
United States Patent and Trademark Office

Locarno Task Force Pilot Group

Date: May 4, 2009

COMMENTS

We would again like to express our appreciation to the IB and other Task Force participants for their efforts in advancing this important project to improve the search tools for registrations and patents for industrial designs. While we are disappointed that our previous comments to the various proposals to add an indexing scheme as a means to enhance the searchability of industrial design documents appear not to have been addressed, we offer the following specific comments to the latest proposal for the inclusion of “common categories” of visual indicators in conjunction with a “search index” for Locarno Class 06, as well as some thoughts for further discussion topics to advance this important effort.

Comments on the latest proposal by the Ad Hoc Working Group for Locarno Class 06

Upon review of the joint proposal developed following the recent meeting of the Ad Hoc Working Group, we noted that the proposal for common categories has decreased substantially, with the latest proposal only retaining categories for shape/ornamentation, surface, and color. We would appreciate an explanation as to why the working group scaled back the number of categories from earlier proposals as well as how this decision may or may not conflict with the note indicating that new common categories may be created in the future. While we assume that this decision was taken based upon the many shortcomings indicated by various Offices to the prior proposals considered by the working group, we remain uncertain that these “universal categories” are intended to apply across all possible industrial designs.

We are encouraged in seeing that the ad hoc working group has included in the latest proposal further elaboration of the Locarno classification itself as opposed to the sole development of visual indicators, but we are unclear as to how the proposed “search index” differs from a proposal to revise the structure of the Locarno Class 6, and the mechanism by which this would be revised should the subclasses be modified. We would appreciate clarification as to the rationale for having a “search index” expand upon an existing subclass while in other cases there is no corresponding “search index” for an existing subclass in Locarno Class 6. As indicated previously, we wholeheartedly endorse the CA suggestion to base further subdivisions to the Locarno Classification upon existing breakouts in the various national classification systems as it additionally provides a solution to the issue of handling the back-file of previously published industrial design documents.

Similar to our comments on the prior proposals, we expect that the working group will need to consider further guidance such as classification rules, perhaps both universal as well as specific to individual Locarno classes, will be very important in advancing the effort to improve the Locarno classification regardless of whether visual indicators or additional subclasses are the end approach.

It is also unclear from the meeting report how common categories are to be applied. We thus reiterate our previous comment that the combining of visual indicator codes into a combined classification and indexing code of indefinite length should be avoided. Is it envisioned in the latest proposal that the “search index” codes of Annex 3 are to be further appended therewith? Separating the Locarno classification from any ancillary codes will also avoid costly changes to existing information retrieval systems.

Further discussion topics of the Pilot Group

We remain unconvinced that the current direction being undertaken for improving the Locarno classification will achieve the desired results. While we are committed to working with the international community towards an improved international classification for industrial designs, we reiterate our belief that the Pilot Group must broaden the discussion to related topics including, but not limited to, the creation of a database providing access to the worldwide collection of industrial design patent documentation, as well as the application of indexing codes to existing registrations and patents for industrial designs, and how the indexing codes will be modified in the future (necessitating the re-indexing of existing registrations and patents for industrial designs). We anticipate that the forthcoming test by the members of the Pilot Group of the latest proposal will highlight our viewpoint as to the complexity of using visual indicators in combination with indexing.

Additionally, we reiterate our previous comment that the Pilot Group should consider metrics for quantifying the search benefits to be obtained from the further development of the Locarno classification system. Such metrics should not be limited to improved precision and recall of search, but also metrics for implementation of search systems to support the approach for improving the retrieval of industrial designs.

The international community of classification experts collectively provides a valuable source of knowledge to obtain high quality while addressing appropriate standards to whatever approach is deemed best for industrial designs. We believe this will ensure an improved Locarno classification that is expedient in achieving improved usefulness to the user community and that will also achieve rapid consensus in the implementation of new schemes, particularly in those areas emanating from international harmonization activities. We look forward to future discussions of the Pilot Group as well as further input from the general public as to best practices for developing an improved classification regime for industrial designs.