

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

Committee of Experts

Thirteenth Session
Geneva, November 27 to December 1, 2017

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 thirteenth session in Geneva from November 27 to December 1, 2017. The following members of the Committee were represented at the session: China, Croatia, Czech Republic, Denmark, France, Germany, Greece, Hungary, Italy, Japan, Netherlands, Norway, Poland, Republic of Korea, Romania, Russian Federation, Spain, Sweden, Switzerland and United Kingdom (20). The following States were represented by observers: Israel, Saudi Arabia, Thailand and United States of America (4). Representatives of the following international intergovernmental organizations took part in the session in an observer capacity: Benelux Office for Intellectual Property (BOIP) and European Union (EU). A representative of the following non-governmental organization attended the session in an observer capacity: Confederacy of Patent Information User Groups (CEPIUG). The list of participants appears as Annex I to this report.

2. The session was opened by Mr. Kunihiko Fushimi, Director, International Classifications and Standards Division, WIPO, who welcomed the participants on behalf of the Director General.

OFFICERS

3. The Committee unanimously elected Ms. Marie-Louise Orre (Sweden) as Chair, and Ms. Andrea Kordic (Croatia) and Mr. Kosuke Omagari (Japan) 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 ELEVENTH 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 ELEVENTH EDITION OF THE LOCARNO CLASSIFICATION

(a) VARIOUS PROPOSALS

9. Discussions were based on project [LO132](#), [Annex 1](#), which contained a summary table of proposals for amendments and additions to the current (eleventh) edition of the Classification.
10. The Committee adopted an important number of changes to the Classification. The decisions of the Committee are available on the electronic forum, project [LO130](#).

(b) CHANGES CONCERNING THE CREATION OF NEW SUBCLASSES

11. Discussions were based on project [LO132](#), [Annex 2 Rev.](#), submitted by France, Spain and Sweden, and [Annex 3](#), submitted by China. The proposals in [Annex 2](#) aimed at creating a certain number of new subclasses in different classes, and moving goods with similar characteristics that are in the miscellaneous subclasses 99 to the new subclasses or to existing subclasses. The proposals in [Annex 3](#) followed a similar pattern except that, for Class 23, they concerned groups of similar goods that are in subclass 02.

12. The Committee adopted a certain number of amendments and additions. The decisions of the Committee are available on the electronic forum, project [LO130](#).

(c) CHANGES CONCERNING THE USE OF “EXCEPT FOR”, “OTHER THAN” AND SQUARE BRACKETS

13. Discussions were based on project [LO132](#), [Annex 4](#), submitted by the International Bureau (IB), which contained a proposal that aimed at consistently using the expression “other than” without square brackets throughout the list of goods, instead of inconsistently using “except for” or “other than”, in square brackets or not.

14. The Committee adopted a certain number of amendments. However, the Committee indicated that harmonization in terminology should rather tend towards the use of “except for” instead of “other than”, and that the use of square brackets should be maintained. The decisions of the Committee are available on the electronic forum, project [LO130](#).

CONSIDERATION OF A PROPOSAL FOR MODIFICATIONS TO THE GUIDE TO THE LOCARNO CLASSIFICATION

15. Discussions were based on project [LO132](#), [Annex 5](#), which contained a proposal for modifications to the Guidance for the User of the Locarno Classification, submitted by China.

16. Following the presentation on the new electronic publication of the Classification (LOCPUB) made by the IB, which now contains an updated version of the Guidance for the User, the delegation of China expressed its satisfaction with the text of that Guidance and therefore withdrew proposals CN2, CN3 and CN4. However, the delegation of China stated that it would be very useful to include in the publication the dates of entry into force of each edition of the Classification.

CONSIDERATION OF A PROPOSAL CONCERNING THE INTRODUCTION OF A MORE DETAILED HIERARCHY IN THE LOCARNO CLASSIFICATION

17. Discussions were based on project [LO132](#), [Annex 6](#), which contained a proposal for extending the Locarno Classification to include, in addition to EPIC (Extended Product Indication Classification), a Locarno+ tool that would contain all the terms of the EUIPO Designview database, submitted by the Netherlands.

18. The Committee was of the opinion that the Classification is an international system created and periodically revised by a Committee of Experts that counts among its members countries that do not belong to the European Union. The Committee agreed therefore that the Classification contain only those terms that have been approved by the Committee.

NEW ELECTRONIC PUBLICATION

19. In accordance with the decisions made by the Committee at its 12th session (see document [CEL/12/2](#), paragraphs 16 and 17), the IB presented the new electronic publication of the Locarno Classification (LOCPUB).

20. With the exception mentioned in paragraph 16 above concerning the dates of entry into force of each edition of the Classification, the Committee expressed satisfaction with the new electronic publication and noted that LOCPUB will go live before the end of the year.

TRANSMISSION OF PROPOSALS FROM OFFICES AND FROM THE INTERNATIONAL BUREAU TO THE MEMBERS OF THE COMMITTEE OF EXPERTS (ARTICLE 3(3) OF THE LOCARNO AGREEMENT)

21. Discussions were based on project [LO132](#), [Annex 7](#), which contained a proposal for modifications to the procedure for the transmission of proposals to the members of the Committee by the IB.

22. The Committee decided that the final version of the working documents for a given session of the Committee continue to be made available on the electronic forum two months before the date of the session.

PERIODICITY OF THE SESSIONS OF THE COMMITTEE OF EXPERTS

23. Discussions were based on project [LO132](#), [Annex 8](#) concerning the periodicity of the sessions of the Committee of Experts.

24. The Committee agreed that it would hold its sessions in principle once every two years, keeping open the possibility of modifying the periodicity of the sessions if necessary.

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

25. The Committee agreed that the next (fourteenth) session would be held in Geneva in the fall of 2019.

26. The Committee noted that the IB would prepare and publish online the new (twelfth) edition of the Classification, in English and in French, in December 2018 and that the notification of entry into force would be sent by the end of June 2018.

27. The Committee agreed that amendments and additions to the eleventh edition of the Classification would enter into force on January 1, 2019.

CLOSING OF THE SESSION

28. The Chair closed the session.

*29. The Committee of Experts
unanimously adopted this report by
electronic means on
December 22, 2017.*

[Annexes follow]