

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]

ANNEXE I/ANNEX I

LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS

I. ÉTATS MEMBRES/MEMBER STATES

(dans l'ordre alphabétique des noms français des États)
(in the alphabetical order of the names in French)

ALLEMAGNE/GERMANY

Kristin EBERSBACH (Ms.), Head of Design Department, German Patent and Trademark Office (DPMA), Jena
kristin.ebersbach@dpma.de

Evelyn HARDRAHT (Ms.), Officer for Classification and Product Indication, Design Department, German Patent and Trademark Office (DPMA), Jena
evelyn.hardraht@dpma.de

ARABIE SAOUDITE/SAUDI ARABIA

Hisham ALBIDAH (Mr.), Head, Designs Department, Saudi Authority for Intellectual Property (SAIP), Riyadh

Yazeed ALSWERI (Mr.), National Strategy Specialist, National IP Strategy, Saudi Authority for Intellectual Property (SAIP), Riyadh
ysweri@saip.gov.sa

Haya ALMUSALLAM (Ms.), Assistant Designs Examiner, Designs Department, Saudi Authority for Intellectual Property (SAIP), Riyadh
Hmusallam@saip.gov.sa

BÉLARUS/BELARUS

Natalia CHEKHLOVA (Ms.), Head, Preliminary Examination Division, National Center of Intellectual Property (NCIP), Minsk
n.chekhlova@ncip.by

BULGARIE/BULGARIA

Anton KAMENSKI (Mr.), Principal Expert, Examination and Protection of Inventions, Utility Models and Industrial Designs, Patent Office of the Republic of Bulgaria, Sofia

CHINE/CHINA

ZHANG Dong (Mr.), Deputy Director, Design Examination Department, China National Intellectual Property Administration (CNIPA), Beijing

ZHOU Yun (Ms.), Consultant, Design Examination Department, China National Intellectual Property Administration (CNIPA), Beijing

CROATIE/CROATIA

Andrea KORDIĆ (Ms.), Head of Section for Formal Proceedings, Trademarks and Industrial Designs Department, State Intellectual Property Office (SIPO), Zagreb

ESPAGNE/SPAIN

María Rosario REVUELTA POLLÁN (Sra.), Examinador de Diseños, Área de Diseños, Oficina Española de Patentes y Marcas (OEPM), Ministerio de Industria, Comercio y Turismo, Madrid
mariarosario.revuelta@oepm.es

María José SALIDO LÓPEZ (Sra.), Examinadora, Departamento de Patentes e Información Tecnológica, Oficina Española de Patentes y Marcas (OEPM), Ministerio de Industria, Comercio y Turismo, Madrid
mjose.salido@oepm.es

FÉDÉRATION DE RUSSIE/RUSSIAN FEDERATION

Vladislav MAMONTOV (Mr.), Head, Multilateral Cooperation Division, International Cooperation Department, Federal Service for Intellectual Property (ROSPATENT), Moscow

Olga DARINA (Ms.), Senior Researcher, Information Resources Development Division, Federal Service for Intellectual Property (ROSPATENT), Moscow
otd3226@rupto.ru

Andrey SHPIKALOV (Mr.), Senior Researcher, Information Resources Development Division, Federal Service for Intellectual Property (ROSPATENT), Moscow
otd3206@rupto.ru

Katherine PAVLOVA (Ms.), Leading Specialist, Multilateral Cooperation Division, International Cooperation Department, Federal Service for Intellectual Property (ROSPATENT), Moscow
ekaterina.pavlova@rospatent.gov.ru

Evgeniia KOROBENKOVA (Ms.), Adviser, Multilateral Cooperation Division, International Cooperation Department, Federal Service for Intellectual Property (ROSPATENT), Moscow

FINLANDE/FINLAND

Olli TEERIKANGAS (Mr.), Head of Unit, Patents and Trademarks, Finnish Patent and Registration Office, Helsinki
olli.teerikangas@prh.fi

FRANCE

Laurence DE LA GORCE (Mme), responsable du service des dessins et modèles, Service des dessins et modèles, Institut national de la propriété industrielle (INPI), Courbevoie
ldelagorce@inpi.fr

Vincent MOREL (M.), juriste dessins et modèles, Département des marques et des dessins et modèles, Institut national de la propriété industrielle (INPI), Lille
vmorel@inpi.fr

GRÈCE/GREECE

Aristeidis PITTARAS (Mr.), Director, Directorate of Applications and Grants, Hellenic Industrial Property Organization (OBI), Paradissos Amarousiou
apit@obi.gr

Maria VOUTZOULIA (Ms.), Formalities Examiner for Industrial Designs, Documentation and Publication Department, Hellenic Industrial Property Organization (OBI), Paradissos Amarousiou
mvou@obi.gr

HONGRIE/HUNGARY

Eszter Anita SÁNDOR (Ms.), Head of Section, Design Section, Hungarian Intellectual Property Office (HIPO), Budapest
eszter.sandor@hipo.gov.hu

Klaudia Kitti DOBÓ (Ms.), Design Examiner, Design Section, Hungarian Intellectual Property Office (HIPO), Budapest
klaudia.kitti.dobo@hipo.gov.hu

Erika DOBREFFNÉ TÖMÖSY (Ms.), Patent Examiner, Mechanics Section, Hungarian Intellectual Property Office (HIPO), Budapest
erika.tomosy@hipo.gov.hu

INDE/INDIA

Jitendra Kumar PRADHAN (Mr.), Joint Controller of Patents and Designs, Office of the Controller General of Patents, Designs and Trademarks (CGPDTM), Department for Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce and Industry, Mumbai
jkpradhan.ipo@nic.in

IRAN (RÉPUBLIQUE ISLAMIQUE D')/IRAN (ISLAMIC REPUBLIC OF)

Mostafa JELVEH (Mr.), Examiner, Industrial Design Department, Intellectual Property Center of the Islamic Republic of Iran, Ministry of Justice, Tehran
mostafaajelveh@gmail.com

Mohamad Reza SAJADI MANESH (Mr.), Examiner, Industrial Design Department, Intellectual Property Center of the Islamic Republic of Iran, Ministry of Justice, Tehran
rezasajadimanesh@gmail.com

Sara TORKAMAN (Ms.), Expert, Industrial Design Department, Intellectual Property Center of the Islamic Republic of Iran, Ministry of Justice, Tehran
s.blueart@yahoo.com

JAPON/JAPAN

Yoshinori NAKAMURA (Mr.), Deputy Director, Design Division, Japan Patent Office (JPO), Tokyo
nakamura-yoshinori@jpo.go.jp

KAZAKHSTAN

Alija MAKHMETOVA (Ms.), Industrial Designs, Trademarks Department, National Institute of Intellectual Property of Kazakhstan, Astana
Aleka12051987@mail.ru

LETTONIE/LATVIA

Asja DIŠLERE (Ms.), Leading Examiner, Trademarks and Industrial Designs Department, Patent Office of the Republic of Latvia, Riga
asja.dislere@lrpv.gov.lv

MEXIQUE/MEXICO

Luis Silverio PÉREZ ALTAMIRANO (Sr.), Coordinador Departamental de Examen Área Diseños Industriales y Modelos de Utilidad, Dirección Divisional de Patentes, Instituto Mexicano de la Propiedad Industrial (IMPI), Ciudad de México
luis.perez@impi.gob.mx

Liliana Selene HERNANDEZ HERRERA (Sra.), Especialista “B” en Propiedad Industrial, Dirección Divisional de Patentes, Instituto Mexicano de la Propiedad Industrial (IMPI), Ciudad de México
liliana.hernandez@impi.gob.mx

Monica Emilia VALDES DE LA TORRE (Sra.), Especialista “A” en Propiedad Industrial, Dirección Divisional de Patentes, Instituto Mexicano de la Propiedad Industrial (IMPI), Ciudad de México
monica.valdes@impi.gob.mx

María del Pilar ESCOBAR BAUTISTA (Sra.), Consejera, Misión Permanente, Ginebra

Itzel FERNÁNDEZ PANDO (Sra.), Asesor, Misión Permanente, Ginebra

NORVÈGE/NORWAY

Kjersti GRAVKLEV (Ms.), Senior Adviser, Design and Trademarks Section, Norwegian Industrial Property Office (NIPO), Oslo
kgr@patentstyret.no

Wigdis SOLLIE (Ms.), Senior Adviser, Design and Trademarks Section, Norwegian Industrial Property Office (NIPO), Oslo
wsl@patentstyret.no

OUZBÉKISTAN/UZBEKISTAN

Boburkhan ABBASOV (Mr.), Chief Consultant, Intellectual Property Center under the Ministry of Justice of the Republic of Uzbekistan, Tashkent
baburkhanabbasov@gmail.com

PAYS-BAS/NETHERLANDS

Rémy KOHLSAAT (Mr.), Examiner, Benelux Organization for Intellectual Property (BOIP), The Hague
rkohlsaat@boip.int

PÉROU/PERU

Jaicel ALFARO (Sra.), Coordinadora Jurídica, Dirección de Inventiones y Nuevas Tecnologías, Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual (INDECOPI), Lima
jalfaro@indecopi.gob.pe

Rocio FLORES MONTERO (Sra.), Especialista 1, Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual (INDECOPI), Lima
rflores@indecopi.gob.pe

POLOGNE/POLAND

Paulina USZYŃSKA-RZEWUSKA (Ms.), Head of Design Division, Trademark Department, Patent Office of the Republic of Poland, Warsaw
paulina.uszynska-rzewuska@uprp.gov.pl

RÉPUBLIQUE DE CORÉE/REPUBLIC OF KOREA

OH Haebin (Ms.), Assistant Director, Design Examination Policy Division, Korean Intellectual Property Office (KIPO), Seoul
haebec@korea.kr

HUH Yoonmin (Ms.), Senior Researcher, Design Examination Policy Division, Korean Intellectual Property Office (KIPO), Seoul

KANG Byungwan (Mr.), Senior Researcher, Design Examination Policy Division, Korean Intellectual Property Office (KIPO), Seoul
bkang@kipro.or.kr

RYU Inyoung (Mr.), Senior Researcher, Design Examination Policy Division, Korean Intellectual Property Office (KIPO), Seoul
designryu@kipro.or.kr

LEE Jinyong (Mr.), Intellectual Property Attaché, Permanent Mission, Geneva

RÉPUBLIQUE DE MOLDOVA/REPUBLIC OF MOLDOVA

Lilia VERMEIUC (Ms.), Industrial designs Examiner, Trademarks and Industrial Designs Department, State Agency on Intellectual Property (AGEPI), Chisinau
lilia.vermeiuc@agepi.gov.md

RÉPUBLIQUE TCHÈQUE/CZECH REPUBLIC

Jitka STREITBERG (Ms.), Search Specialist, Patent Department, Industrial Property Office, Prague
jstreitberg@upv.gov.cz

Eva POKORNA (Ms.), Search Expert, Industrial Property Training Institute Section, Industrial Property Office, Prague
epokorna@upv.gov.cz

ROUMANIE/ROMANIA

Silvia FILIP (Ms.), Examiner, Designs Division, State Office for Inventions and Trademarks (OSIM), Bucharest
Silviteo@yahoo.com

Alexandru STRENC (Mr.), Examiner, Designs Division, State Office for Inventions and Trademarks (OSIM), Bucharest
Alex.strenc@gmail.com

ROYAUME-UNI/UNITED KINGDOM

Morwenna BELL (Ms.), Interim Head of Design Practice, UK Intellectual Property Office (UK IPO), Newport
morwenna.bell@ipo.gov.uk

Darrel HENDY (Mr.), Trade Mark and Design Classification Examiner, Trade Marks and Designs Policy, UK Intellectual Property Office (UK IPO), Newport
darrel.hendy@ipo.gov.uk

SLOVAQUIE/SLOVAKIA

František ŠRAMOTA (Mr.), Trademark and Design Expert, Trademarks and Designs Department, Industrial Property Office of the Slovak Republic, Banská Bystrica

SUÈDE/SWEDEN

Martin INGESSON (Mr.), Legal Advisor, Design and Trademark Department, Swedish Intellectual Property Office (PRV), Söderhamn
martin.ingesson@prv.se

Anna OSSÉEN (Ms.), Examiner, Design and Trademark Department, Swedish Intellectual Property Office (PRV), Söderhamn
anna.osseen@prv.se

SUISSE/SWITZERLAND

Simon M. KROPF (Mr.), Process Owner Design, Trade Mark and Design Division, Swiss Federal Institute of Intellectual Property, Bern
simon.kropf@ipi.ch

TÜRKIYE

Aslihan ARSLAN (Ms.), Assistant IP Expert, Designs Department, Turkish Patent and Trademark Office (TÜRKPATENT), Ankara

UKRAINE

Viktoriiia GRYSHCENKO (Ms.), Head of Department, Department of Information and Documentary Support, State Organization "Ukrainian National Office for Intellectual Property and Innovations (UANIPIO), Ministry of Economy, Kyiv
Viktoriiia.Gryshchenko@nipo.gov.ua

Svitlana LESHCHENKO (Ms.), Head of Unit, Unit for Examination of Industrial Design Examination, State Organization "Ukrainian National Office for Intellectual Property and Innovations (UANIPIO), Ministry of Economy, Kyiv
Svitlana.Leshchenko@nipo.gov.ua

II. ÉTATS OBSERVATEURS/OBSERVER STATES

ALGÉRIE/ALGERIA

Belgacem TABAI (M.), conseiller, Mission permanente, Genève
tabai@mission-algeria.ch

ANGOLA

Teresa CASSOLA (Ms.), Deputy General Manager, National Service of Copyright and Related Rights, Ministry of Culture and Tourism, Luanda
teresaqueta@hotmail.com

Leonildo TAVARES DE SOUSA (Mr.), Technical, National Institute of Cultural Heritage, Ministry of Culture and Tourism, Luanda

CAMEROUN/CAMEROON

Théophile Olivier BOSSE (M.), premier conseiller, Mission permanente, Genève
tbosse80@yahoo.com

COLOMBIE/COLOMBIA

Olga LOZANO (Sra.), Ministra Consejera, Misión Permanente, Ginebra
olga.lozanof@cancilleria.gov.co

ÉTATS-UNIS D'AMÉRIQUE/UNITED STATES OF AMERICA

Brandon ROSATI (Mr.), Management Quality Assurance Specialist, United States Patent and Trademark Office (USPTO), Department of Commerce, Alexandria
brandon.rosati@uspto.gov

GHANA

Godsentina GOGO-TAWIAH (Ms.), State Attorney, Registrar-General's Department, Accra
atsweigogo@gmail.com

IRAQ

Aaisha HAJI (Ms.), Senior Chief Engineer, Technical Department, Iraqi Patent Office, Central Organization for Standardization and Quality Control, Ministry of Planning, Baghdad
aaishaalenze@yahoo.com

Ammar ATRAKCHI (Mr.), Chief Engineer, Iraqi Patent Office, Central Organization for Standardization and Quality Control, Ministry of Planning, Baghdad
ammar.muayad.saber@gmail.com

Hussein AL RAWAF (Mr.), Third Secretary, Permanent Mission, Geneva

ISRAËL/ISRAEL

Alice MAHLIS ABRAMOVICH (Ms.), Head of Designs Department, Israel Patent Office (IPO), Ministry of Justice, Jerusalem
alicem@justice.gov.il

KOWEÏT/KUWAIT

Abdulaziz TAQI (Mr.), Commercial Attaché, Permanent Mission, Geneva

LITUANIE/LITHUANIA

Urte VRUBLEVSKYTE (Ms.), Expert, Trade Marks and Designs Division, State Patent Bureau of the Republic of Lithuania, Vilnius
urte.vrublevskyte@vpb.gov.lt

NAMIBIE/NAMIBIA

Monica HAMUNGHETE (Ms.), Manager, Patents, Intellectual Property Services, Business and Intellectual Property Authority (BIPA), Windhoek
hamunghete@bipa.na

Hileni SHIGWEDHA (Ms.), Intellectual Property Officer, Framework and Cooperation, Intellectual Property Services, Business and Intellectual Property Authority (BIPA), Windhoek
shigwedhah@bipa.na

NIGER

Yambeye IBRAHIMA (M.), directeur général, Propriété industrielle, Agence nationale de la propriété industrielle et de la promotion de l'innovation, Ministère du commerce et de l'industrie, Niamey
yambe2007@yahoo.fr

PAKISTAN

Shams un Nisa HASHMI (Ms.), Senior Examiner of Patents and Designs, Intellectual Property Organization of Pakistan (IPO-Pakistan), Ministry of Commerce, Karachi
shams.nisa@ipo.gov.pk

PHILIPPINES

Martin CAGOCO (Mr.), Intellectual Property Rights Specialist III, Industrial Design Examination Division, Bureau of Patents, Intellectual Property Office of the Philippines (IPOPHL), Taguig City
martin.cagoco@ipophil.gov.ph

Eileen LLANTOS (Ms.), Patent Examiner, Intellectual Property Rights Specialist III, Intellectual Property Office of the Philippines (IPOPHL), Taguig City
eileen.llantos@ipophil.gov.ph

Eldrian RAMOS (Mr.), Intellectual Property Rights Specialist II, Industrial Design Examination Division, Bureau of Patents, Intellectual Property Office of the Philippines (IPOPHL), Taguig City
eldrian.ramos@ipophil.gov.ph

SRI LANKA

Dilini Nadisha RATHNAYAKE (Ms.), Assistant Director, Information and Examination, Patent and Industrial Design Division, National Intellectual Property Office (NIPO), Ministry of Trade, Commerce and Food Security, Colombo
dilini.rathnayake@gmail.com

VIET NAM

LE Ngoc Lam (Mr.), Counsellor, Permanent Mission, Geneva
lengoclamip@gmail.com

YÉMEN/YEMEN

Hamid Mohamed Ali OMAR (Mr.), Counsellor, Permanent Mission, Geneva
hamidmaomar@gmail.com

III. ORGANISATIONS INTERNATIONALES INTERGOUVERNEMENTALES/
INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

OFFICE BENELUX DE LA PROPRIÉTÉ INTELLECTUELLE (OBPI)/BENELUX OFFICE FOR
INTELLECTUAL PROPERTY (BOIP)

Rémy KOHLSAAT (M.), examinateur, Section OPS, La Haye
rkohlsaat@boip.int

ORGANISATION RÉGIONALE AFRICAINE DE LA PROPRIÉTÉ
INTELLECTUELLE (ARIPO)/AFRICAN REGIONAL INTELLECTUAL PROPERTY
ORGANIZATION (ARIPO)

Maxwell CHIKUNI (Mr.), Formality Examiner, Formality Examination, Harare
mchikuni@aripo.org

UNION EUROPÉENNE (UE)/EUROPEAN UNION (EU)

Kelly Marie BENNETT PRICE (Ms.), Leader of KCDesigns, Legal Department, European Union
Intellectual Property Office (EUIPO), Alicante

Jan CERNANSKY (Mr.), Design Class Application Manager, DTD Department, European Union
Intellectual Property Office (EUIPO), Alicante
jan.cernansky@sne.euipo.europa.eu

Mona JARMER (Ms.), Classification Expert, Digital Transformation Department, European
Union Intellectual Property Office (EUIPO), Alicante
Mona.Jarmer@euipo.europa.eu

Soraya BERNARD (Ms.), Project Manager Specialist, International Cooperation, European
Union Intellectual Property Office (EUIPO), Alicante
soraya.bernard@euipo.europa.eu

Mary DESMOND (Ms.), Examiner, Operations Department, European Union Intellectual
Property Office (EUIPO), Alicante

IV. BUREAU/OFFICERS

Présidente/Chair: Morwenna BELL (Mme/Ms.)
(Royaume-Uni/United Kingdom)

Secrétaire/Secretary: Alison ZÜGER (Mme/Ms.) (OMPI/WIPO)

V. SECRETARIAT DE L'ORGANISATION MONDIALE DE LA PROPRIÉTÉ
INTELLECTUELLE (OMPI)/SECRETARIAT OF THE WORLD INTELLECTUAL
PROPERTY ORGANIZATION (WIPO)

Ken-Ichiro NATSUME (M./Mr.), sous-directeur général, Secteur de l'infrastructure et des plateformes/Assistant Director General, Infrastructure and Platforms Sector

Kunihiko FUSHIMI (M./Mr.), directeur, Division des classifications internationales et des normes, Secteur de l'infrastructure et des plateformes/Director, International Classifications and Standards Division, Infrastructure and Platforms Sector

Alison ZÜGER (Mme/Ms.), chef, Section des classifications pour les marques et les dessins et modèles, Division des classifications internationales et des normes, Secteur de l'infrastructure et des plateformes/Head, Mark and Design Classifications Section, International Classifications and Standards Division, Infrastructure and Platforms Sector

Helen WHITTINGHAM (Mme/Ms.), administratrice aux classifications, Section des classifications pour les marques et les dessins et modèles, Division des classifications internationales et des normes, Secteur de l'infrastructure et des plateformes/Classifications Officer, Mark and Design Classifications Section, International Classifications and Standards Division, Infrastructure and Platforms Sector

Christine CARMINATI (Mme/Ms.), assistante à l'information, Section des classifications pour les marques et les dessins et modèles, Division des classifications internationales et des normes, Secteur de l'infrastructure et des plateformes/Information Assistant, Mark and Design Classifications Section, International Classifications and Standards Division, Infrastructure and Platforms Sector

Caroline SCHLESSINGER (Mme/Ms.), secrétaire II, Division des classifications internationales et des normes, Secteur de l'infrastructure et des plateformes/Secretary II, International Classifications and Standards Division, Infrastructure and Platforms Sector

[L'annexe II suit/
Annex II follows]

ANNEX II
(see paragraph 5 of this report)

AGENDA

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[Annex III follows]

TECHNICAL ANNEXES

[The Technical Annexes are available on the Electronic Forum, under Project [LO160](https://www3.wipo.int/classifications/locarno/locef/public/en)
<https://www3.wipo.int/classifications/locarno/locef/public/en>]

[End of Technical Annexes and of document]