

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

**SPECIAL UNION FOR THE INTERNATIONAL CLASSIFICATION  
FOR INDUSTRIAL DESIGNS  
(LOCARNO UNION)**

**COMMITTEE OF EXPERTS**

**Tenth Session  
Geneva, October 15 to 19, 2007**

REPORT

*adopted by the Committee of Experts*

## INTRODUCTION

1. The Committee of Experts of the Locarno Union (hereinafter referred to as “the Committee”) held its tenth session in Geneva, from October 15 to 19, 2007.
2. The following members of the Committee were represented at the session: Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Mexico, Moldova, Netherlands, Romania, Russian Federation, Serbia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom and Uruguay (24). Côte d’Ivoire, Ecuador, Japan, Lithuania, Malaysia, Sudan, United States of America, Zambia, the Benelux Organisation for Intellectual Property (BOIP) and the Commission of the European Communities (CEC) were represented by observers.
3. The Committee noted that since its last session, held from November 14 to 17, 2005, and in accordance with Articles 3(1) and 9(1) of the Locarno Agreement, four new countries had become members of the Locarno Union and therefore of the Committee: Armenia, Montenegro, Turkmenistan and Uzbekistan.
4. The list of participants appears as Annex I to this report.

5. The session was opened by Mr. Marcus Höpperger, Acting Director, Law and International Classifications Division, Sector of Trademarks, Industrial Designs and Geographical Indications, WIPO, who welcomed the participants on behalf of the Director General.

#### ELECTION OF OFFICERS

6. The Committee unanimously elected Mr. James Kelly (Ireland) as Chair, and Ms. Kati Vinter (Estonia) and Mr. Luis Silverio Pérez Altamirano (Mexico) as Vice-Chairs.

7. Mr. Marcus Höpperger (WIPO) acted as Secretary for the session.

#### ADOPTION OF THE AGENDA

8. The Committee unanimously adopted the agenda which appears as Annex II to this report.

#### DISCUSSIONS, CONCLUSIONS AND DECISIONS

9. As decided by the Governing Bodies of WIPO at their tenth series of meetings, held from September 24 to October 2, 1979 (see paragraphs 51 and 52 of document AB/X/32), the report of this session reflects only the conclusions of the Committee (decisions, recommendations, opinions, etc.) and does not, in particular, reflect the statements made by any participant, except where a reservation in relation to any specific conclusion of the Committee was expressed or repeated after the conclusion was reached.

#### PROCEDURE FOR ADOPTION OF AMENDMENTS AND ADDITIONS TO THE EIGHTH EDITION OF THE LOCARNO CLASSIFICATION

10. Discussions took place on the understanding that:

– for amendments and additions to the Locarno Classification (hereinafter referred to as the “Classification”) not entailing a transfer of goods from one class to another, a simple majority of the countries of the Locarno Union was required under Article 3(4) of the Locarno Agreement;

– for the transfer of goods from Class 99 to another class and the deletion of Class 99, unanimity among the countries of the Locarno Union was required under the same Article 3(4).

11. The Committee noted that countries of the Union not represented at the session or not having expressed their vote during the session or within the period prescribed by the Rules of Procedure of the Committee were considered to have accepted the decisions of the Committee, as set forth in Article 3(6) of the Locarno Agreement.

#### CONSIDERATION OF PROPOSALS FOR AMENDMENTS AND ADDITIONS TO THE EIGHTH EDITION OF THE LOCARNO CLASSIFICATION

12. Discussions were based on documents CEL/10/2 and CEL/10/3, containing proposals for amendments and additions to the current (eighth) edition of the Classification submitted by China, Germany, Russian Federation, Switzerland and the Benelux Organisation for Intellectual Property (BOIP), and on document CEL/10/4, containing summary tables of those proposals.

13. The Committee adopted the amendments and additions appearing in Annex III to this report.

#### CONSIDERATION OF PROPOSALS FOR THE CREATION OF A NEW CLASS 33 AND THE DELETION OF CLASS 99

14. Discussions were based on document CEL/10/2, containing proposals submitted by Germany for the creation of a new Class 33 for goods for religious or burial purposes that would allow in particular for the transfer of those products that were left in Class 99 and the deletion of this class, and on document CEL/10/5, containing a summary of those proposals.

15. Taking into account that considerable efforts had been made in the past to transfer as many goods as possible from Class 99 to other existing classes of the Classification in order to empty and delete this class, the Committee reached a consensus on the transfer of the three products that were left in Class 99, namely “Coffins”, “Coffin linings” and “Crematory urns”, to Class 6-04. To facilitate the work of the Committee, the Delegation of Germany withdrew its proposal.

16. The Committee adopted changes to the Classification, as contained in Annex IV to this report.

#### SUGGESTION FOR EXTENSION OF THE LOCARNO CLASSIFICATION

17. Discussions were based on document CEL/10/6, containing a suggestion of the Benelux Organisation for Intellectual Property (BOIP) for the creation of a two- or more level classification for certain classes of goods, and on a non-paper presented by the Delegation of the United Kingdom.

18. The Delegation of the United Kingdom stated that the Classification was not sufficiently detailed, which resulted in problems when comprehensive design searches were conducted in large databases. In order to render such searches more efficient, the Classification should be developed to be more detailed. The Delegation understood, however, that the use of those additional details would not necessarily be mandatory.

19. The representative of the BOIP said that he had made his suggestion in order to determine whether there was any support, in principle, for the idea presented in document CEL/10/6.
20. The Delegation of the Czech Republic expressed support for the suggestion of the BOIP and the statement of the Delegation of the United Kingdom. In addition, the Delegation suggested that the Classification should also classify aspects of the appearance of a design.
21. The Delegation of Hungary noted that a classification according to function or purpose appeared to be strange. In order to increase the relevance of the classification system, the number of hits in a search would have to be reduced. This could be achieved through the creation of an additional hierarchy in the classification or the setting up of a new parallel classification structure based on the appearance of design features.
22. The Delegation of Spain expressed support for the suggestion of the representative of the BOIP.
23. The Delegation of Germany said that it supported, in principle, the suggestion of the Delegation of the United Kingdom. However, the Delegation recalled that the Classification was without effect on the scope of protection to be afforded to designs. In addition, modern software tools allowed searching image similarity in various databases and on the Internet. Against that background, the Delegation asked whether the creation of a new set of subclasses would address the problem of inefficient searches.
24. The Delegation of Japan stated that an international classification should be relevant for all countries, and that constant revision of the Classification was necessary. In Japan, industrial designs were classified into main classes according to the purpose of the product, and into subclasses according to the appearance of the product.
25. The Delegation of the Russian Federation informed the meeting that its country operated a design patent system, which relied heavily on search tools. It thus indicated its interest for the suggestion of the representative of the BOIP.
26. The Delegation of the United States of America said that it found the suggestions of the Delegation of the United Kingdom and of the representative of the BOIP helpful. It supported an improvement of the Locarno Classification with a view to facilitating searches.
27. The Chair concluded that the Committee supported, in principle, the suggestion of the Delegation of the United Kingdom and the representative of the BOIP. He noted that the Committee was in favor of setting up an *ad hoc* working group, which would study the introduction to the Locarno Classification of an additional level of subclasses. The Secretariat was requested to make the necessary arrangements for the convening of a meeting of an *ad hoc* working group in the first semester of the year 2008. To that end, the Secretariat should invite members of the Locarno Union to submit proposals, and circulate those proposals to the members and observers of the *ad hoc* working group in advance of its meeting.

## ENTRY INTO FORCE OF THE DECISIONS OF THE COMMITTEE OF EXPERTS

28. The Committee noted that, as agreed at its ninth session held in November 2005, the amendments and additions to the Classification approved at this session, as contained in Annexes III and IV to this report, would enter into force on January 1, 2009, along with those that were adopted at the ninth session. In accordance with Article 4(1) of the Locarno Agreement, the notification of the decisions taken by the Committee at this session and those taken at the preceding (ninth) session would therefore be sent by the International Bureau at the latest on July 1, 2008.

29. The Committee noted that the International Bureau would prepare and publish the new (ninth) edition of the Locarno Classification, in English and in French, in autumn 2008.

## NEXT SESSION OF THE COMMITTEE OF EXPERTS

30. The Committee agreed that the next revision period should last five years and that, subject to any advice of the *ad hoc* working group, its next (eleventh) session would be held in Geneva in the second half of 2012.

*31. This report was unanimously adopted by the Committee at its closing session on October 19, 2007.*

[Annexes follow]