

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

### **Committee of Experts**

**Sixteenth Session**  
**Geneva, October 23 to 25, 2023**

#### **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 sixteenth session in Geneva from October 23 to 25, 2023. The following members of the Committee were represented at the session: Belarus, Bulgaria, China, Croatia, Czech Republic, Finland, France, Germany, Greece, Hungary, India, Iran (Islamic Republic of), Japan, Kazakhstan, Latvia, Mexico, Netherlands, Norway, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Slovakia, Spain, Sweden, Switzerland, Türkiye, Ukraine, United Kingdom and Uzbekistan (33). The following States were represented by observers: Algeria, Angola, Benin, Cambodia, Cameroon, Chad, Colombia, Ghana, Iraq, Israel, Kuwait, Lithuania, Mali, Namibia, Niger, Pakistan, Philippines, Sri Lanka, United States of America, Viet Nam and Yemen (21). Representatives of the following international intergovernmental organizations took part in the session in an observer capacity: African Regional Intellectual Property Organization (ARIPO), Benelux Office for Intellectual Property (BOIP) and European Union (EU). The list of participants appears as Annex I to this report.

2. The session was opened by Mr. Ken-Ichiro Natsume, Assistant Director General, Infrastructure and Platforms Sector of WIPO, who welcomed the participants.

## OFFICERS

3. The Committee unanimously elected Ms. Morwenna Bell (United Kingdom) as Chair.
4. Ms. Alison Züger (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 FOURTEENTH 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 FOURTEENTH EDITION OF THE LOCARNO CLASSIFICATION - VARIOUS PROPOSALS

9. Discussions were based on project [LO162](#), [Annex 2](#), which contained a summary table of proposals for amendments and additions to the current (fourteenth) edition of the Classification.
10. Although two-phase electronic voting in LOCRMS was being trialed at this session, the Committee agreed unanimously to adopt all proposals for changes to the Classification that had been placed in Group 1 in LOCRMS and which had received four-fifths majority support at Vote 1. The decisions of the Committee are available in [LOCRMS/Sessions/CE16](#) (as well as on the electronic forum, project [LO160](#)).

11. Regarding the remaining proposals that did not receive sufficient support at Vote 1 and which had been placed in Group 2 in LOCRMS, the Committee adopted a significant number of amendments and other changes to the Classification. The decisions of the Committee are available in [LOCRMS/Sessions/CE16](#) (as well as on the electronic forum, project [LO160](#)).

## **DISCUSSIONS ON THE TOPIC “VIRTUAL DESIGNS”**

12. Discussions were based on a proposal submitted by Switzerland regarding the creation of a new subclass (Cl. 14-07) for virtual objects, which is a newly emerging field in designs applications.

13. Although the proposal was eventually withdrawn, it did provide an opportune moment to share experiences and ideas about this new topic. Moreover, the proposal was subject to an informal vote to see whether the Committee would be in favor of creating a new subclass – however, this idea did not receive support from the Committee. The International Bureau then asked the Committee to provide feedback, firstly, on whether they were already receiving applications in this field and, secondly, to find out their current position regarding this subject.

14. The majority of Member States have not yet received any applications in this respect. One Observer State noted that they do receive applications, but that the national legislation had not caught up with the technology, so a virtual object has to be tied to a screen display and is then classified in Class 14-04. Some Member States suggested that virtual objects could be classified in the same class as their physical equivalent. Another suggested that virtual objects could be classified in Class 14 as well as the class of the physical counterpart. The International Bureau remarked that the Hague System is monaclass and thus it would not be possible to accept a physical and virtual product in separate classes in the same application. There were significant concerns about creating a double classification whereby the whole Locarno Classification could be repeated under Class 14 in order to accommodate virtual objects. One Member State noted that if the virtual object was classified in the same class as the physical good, it could cause a conflict with copyright law. Overall, whilst the Committee was aware that there was no consensus for this issue at present, it was of the opinion that the General Remarks could possibly be amended in future, in order to provide guidance to users in this developing field.

## **NEW REVISION PROCEDURE WITH LOCRMS (LOCARNO CLASSIFICATION REVISION MANAGEMENT SOLUTION) - INTRODUCTION OF TWO-PHASE VOTING**

15. Discussions were based on project [LO162](#), [Annex 1](#), relating to the new revision procedure using [LOCRMS](#) and the introduction of Vote 1 and 2, submitted by the International Bureau.

16. The Committee was highly supportive of and unanimously approved the new revision procedure with the introduction of two-phase voting, allowing for more robust discussion of Group 2 proposals during the meeting. The introduction of LOCRMS was considered to be a great success, being a very user-friendly tool that had allowed the session to proceed more efficiently. It was also recognized that further improvements to the [LOCRMS](#) will be considered in the future. Nevertheless, there was also a reminder from an Observer State to the Committee to be cautious about how they vote during

Vote 1, as that could have a significant impact on which proposals are approved by the Committee.

#### **NEXT SESSION OF THE COMMITTEE OF EXPERTS. ENTRY INTO FORCE OF THE NEXT EDITION**

17. The Committee agreed that the next (seventeenth) session would be held in Geneva in autumn 2025, subject to the schedule of WIPO principal Committees.

18. The Committee noted that the IB would prepare and publish online the new (fifteenth) edition of the Classification, in English and in French, in June 2024 and that the notification of entry into force would be sent by the end of June 2024.

19. The Committee agreed that amendments and additions to the fourteenth edition of the Classification would enter into force on January 1, 2025.

#### **CLOSING OF THE SESSION**

20. The Chair closed the session.

*21. The Committee of Experts  
unanimously adopted this report by  
electronic means on  
November 9, 2023.*

[Annexes follow]