

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

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

COMMITTEE OF EXPERTS

**Ninth Session
Geneva, November 14 to 18, 2005**

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 ninth session in Geneva, from November 14 to 17, 2005.
2. The following members of the Committee were represented at the session: China, Croatia, France, Germany, Ireland, Latvia, Mexico, Netherlands, Norway, Republic of Moldova, Romania, Russian Federation, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey and the United Kingdom (19). Ecuador, Japan, Libyan Arab Jamahiriya, Lithuania, Poland, Sudan, the United States of America, the Benelux Designs Office (BBDM) and the Commission of the European Communities (CEC) were represented by observers.
3. The Committee noted that since its last session, held from October 21 to November 1, 2002, and in accordance with Articles 3(1) and 9(1), (2) and (3)(b) of the Locarno Agreement, five new countries had become members of the Locarno Union and therefore of the Committee: Azerbaijan, Belgium, Kazakhstan, Latvia and the United Kingdom.
4. The list of participants appears as Annex I to this report.

5. The session was opened by Mr. Jean-Paul Hoebreck, Deputy Director, International Trademark and Industrial Design Classifications Service, International Registrations Administration Department, 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. Patrice Clément (Netherlands) as Chair and Messrs. Gheorghe Bucșă (Romania) and James Kelly (Ireland) as Vice-Chairs.

7. Mr. Jean-Paul Hoebreck (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.

ADOPTION OF AMENDMENTS AND ADDITIONS TO THE EIGHTH EDITION OF THE LOCARNO CLASSIFICATION

10. Discussions took place on:

- the amendments and additions to the Locarno Classification (hereinafter referred to as the “Classification”) that appear in Annexes III, IV and V to this report, on the understanding that for amendments and additions 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;

- the transfer of goods from one class to another and the creation of a new class appearing in Annexes IV and V to this report, for which, in accordance with the same Article 3(4), unanimity among the countries of the Locarno Union was required.

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.

EXTENSION OF THE CURRENT REVISION PERIOD; ENTRY INTO FORCE OF THE DECISIONS OF THE COMMITTEE OF EXPERTS; NEXT SESSION OF THE COMMITTEE OF EXPERTS

12. Discussions were based on document CEL/9/2.

13. The Committee agreed that due to the small number of amendments and additions to the Classification that had been submitted to the Committee for adoption, the current three-year revision period would be extended for two years, so that it should last for five years in the same way as the preceding two. This extension would allow the Committee to continue the work on the revision of the eighth edition of the Classification, already started before the current session of the Committee.

14. The Committee further agreed that the amendments and additions to the Classification approved at this session, as contained in Annexes III, IV and V to this report, would enter into force on January 1, 2009, along with those that would be adopted in the course of the two-year extension period. 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 next (tenth) session would therefore be sent by the International Bureau at the latest on July 1, 2008.

15. In connection with that decision, the Committee noted that it was unnecessary for the International Bureau to prepare a circular containing the amendments and additions that were approved at this session, since a new (ninth) edition of the Classification would be published at the end of the two-year extension period.

16. The Committee agreed that its next (tenth) session would be held in Geneva in the second half of 2007.

RECOMMENDATIONS BY THE INTERNATIONAL BUREAU ON THE CLASSIFICATION OF NEW GOODS INCORPORATING INDUSTRIAL DESIGNS

17. The Committee noted that the International Bureau intended in the future to make recommendations on the classification of new goods incorporating industrial designs in the same manner as they were made currently on the classification of new goods and services for the purposes of the registration of marks. According to the request made by the Committee, the communication of such recommendations to the members of the Locarno Union and the observers in the Committee would be made by the International Bureau by electronic mail from time to time. In addition, the recommendations would be published on the WIPO website. The Committee recommended that the users of the Locarno Classification follow, whenever possible, the advice of the International Bureau so as to ensure consistency in classification practices until those new products, following decisions by the Committee, had been formally covered by the Alphabetical List of the Classification.

CONSIDERATION OF PROPOSALS FOR ADDITIONS TO THE EIGHTH EDITION OF THE LOCARNO CLASSIFICATION

18. Discussions were based on document CEL/9/3, containing proposals for additions to the current (eighth) edition of the Classification submitted by Azerbaijan, Denmark, Germany, Norway, Switzerland and the United Kingdom, and on document CEL/9/4, containing a summary table of those proposals.

19. The Committee adopted the additions appearing in Annex III to this report.

CONSIDERATION OF PROPOSALS FOR THE TRANSFER OF THE INDICATIONS CONTAINED IN CLASS 99 TO OTHER CLASSES AND THE DELETION OF CLASS 99

20. Discussions were based on document CEL/9/5, containing proposals for the transfer of the indications contained in Class 99 to other classes of the Classification and for the deletion of Class 99 submitted by the Republic of Moldova and Romania, and on document CEL/9/6, containing a summary table of those proposals.

21. As most indications contained in Class 99 were for religious purposes, both countries had submitted an alternative proposal, namely, that such indications be grouped either in a new class “Goods or objects for religious purposes” or in a new subclass in Class 11 “Articles of adornment”.

22. The Committee adopted the proposal for the transfer of certain indications from Class 99 to other classes of the Classification, as contained in Annex IV to this report. As no agreement was reached on the transfer of all goods contained in Class 99, particularly on those related to funerals, neither the deletion of Class 99 nor the creation of a new class “Goods or objects for religious purposes” was adopted.

23. The Committee noted that for its next session Germany would prepare a proposal for the creation of a new subclass, under which goods related to funerals would be listed, that would allow in particular for the transfer of those products that were left in Class 99 and the resulting deletion of this class.

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

24. Discussions were based on document CEL/9/7, containing proposals for additions and amendments to the eighth edition of the Classification submitted by the United Kingdom, and on document CEL/9/8, containing a summary table of those proposals.

25. The United Kingdom proposed the addition in Class 99, “Miscellaneous”, of new indications that would provide for the categorization of two-dimensional designs such as ornamentation and logos. It further proposed that if the Committee did not approve the addition of those new indications in Class 99, a new class (Class 32) should be created for this new category of designs. Class 32 would be divided into 29 subclasses, the titles of which would be the same as those of the 29 categories of the International Classification of the Figurative Elements of Marks (Vienna Classification).

26. The Committee decided to create a new class (Class 32) and adopted additions in that class, as contained in Annex V to this report.

27. *This report was unanimously adopted by the Committee at its closing session on November 17, 2005.*

[Annexes follow]