

Special Union for the International Classification for Industrial Designs (Locarno Union)

Committee of Experts

**Twelfth Session
Geneva, October 26 to 30, 2015**

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 twelfth session in Geneva from October 26 to 30, 2015. The following members of the Committee were represented at the session: China, Czech Republic, Finland, France, Germany, Japan, Mexico, Netherlands, Norway, Poland, Romania, Russian Federation, Sweden, Switzerland, Ukraine and United Kingdom (16). The following States were represented by observers: Albania, Algeria, Cameroon, Israel, Myanmar, Saudi Arabia and United States of America (7). Representatives of the following international intergovernmental organizations took part in the session in an observer capacity: Benelux Office for Intellectual Property (BOIP), European Union (EU) and South Centre (SC). The list of participants appears as Annex I to this report.

2. The session was opened by Mr. Yo Takagi, Assistant Director General, Global Infrastructure Sector (WIPO), who welcomed the participants on behalf of the Director General.

OFFICERS

3. The Committee unanimously elected Mr. Marcus Kühne (Germany) as Chair, and Ms. Natalie Morgan (United Kingdom) and Ms. Kjersti Gravklev (Norway) as Vice-Chairs.
4. Ms. Belkis Fava (WIPO) acted as Secretary of the session.

ADOPTION OF THE AGENDA

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

DISCUSSIONS, CONCLUSIONS AND DECISIONS

6. As decided by the Governing Bodies of WIPO at their tenth series of meetings held from September 24 to October 2, 1979 (see document AB/X/32, paragraphs 51 and 52), 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 TENTH EDITION OF THE LOCARNO CLASSIFICATION

7. Discussions took place on the understanding that:
 - (i) 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;
 - (ii) for the transfer of goods from one class to another, unanimity among the countries of the Locarno Union was required under the same Article 3(4).
8. 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 TENTH EDITION OF THE LOCARNO CLASSIFICATION

(a) VARIOUS PROPOSALS

9. Discussions were based on project [LO122](#), [Annex 1](#), which contained a summary table of proposals for amendments and additions to the current (tenth) edition of the Classification.
10. The Committee adopted a certain number of amendments and additions, as contained in Annex III to this report.

(b) CHANGES CONCERNING CLASSES 03-01, 23-02 AND 31-00

11. Discussions were based on project [LO122](#), Annexes 2 to 5, and a modified version of those annexes in project [PL001](#), Annexes 8 to 10, submitted by China. The proposals aimed at extending subclasses 03-01, 23-02 and 31-00 by creating new subclasses.

12. A number of delegations from countries of the European Union thanked China for the research and the work done in order to prepare their proposals. However, the delegations stated that they were involved in a project conducted by the European Union that had similar purposes and thus preferred to wait for the results of that project before accepting any modifications to the current structure of the Classification. Japan expressed concern that changes in the Classification might be discussed only among European countries, and stated that changes in the Classification should be discussed among the Locarno member countries.

13. The discussions did not result in a clear consensus and the delegation of China withdrew its proposals.

(c) CHANGES CONCERNING THE USE OF THE TERM “SYSTEMS”

14. Discussions were based on project [LO122](#), [Annex 6](#), which contained a proposal for changing the term “systems” to “devices” in classes 14, 18 and 23, submitted by the Benelux Office.

15. The Committee adopted the amendments contained in Annex III to this report.

NEW ELECTRONIC PUBLICATION

16. Discussions were based on project [LO123](#), [Annex 1](#) concerning the creation of a new Locarno publication platform (LocPub). The International Bureau (IB) made a short demonstration of the functionalities in LocPub and indicated that it planned to release LocPub in March 2016.

17. The Committee agreed to the following:

- (a) the printed publication will be discontinued;
- (b) serial numbers will be replaced by basic numbers; the lowercase letter at the beginning of the first word of each indication of goods in French will be replaced by a capital letter; cross-references will be deleted and, in the list of goods in alphabetical order, the alphabetical order will be determined by “sort words” marked in bold; master terms and synonyms belonging to the same basic number will be displayed on different lines.
- (c) LocPub will allow the consultation of:
 - (i) all editions of the Classification, current and previous;
 - (ii) the lists of goods in class/subclass order and in alphabetical order, separately in English or French, and in bilingual versions shown in two columns, EN/FR or FR/EN;
 - (iii) the list of classes and subclasses, with or without notes;

- (iv) the General Remarks, Guidance for the User and Recommendations;
 - (v) the modifications introduced between subsequent editions;
- (d) LocPub will provide the possibility to:
- (i) download the master files used for the production of LocPub, as well as the list of classes and subclasses and the list of goods in PDF format;
 - (ii) perform term and basic number searches that take into account word stemming and other grammatical patterns, and the use of Boolean operators;
 - (iii) develop “information files” accessible by clicking on an icon placed next to certain indications of goods. These files would contain information such as a definition and, if necessary, an illustration of the product, as well as the classification criteria applied and examples of analogous products in the same class or in other classes;
 - (iv) view, as an additional tool, the “extended product indication classification (EPIC)” currently being developed by the European Union. A proper disclaimer would indicate that EPIC is not an official part of the Classification. The Committee noted that this feature would probably not be available before 2017.

PROCEDURES RELATING TO THE SUBMISSION OF PROPOSALS AND ADOPTION OF DECISIONS THROUGH THE ELECTRONIC FORUM

18. Discussions were based on project [LO123](#), [Annex 2](#), which contained a proposal by the IB concerning the procedure for submitting proposals for modifications to the Classification and for adopting decisions by electronic means.

19. The Committee agreed to the following procedure:

- (i) The IB will send a circular letter inviting the IP Offices of countries members of the Locarno Union to submit proposals for modifications to the Classification on the e-forum. The deadline for submitting proposals will be fixed at four to five months before the date of the session.
- (ii) Once all proposals have been posted on the e-forum, the IB will create individual projects for each proposing Office.
- (iii) The deadline for the submission of proposals will be followed by a four-week period during which members of the Locarno Union, observers and the IB will be able to post comments on submitted proposals.

- (iv) The proposing Offices will then have a two-week period for responding to comments. During this period, a proposing Office may modify or withdraw any of its proposals as a consequence of the remarks received from other Offices, explain or justify its proposals or simply not react at all, in which case the IB will consider that the original proposal is maintained. It should be noted that it will not be possible to submit new proposals during this period, i.e. proposals that have no relation to the original ones.
- (v) After the two-week period mentioned in the previous paragraph, all proposals, in their original form if they are maintained, or in their modified form if they are modified by the proposing Office, will be included in the final working documents for the session and translated by the IB into either English or French, depending on the original language of the proposal. In accordance with Article 3(3) of the [Locarno Agreement](#), the final working documents for the session must be available two months before the session.
- (vi) The reports of the CE sessions will be adopted on the electronic forum. The Secretariat will establish and post the draft report on the electronic forum within a period of five working days as from the closing date of the respective sessions. The participants in those sessions will then have five working days to submit comments on the draft report. Within three working days after the deadline for comments and taking such comments into account, the Secretariat and the Chair of the session will establish the final report, which will be published on the electronic forum. The report will then be considered as adopted by the CE and officially published on the WIPO Website on the Internet.

MATTERS CONCERNING THE LOCARNO PILOT GROUP

20. Discussions were based on project [LO123](#), [Annex 3](#), which contained a proposal by the IB concerning matters related to the Locarno Pilot Group.

21. The Committee agreed that the Locarno Pilot Group be discontinued.

PUBLICATION OF THE NEW EDITION. ENTRY INTO FORCE OF THE COMMITTEE'S DECISIONS

22. The Committee noted that the IB would prepare and publish online the new (eleventh) edition of the Classification, in English and in French, in December 2016.

23. The Committee agreed that amendments and additions to the tenth edition of the Classification would enter into force on January 1, 2017.

LENGTH OF REVISION PERIODS. NEXT SESSION OF THE COMMITTEE

24. Discussions were based on project [LO123](#), [Annex 1](#), paragraphs 8 and 9, concerning the length of revision periods.

25. The Committee agreed that the length of each revision period should not be fixed, but should be decided at the sessions of the Committee and that the next (thirteenth) session would be held in Geneva in the second half of 2017.

CLOSING OF THE SESSION

26. The Chair closed the session.

*27. The Committee of Experts
unanimously adopted this report by
electronic means on
November 19, 2015.*

[Annexes follow]