatus adapted for tissue culture which are not based on the use or operation of the apparatus or its parts are classified in A01H 4/00 and A01H 4/005 – A01H 4/008.

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A01H 4/002

Relationships with other classification places

Replace: The entire Relationships text with the following new text:

Cell culture media for cultivating or maintaining plant cells or plant cell lines without reproducing a new plant are classified in C12N 5/0025.

Methods for influencing chemically the growth of plants without producing new plants are classified in A01N 25/00 – A01N 65/00.

A01H 4/003

Insert: The following new Definition statement section:

Definition statement

This place covers:

Cutting apparatus or devices specifically adapted for plant tissue culture techniques and methods based on the use or operation of the apparatus or its parts.

Relationships with other classification places

Replace: The entire Relationships text with the following new text:

Apparatus or devices for plant tissue disaggregation are classified in C12M 3/08.

Insert: The following new References/Informative references section:

References

Informative references

Attention is drawn to the following places, which may be of interest for search:

| | |
|--|-----------|
| Apparatus for enzymology or microbiology | C12M 1/00 |
|--|-----------|

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Insert: The following new Special rules section:

Special rules of classification

Methods that take place within a cutting apparatus specially adapted for tissue culture, which are not based on the use or operation of the apparatus or its parts, are classified in A01H 4/00 and A01H 4/005 – A01H 4/008, e.g. reproducing plants by tissue culture techniques.

A01H 4/005

Delete: The entire Definition.

A01H 4/006

Delete: The entire Relationships with other classification places section.

Insert: The following new References/Informative references section:

References

Informative references

Attention is drawn to the following places, which may be of interest for search:

| | |
|--|---------------------------|
| Mechanical means or machines, e.g. nozzles used for coating seeds or mechanical aspects of the coating | A01C 1/06 |
|--|---------------------------|

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A01H 4/008

Delete: The entire Definition.

A01H 5/00

Definition statement

Replace: The word “products” with “plant parts” and add a period so that the Definition statement appears as follows:

New non-transgenic angiosperms further sub-divided according to their plant parts.

Insert: The following new Special rules section:

Special rules of classification

It is mandatory to classify an A01H 5/00 symbol in addition to a symbol from A01H 6/00 – A01H 11/00 and A01H 17/00. A01H 5/00 symbols may not be assigned alone.

A01H 5/00 classification symbols are not listed first when assigned to patent documents, but are listed as invention information.

Plant parts are assigned based on the part having commercial or economic value. These parts may or may not be reflected by what is exemplified or claimed. In the event that the plant has multiple parts with commercial or economic value, classification is allocated based on the plant part or product to which a technical contribution is made.

When the entire plant has commercial or economic value or makes a technical contribution, it is classified in A01H 5/00.

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A01H 7/00

Definition statement

Insert: “, e.g. conifers.” at the end of the existing Definition statement text so that it appears as follows:

New non-transgenic gymnosperms, e.g. conifers.

A01H 9/00

Definition statement

Insert: “, e.g. ferns, club-mosses or horse-tails.” at the end of the existing Definition statement text so that it appears as follows:

New non-transgenic pteridophytes, e.g. ferns, club-mosses or horse-tails.

A01H 11/00

Definition statement

Insert: “, e.g. mosses or liverworts.” at the end of the existing Definition statement text so that it appears as follows:

New non-transgenic bryophytes, e.g. mosses or liverworts.

A01H 13/00

Definition statement

Replace: The entire Definition statement text with the following revised text:

New non-transgenic multicellular algae.

Relationships with other classification places

Replace: The entire Relationships text with the following new text:

Horticultural methods for cultivating multicellular algae or seaweed are classified in A01G 33/00.

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New natural isolates of unicellular algae, or mutants where the mutated gene is not known, are classified in C12N 1/125.

Culture media for unicellular algae, compositions comprising unicellular algae and processes of isolating, maintaining or propagating unicellular algae are classified in C12N 1/12.

Insert: The following new References/Limiting references section:

References

Limiting references

This place does not cover:

| | |
|---|-----------|
| Unicellular algae; Culture media therefor | C12N 1/12 |
|---|-----------|

Special rules of classification

Replace: The entire Special rules text with the following revised text:

Looping references between A01H 13/00 and C12N 1/12 have been identified.

Until this inconsistency is resolved in IPC, the current classification practice in CPC is as follows:

From the perspective of A01H 13/00, the reference C12N 1/12 is limiting. C12N 1/12 relates to unicellular algae and culture media therefor. From the perspective of C12N 1/12, the reference A01H 13/00 is application oriented.

A01H 15/00

Definition statement

Insert: The word “multicellular” before “fungi” and add a period so the Definition text appears as follows:

New non-transgenic multicellular fungi or lichens.

Insert: The following new Relationships with other classification places section:

Relationships with other classification places

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New natural isolates of unicellular fungi, or mutants where the mutated gene is not known are classified in C12N 1/145.

Culture media for unicellular fungi, compositions comprising unicellular fungi, and processes of isolating, maintaining or propagating unicellular fungi are classified in C12N 1/14.

Insert: The following new References/Limiting references section:

References

Limiting references

This place does not cover:

| | |
|--|-----------|
| Unicellular fungi, culture media for unicellular fungi, compositions comprising unicellular fungi and processes of isolating, maintaining or propagating unicellular fungi | C12N 1/14 |
|--|-----------|

Special rules of classification

Replace: The entire Special rules text with the following revised text:

Looping references between A01H 15/00 and C12N 1/14 have been identified.

Until this inconsistency is resolved in IPC, the current classification practice in CPC is as follows:

From the perspective of A01H 15/00, the reference C12N 1/14 is limiting. C12N 1/14 relates to unicellular fungi and culture media therefor. From the perspective of C12N 1/14, the reference A01H 15/00 is application oriented.

A01H 17/00

Definition statement

Insert: “, e.g. mycorrhiza.” at the end of the existing Definition text so that it appears as follows:

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New non-transgenic symbiotic or parasitic combinations including one or more new plants, e.g. mycorrhiza.

Insert: The following new References/Limiting references section:

References

Limiting references

This place does not cover:

| | |
|---------|----------------------------|
| Lichens | A01H 15/00 |
|---------|----------------------------|