FÉDÉRATION INTERNATIONALE DES CONSEILS EN PROPRIÉTÉ INDUSTRIELLE

Meeting of the Pilot Group of the Ad hoc Group of the Locarno Union

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the profession in private practice, is pleased to submit these comments in preparation for the meeting of the Pilot Group of the Ad hoc Group of the Locarno Union being held from 9 to 11 March 2009 in Prague.

General Comments

FICPI believes that the provision of fully searchable and user friendly design databases is a key issue in the reform of design systems internationally. We therefore welcome the current efforts to provide additional functionality to the existing Locarno classification.

We also welcome the invitation to participate in the process surrounding this review.

Specific Comments

How would (if at all) the proposed universal categories improve the existing classifications?

Given that many design registration systems do not limit the rights of registrations to the articles named in the registration or the Locarno classes in which the designs are classified, it is crucial that users can search the databases of registrations with respect to the component shapes of a design. This enables both the location of relevant prior art, as well as registrations which may be infringed.

Are there any "UNIVERSAL" features for designs that are not shown in the universal categories?

Attached is a marked-up version of the Common Categories (Annex 1), with our comments in orange, suggesting some additional categories. We appreciate the need to achieve a balance between too many and too few categories, but believe these additional categories would aid the utility of the classification.

Ideas on a structure for classification of designs for furniture (Class 6 of the Locarno classification) that would sit beneath the "universal" criteria

We attach the Australian Classification (Annex 2) which appears to be fairly comprehensive. If additional sub-classes were considered, then:

- with/without arms
- with/without visible legs
- single person/multi-person

may be possibilities.

23 February 2009

COMMON CATEGORIES

SHAPE AND/OR ORNAMENTATION

SURFACE

COLOUR

W THE CATEGORY OF SHAPE AND/OR ORNAMENTATION

The categories should apply solely to shape, solely to ornamentation or both. The option is selected by ticking the proper window or windows

- □ applied to shape
- □ applied to ornamentation

WA Rectilinear (2D and 3D geometric shapes - triangle, square, rectangle, cuboid, spire, cube, shapes composed of straight lines and symmetrical at least about one central-line)

WB Curvilinear (2D and 3D geometric shapes - circle, ellipse, semicircle, sector of circle, drop or heart shape, cylinder, cone, ball/sphere, their segments, and other round symmetrical shapes at least about one central-line)

- A description that would allow for a combination of WA and WB (for articles where both Rectilinear and Curvilinear shapes are present.
- A description for cross sectional shapes such as those shapes covered in WA and WB.
- A description for indefinable shapes and / or a Miscellaneous shape category

WC Plants and plant like forms (including parts of plants)

WD Animals and animal like forms

WE Humans and human like forms / Non-humanoid beings

WF Heads / Faces (including individual parts of heads/faces, both human & animal)

WG Limbs (both human & animal)

WH Other body parts (both human & animal)

WI Letters / Numbers / Typographic symbols

WJ Celestial bodies / Natural phenomena / Landscapes

WK Heraldry / Coins / Emblems

X THE CATEGORY OF SURFACE

XA Smooth

XB Textured

- A category for a combination surface such as XA and XB on the one article.
- A category for surfaces with indented or raised panels or the like.

XC Nets / Holes / Grille / Perforation / Windowed

XD Buttons / Switches / Knobs / Keys / Illuminating indicators

XE Shaped to the body (in sense of ergonomics or harmonization of the design with the needs of human body)
A cross reference with this group to WE, WF,WG,WH in the Shape Category.

XF Textile / Leather / Hair / Unwoven

- A category for a Mirrored surface.
- A description for indefinable surfaces and / or a Miscellaneous surface category.

Y THE CATEGORY OF COLOUR

YA Not specified

YB 1 colour

YC 2 colours

YD More than 2 colours

YE Transparent

YF Spots / Blots / Stripes / Chequered

- A description for indefinable Colours and / or Combinations of any of the above categories.
- A Miscellaneous Colour category.

NOTE: all designs represented by black and white drawings or photographs should be classified YA – colour not specified. Where, however, black and white photographs or drawings show clearly that a design comprises two or

more colours (though not specified), it should be classified both in YA and in the relevant category YC or YD.

NOTE: The examples of designs may apply to more than one category. The scheme is not finite and it may be further modified or new categories may be created.

IP AUSTRALIA DESIGN CLASSIFICATIONS

Annex 2

CLASS 06

FURNISHING

NOTE:

1. Composite furniture articles embodying components that are included in several classes are classified in class 06-05
2. Sets of furniture, as far as they can be looked upon as one design, are classified in class 06-05.
3. Not including textile piecegood articles (class 05)

06-
- **01** Beds and seats (Included beds pre 01.01.2004). * has additional groups
- 02 Beds (was Vacant pre 01.01.2004)
- **03** Tables and similar furniture. *
- **04** Storage furniture. *
- 05 Composite furniture (see note 1)
- **06** Other furniture and furniture parts. *
- 07 Mirrors and frames.
- 08 Clothes hangers.
- 09 Mattresses and cushions.
- 10 Curtains and indoor blinds.
- 11 Carpets, mats and rugs.
- 12 Tapestries
- **13** Blankets and other covering materials, household linen and napery. *
- 99 Miscellaneous

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SUB-CLASS 06-01

BEDS AND SEATS

NOTE:

1. *Including vehicle seats.*
2. Not including parts or frames for chairs (class 06-06)

06-01

A *Vacant -(Previously contained all beds. Now in 06-02 post 01.01.2004)*

B *Divans (seat type only)*

(Previously contained all bed parts. Now in 06-02 post 01.01.2004)

C Theatre, stadium, church and garden seats and benches.

D Vehicle seats and backrests, including those for aircraft and boats.

Children's car seats.

E Babies and children's chairs including high chairs.

Stools and footstools, poufs, ottomans.

F Kitchen, dining and general purpose chairs.

Work and utility chairs.

Office, typists and ergonomic chairs.

(not including folding, patio or outdoor chairs (class 06-01H)).

G Upholstered lounge suites and chairs.

Convertible lounges.

Settees, bed-settees, couches.

H Folding chairs, patio and outdoor chairs.

Deck chairs, sun lounges.

K Rocking chairs.

L Saucer and batwing chairs.

Bean bags and frameless stuffed chairs and seats.

Other unconventional shaped chairs.

Z Chairs and seats not elsewhere specified, including doctors, dentists and therapy chairs, swinging and suspended chairs and seats, floating chairs and seats, beach seats and backrests.

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SUB-CLASS 06-03

TABLES AND SIMILAR FURNITURE

06-03

A Square and rectangular household tables.

B Round, oval and irregular shaped household tables.

C Office, student and work desks.

Shop counters.

Sewing tables, wool classing tables, work benches.

(not including sewing machine tables (class 15-06) or refrigerated shop counters and cabinets (class 15-07))

D Tables specially built for games.

Z Tables and similar furniture not elsewhere specified, including baby changing and bathing tables, bedside and overbed tables, trolleys and mobile tables for food and drink.

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SUB-CLASS 06-04

STORAGE FURNITURE

NOTE:

1. Including cupboards, furniture with drawers or compartments, and shelves.
2. Not including dressing tables (class 06-06)

06-04 A Commode chairs.
Note: When searching class 06-04A also see class 12-12.

B Office storage furniture and safes.

C Wardrobes.

D Sideboards, buffets, china cabinets, cocktail cabinets and bars.

E Kitchen dressers and cupboards, including meat safes.

F Sewing and ironing cabinets.

Bathroom cabinets.

Bedside cupboards, chests.

Cupboards and chests of drawers not included in the above subclasses.

Z Racks and shelves for storage, including wine racks, bookshelves and tool racks.

(not including flower and pot plant stands or valets (class 06-06))

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SUB-CLASS 06-06

OTHER FURNITURE AND FURNITURE PARTS

06-06 A Hallstands.

Palm, pot plant and flower stands (furniture).

Hat racks, coat stands and valets.

Tack stands, aquarium and birdcage stands.

B Dressing tables.

C Castors, gliders and tips for furniture legs.

Furniture columns and posts, and fittings therefore.

D Drawers and their parts, including drawer rails and supports.

E Parts for and of tables, including leaves, frames and legs.

F Parts for and of beds, cots and bassinets, including ends, surrounds, rails and supports.

G Parts for and of chairs and seats (not including complete frames (class 06-06H))

H Chair, stool and bench frames.

Z Other furniture and furniture parts not elsewhere specified including playpens, bookends, doors for furniture, mouldings, edgings and decorations for furniture.

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SUB-CLASS 06-13

BLANKETS AND OTHER COVERING MATERIALS, HOUSEHOLD LINEN AND NAPERY.

NOTE:

Including furniture covers, bedspreads and table covers.

06-13

A Table linen, including tablecloths, place mats and doilies.

B Bed linen, including blankets, sheets, pillow cases, doona and quilt covers, bed spreads.

Bassinette liners, baby capsule covers.

Cushion covers and sleeping bags.

C Towels, including tea towels.

Z Blankets, household linen, napery and other covering materials not elsewhere specified, including seat covers, car seat covers and tissue box covers.

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