

INSTITUTO MEXICANO DE LA PROPIEDAD INDUSTRIAL

Comments to the Proposal made by the Benelux Office of Intellectual Property (BOIP) to the Locarno Classification

IMPI studied both documents CEL/10/6 document and non-paper of classification of UK delegation and communicates the following:

Document CEL/10/6 contains a suggestion for the creation of subclasses, among many examples we used only one to explain our observations; for classes 6-01 concerning "BEDS AND SEATS" it was proposed an example of chairs belonging to this classification and the creation of a first sub class consisting of words denoting the "functionality" of the product, as shown in the figure below:

Chairs 06-01:

Legs:

Four-legged subclass 01; with central leg subclass 02; with various legs subclass 03;

Arm-rests:

With arm-rests subclass 04; backed subclass 05;

Seat shape:

Square subclass 06; circular subclass 07; multiformed subclass 08;

Accessories:

On casters subclass 09; pivoting subclass 10; folding subclass 11.



Example: (cl. 6-01; s-cl 03; s-cl 05; s-cl 06)

For example chairs of this first subclass suggests four sub-classes for the chairs that are "Legs", "Arm rest", "Seat Shape" and "Accessories". Also, each sub class include at least two subclasses in terms of numbers "01", "02", "03", etc., so in the example it is shown a chair that is classified according with this suggested subclass, and this chair is classified with four parameters. The analysis of this subclass gives us the following points of view:

- 1) Creation of first subclass mainly depends of the nature of the product.

In the example this first subclass mixes function of the product, for instance, "Accessories" and special appearance of the product "seat shape", we suggest that this should be discussed more in detail to determine if this is important or relevant to create rules when this first subclass classification is defined. For example, if creation of this first subclass should be according to essential parts of the product or essential appearance of the product or mixed.

2) Creation of second subclass

In the examples of the chair and examples of document CEL/10/6 the creation of subclass is useful and non-repeated (subclass 01, subclass 02,...), this allow the inclusion of a new subclass without interfering with other subclasses or coexisting with them.

3) An standardized rules of classification

In the example of the chair, the classification result in cl.6-01; s-cl 03; s-cl-05; s-cl 06; according with sub classification suggested, we suggest that definitions for basic principles of classification should be defined.

4) According with document CEL/10/6 of (BOIP) and non-paper of Delegation of UK, the advantages of the creation of subclasses should be included in the search tools; this allows reduced duration of inquiries and refined search by users when online databases are utilized.

5) In our Institute, examiners and users search and classify products using the **Locarno Classification**, and during the last Committee of Experts, the Delegation of Mexico has supported changes and additions that have been applied in the new editions of this Classification in benefit of users that classify and search for industrial designs; however, currently we do not have a classifier or database that contains additional subclasses in the **Locarno Classification** that we may share in order to submit an official proposal of our office.