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# United States Patent and Trademark Office

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Proposal to Reform Locarno

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Development of modern methods of electronic access and retrieval of information requires accommodation of the classification to the electronic age. In order to ensure its continuing efficient and effective use, substantial changes to the Locarno international classification for industrial designs itself and to methods of its revision and application are needed.

The Locarno design classification system, as it exists today, is inadequate as a search tool for the large and growing body of industrial designs that must be considered when allowing new registrations, commercializing a new design, or litigating existing registrations. This paper sets forth changes to be implemented in order for the Locarno classification to become a search tool that will better suit the search needs of all the world's Intellectual Property Offices (IPOs) dealing with industrial designs, as well as members of the public who seek to determine existing intellectual property rights in industrial designs before selecting a design for commercial use.

It has been suggested that the basic structure of the Locarno classification, a taxonomy of classes and subclasses for subdividing industrial designs, is inadequate structurally as a search system, that further subdivision of existing branches "is not the answer," and that radical changes in how Locarno symbols are formed should be considered. The US has found from experience in searching that the structure of Locarno is well suited for searching documents, and that with the proper accouterments, such as additional subdivisions and a database to store Locarno symbols and the ability to assign plural classification symbols to a document, documents may be easily located.

This proposal for reform of the Locarno classification system, after consideration by the Locarno Union ad hoc working group as a feasible approach for the extension of the current Locarno classification system, would be carried out by the Committee of Experts (CE) with close cooperation of industrial property offices (IPOs) for achieving successful results of the reform.

One of the objectives of extension of the Locarno classification system should be to provide possibilities to enable efficient prior art searches. A single, up-to-date version of the Locarno classification, achieved by reclassification of patent collections according to revision changes of the Locarno classification, would improve the classification system. However, in view of its stability for smaller IPOs, the CE may desire to set the time period for the initial revision period as a five-year revision cycle before permitting revising to be enacted thereafter on a time-span of shorter duration.

The initial extension of the Locarno classification should be undertaken using to the greatest possible extent the existing Locarno subdivisions made by many IPOs. A

preliminary illustration of this approach for current Locarno Class 01 is presented in Annex 1 [*see attached spreadsheet*] using existing subdivisions from CA, GB, JP, as well as US.

Note that it will be necessary for the initial extension of the Locarno classification system to develop corresponding revisions for all Locarno classes in order to resolve the proper classification for areas for which IPOs have differing viewpoints. For example, Annex 1 illustrates that for chewing gum, tea bags, medicinal tablets/pills, and cigarette/tobacco products, while at least one IPO classifies in Class 01, the other represented IPOs appear to classify these designs in other classes in their national classification systems.

Subsequent revisions to the initial extension of the Locarno classification which are necessitated by design advancements could be handled by cooperative reclassification projects involving work sharing activities to enable cost-effective and timely improvements to the Locarno classification system. Work sharing would involve, in particular, the treatment of design patent families as a discrete entity with the IPO of first filing performing reclassification which is propagated to all family members.

Additionally, to accommodate multinational design protection afforded by the Geneva Act of The Hague Agreement Concerning the International Registration of Industrial Designs, access to the worldwide collection of design patent documentation would be provided through a Master Design Classification Database (DCD). The DCD represents a bibliographic database storing all bibliographic elements, including Locarno classification symbols, of patent documents at various publication levels. The database also contains family information. The design documents included in the DCD will be classified according to the current version of the classification and continuously updated according to reclassification information provided by the cooperating IPOs. During revision of classification schemes, the work distribution for offices participating in the reclassification of relevant patent files will be done by automatic means, using the database.

Delivery of classification and reclassification data to the DCD should be done by industrial property offices with the use of the new version of WIPO Standard ST. 36 ("Recommendation for the Processing of Patent Information Using XML (Extensible Markup Language)").

Although basic principles and rules of classification need not be changed during the course of reform, some important new concepts should be introduced that will help to standardize the classification practice between industrial property offices. One such concept is that of treatment of classifiable subject matter as information in the total disclosure of a design in order to ensure a more complete and consistent classification of design information.

Several other particular proposed rules for the Locarno classification concern, for example, presentation of multiple classification symbols on the front page of design documents, principles of multiple classification, and priority rules when applying multiple classifications, and the use of hybrid classification systems. Additionally, the

concept of hierarchical arrangement of the reformed classification schemes is proposed for the Locarno classification schemes, as this principle helps ensure efficiency of classification organization. Hierarchical arrangements of subclasses within a class are known commonly as “schemes” or “schedules” in other classification systems.

We propose that future versions of the Locarno classification be published electronically. Electronic publication of the Locarno classification will obviate the need for publication of the Locarno classification in paper form (although smaller IPOs may desire that this be continued). The complete text of the Classification could be made available over the Internet, along with data further illustrating the classification entries or explaining them more in detail. This electronic data enhances understanding and facilitates the use of the Locarno classification for industrial property offices and the general public.

As part of the reform of the Locarno classification system, we suggest that a set of classification definitions be created. Classification definitions intended to provide more detailed explanations of the contents of Locarno classification entries will be elaborated during further development of the Locarno classification. The definitions may include illustrations which provide a visual graphic representation of the subject matter contained in a particular classification and thus enable more uniform classification. Additionally, the existing Locarno indicators will be utilized in creating an alphabetical index which will allow easy key-word entry to the Locarno classification for searchers who are unfamiliar with the Locarno design classification system.

"FOODSTUFFS"

Notes: (a) Not including packages (Cl. 9)

- 01 - 10.
- 01 - 10.1
- 01 - 11.
- 01 - 11.1
- 01 - 12.
- 01 - 13.
- 01 - 13.1
- 01 - 14.
- 01 - 15.
- 01 - 16.
- 01 - 17.
- 01 - 17.1
- 01 - 17.2
- 01 - 18.
- 01 - 18.1
- 01 - 18.2
- 01 - 19.
- 01 - 20.
- 01 - 21.
- 01 - 22.
- 01 - 23.
- 01 - 23.1
- 01 - 23.2

LOCARNO-8	UK	CIPO	JP D-term	USPC	Title
01--06 *					ANIMAL FOODSTUFFS
	01--05-03				. Feed for birds
01--01 *	01--01-06	020-03			FROZEN CONFECTIONARIES
			A1-191	D1/116	. Ice cream cone or cup
					prepared marine products (fish, nori, etc.)
01--04					prepared (butchers) meat/sausage
	10--04-04				. Prepared meat products incorporating other foods
			A1-140		BEAN PRODUCTS (TOFU, ETC.)
			A1-1413		RICE PRODUCTS
01--01 *			A1-1411	D1/126	PASTA
		020-02		D1/127	CANDY
	01--01-07				. Lollipops
01--01 *		020-02			. Chewing gum
01--01 *					Bakers products including biscuits and pastry
				D1/128	. Cracker or cookie type
				D1/129	. Bread or cake type
01--01 *					Chocolates, confectionary ( <i>and ices</i> )
01--03					Dairy (cheeses, butter, butter substitutes)
01--02					prepared fruit or vegetables
01--06 *				D1/100	MINERAL BLOCK
0 1--9 9		020-01	A0-0	D1/199	MISCELLANEOUS
					. Bouillon or solid soup cubes
					. Sugar cubes

01 - 23.3	09--05	09--05-07			D1-199	. Tea bags
01 - 23.4	28-01	28--01-01	020-05	A1-00?, J7-11?	D24/100	. medicinal tablets/pills
01 - 23.5	27-01	27--01-01	089-04	A1-2	D27/100	. Cigarette/tobacco products
						<i>Taking into account of the shape of the materials involved (secondary classification scheme)</i>

01 - 50.  
01 - 50.1  
01 - 50.2  
01 - 50.3  
01 - 50.4  
01 - 51.  
01 - 51.1  
01 - 51.2  
01 - 51.3  
01 - 51.4  
01 - 51.5  
01 - 51.6  
01 - 51.7  
01 - 51.8  
01 - 51.9  
01 - 52.  
01 - 53.  
01 - 54.  
01 - 54.1

					D1/101	<b>DISTINCT COMPOSITE INGREDIENTS</b>
					D1/102	. With inedible holder
					D1/103	.. Plural holder
					D1/104	.. Simulative
					D1/105	.. Holder, per se
		-	-		D1/106	<b>SIMULATIVE</b>
					D1/107	. Animate
					D1/108	.. Humanoid
					D1/109	. . . Head or other appendage
					D1/110	.. Quadruped
					D1/111	.. Marine life
					D1/112	.. Heart shaped
					D1/113	. Vehicle or component thereof
					D1/114	. Alpha or numeric
					D1/115	. Plant life
					D1/120	<b>WITH ENCLOSED OPENINGS</b>
					D1/121	<b>SCORED FOR PORTION CONTROL</b>
					D1/122	<b>WITH VISIBLE CONCAVITY FOR FOOD</b>
					D1/123	. Scoop or dip type

01 - 54.2				D1/117	. Square or rectangular orifice
01 - 54.3				D1/124 & D1/118	. With circular orifice
01 - 54.5				D1/119	. Provision for juxtaposed scoops
01 - 55.				D1/125	CONVOLUTED EXTERIOR
01 - 56.				D1/130	SUBSTANTIALLY CIRCULAR IN PLAN