

# ID5



## Study Report of Design Classification Conventions & Practices

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## Table of Contents

|  |    |
|--|----|
| Introduction.....  |    |
| Research Results .....   |    |
| 1. Locarno Classification for Industrial Designs .....   | 1  |
| 1.1 Purpose of assigning the Locarno Classification .....  | 1  |
| 1.2 Assignment of the Locarno Classification .....   | 1  |
| 1.3 Rules for assignment of the Locarno Classification .....   | 5  |
| 1.4 Utilization of the Locarno Classification .....  | 11 |
| 1.5 Issues regarding the Locarno Classification .....  | 12 |
| 1.6 Others .....   | 13 |
| 2. National/Regional design classification used during examination (including list of products).....                 | 14 |
| 2.1 Whether or not the national/regional design classification has been established.....                             | 14 |
| 2.2 Legal grounds of assigning the national/regional design classification   | 14 |
| 2.3 Relationships and status between the national/regional design classification and the Locarno Classification..... | 15 |
| 2.4 Outlines of the national/regional design classification.....   | 17 |
| 2.5 Period and procedure of the revision of the national/regional design classification .....                        | 19 |
| 2.6 Purpose of assigning the national/regional design classification .....   | 21 |
| 2.7 Assignment of the national/regional design classification .....  | 22 |
| 2.8 Rules for assignment of the national/regional design classification .....  | 25 |
| 2.9 Utilization of the national/regional design classification .....   | 32 |
| 2.10 Issues regarding the national/regional design classification .....  | 36 |
| Conclusion.....  |    |

## Introduction

At the Inaugural ID5 Annual Meeting in December 2015, CNIPA, EUIPO, JPO, KIPO and USPTO (hereinafter referred to as the “Partners”) discussed the design classification systems and the operations of the said systems. Through the discussion, each Partner described its relation to the classification system provided by the Locarno Agreement Establishing an International Classification for Industrial Designs (hereinafter referred to as the “Locarno Classification”) and other individual classification systems used for the examination of industrial design applications. Partners also confirmed that there were differences in these classification systems and the search methods, and the existence of issues relating to the actual operation of the classification systems.

The Partners agreed that JPO and KIPO would jointly take the lead in the “Study of Design Classification Conventions & Practices”. The Lead Offices prepared a proposal for the framework of the project and the Partners unanimously adopted it at the 2<sup>nd</sup> ID5 Annual Meeting in November 2016.

The primary objective of the project is to work for the Partners' mutual understanding by collecting, organizing and sharing information regarding the Partners' respective design classification systems and their operations.

This Research Study Report, the outcome of the project, is a compilation of the information gathered from the Partners based on the agreed common questionnaire regarding the Partners' actual operation of the Locarno Classification and a national/regional classification system on industrial designs. Each question item is headed by a brief summary which refers to the main feature (common/different points) and followed by the information of the respective Partners in order to enable both overall understanding at a glance and easy comparison among the Partners. As a simple conclusion of the current research study, a common view of the Partners for the future improvement seeable from the whole survey is also set forth at the end of the report.

Based on this research study report, it is hoped that the Partners first understand the other Partners' actual operations of the Locarno Classification and the national/regional classification on industrial designs, learn from each other and further enhance the quality and efficiency of the design classification systems for the merit of the Partners

and the design registration system users.

## Research Results

### 1. Locarno Classification for Industrial Designs

#### 1.1 Purpose of assigning the Locarno Classification

For the Offices of a contracting party(ies) to the Locarno Agreement (CNIPA, EUIPO, JPO and KIPO ), the primary purpose of assigning Locarno Classification for those that are members of the Locarno Agreement is to fulfill obligations under the Locarno Agreement. In addition, a common purpose shared by the Offices is to facilitate searching and retrieving of registered designs by users.

|       |  |
|-------|--|
| CNIPA | (1) Determine the category of product incorporating the design;<br>(2) Manage design patents by categories;<br>(3) Enable search of design patents; and<br>(4) Compile and publish design patent documents according to sequence of classification number.   |
| EUIPO | To fulfill obligations under the European Union Implementing Regulation (Article 3 EUDIR) as well as facilitate users in globally making inquiries about EUIPO and other IP offices' registries. Our search tool DesignView heavily relies on Locarno.   |
| JPO   | To fulfill obligations under the Locarno Agreement as well as facilitate users in globally making inquiries about Japan's stored designs, by stating the Locarno Classification in Japan's Design Gazettes.  |
| KIPO  | To implement the Locarno Agreement and the Hague Agreement   |
| USPTO | To assist other offices and users that may use the Locarno classification as their basis of searching in identifying relevant United States design patents. The Locarno classification has minimal usefulness in the examination process in the United States, with identification of the Locarno classification on United States design patents through a concordance being provided primarily done to assist others. |

#### 1.2 Assignment of the Locarno Classification

### 1.2.1 Assigner of the Locarno Classification

At the CNIPA, JPO, and USPTO, only the Office assigns the Locarno Classification. At the EUIPO and KIPO, applicants are involved in assigning the Locarno Classification to a certain extent.

|       |  |
|-------|--|
| CNIPA | Office   |
| EUIPO | Applicant may but is not obliged to indicate class and sub-class. EUIPO must assign class and sub-class if not indicated |
| JPO   | Office   |
| KIPO  | Applicants (indicating only “class”), Office (indicating “sub class”)  |
| USPTO | Office   |

### 1.2.2 (if assigned by applicant) How each Office handles the classification that is inappropriately assigned by the applicant

When applicants assign inappropriate Locarno Classification, the EUIPO changes the classification on its own motion (ex officio) while the KIPO sends a notification of rejection to applicants.

|       |  |
|-------|--|
| CNIPA | N/A  |
| EUIPO | EUIPO changes classification on its own motion   |
| JPO   | N/A  |
| KIPO  | A classifier provisionally assigns a sub-class while determining the appropriateness of the classification assigned by an applicant. Then, a classification examiner reviews the determination made by the classifier. Finally, an examiner reviews the determination made by the classification examiner and if it is deemed inappropriate, he/she will notify the grounds for rejection. |
| USPTO | N/A  |

### **1.2.3 (if assigned by office) System for assignment of the Locarno Classification in each Office (Who determines the classification)**

At all the Partner Offices, examiners play the role of finally deciding the assigned Locarno Classification. At the JPO and USPTO, national design classification is first assigned and subsequently, the Locarno Classification is assigned based on the concordance between their national design classifications and the Locarno Classification.

|       |  |
|-------|--|
| CNIPA | Classification of a design application is assigned by computer classification system or classification examiner. The examiners make determination of the classification assigned by computer classification. Classification examiners make final determinations in any classification argument.  |
| EUIPO | Where the applicant does not indicate a class, the examiner will assign the correct class without asking the applicant's approval.   |
| JPO   | First, Japanese design classification is assigned to an application. Then, based on the assigned Japanese design classification, the examiner in charge of examination of the application decides the Locarno class that corresponds to the Japanese design classification.  |
| KIPO  | A classifier provisionally assigns a sub-class while determining the appropriateness of the classification assigned by an applicant. Then, a classification examiner reviews the determination made by the classifier. Finally, an examiner reviews the determination made by the classification examiner and if it is deemed inappropriate, he/she will notify the grounds for rejection. |
| USPTO | A United States Patent Classification (USPC) is first assigned to a design patent application. A USPC-Locarno concordance is used by the examiner responsible for the application to assign a corresponding Locarno classification when the design patent application is granted.  |

### **1.2.4 Process for determination of the Locarno Classification in each office**

At the EUIPO, the examiner in charge of the examination of the application reviews the Locarno Classification of that design application. At the JPO and KIPO, the examiner in charge of examination of the application reviews the provisionally assigned Locarno Classification and finally decides on the classification. At the CNIPA, the examiner in charge of examination of the application can modify the classification, but then the classification examiner reviews and finally decides the modified classification. At the USPTO, examiners in charge assigns the Locarno Classification based on the concordance between its national design classification and the Locarno Classification. To provisionally assign Locarno Classification, the JPO uses classifiers in the Office, the KIPO uses an outsourcing agency, and the CNIPA uses a computer classification system.

|       |   |
|-------|---|
| CNIPA | Classifications of applications are assigned automatically by computer classification system, but some of them will be transferred to the classification examiner when the computer fails to classify.<br>The whole process of assigning classification is conducted in CNIPA.  |
| EUIPO | Only one examiner is in charge of the examination of the design application, from A to Z. In case of doubt, this examiner will ask advice or confirmation from an experienced group of colleagues (Reference Group).  |
| JPO   | The classifiers provisionally assign Locarno Classification to each application. The examiner in charge of examination of the application checks the provisional classification assigned and decides on the classification in the end. (It is possible for the examiner to change the classification.) The whole process of assigning classification is conducted in the JPO.   |
| KIPO  | Assign a classification in an application (applicants) → Review the classification and assign a sub-class (Classifiers) → Review the provisionally assigned classification (classification examiners) → Confirm the classification (examiners)<br>A sub-class assignment will be conducted by an outsourcing agency and reviewed by KIPO.<br>If an examiner determines that the provisional assignment is not appropriate, he/she will make a decision on the classification by discussing with classifiers and classification examiners. |
| USPTO | A United States Patent Classification (USPC) is first assigned to a design patent application. A USPC-Locarno concordance is used by the  |

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|--|--|
|  | examiner responsible for the application to assign a corresponding Locarno classification when the design patent application is granted. |
|--|--|

### 1.2.5 The object of assignment

The CNIPA, EUIPO, JPO, KIPO assign the Locarno Classification to all the design applications filed for registration, while the USPTO only assigns the Classification to granted design patents.

|       |   |
|-------|---|
| CNIPA | Design applications (designs) filed with the CNIPA                  |
| EUIPO | Design applications (designs) filed for registration with the EUIPO |
| JPO   | Design applications (designs) filed for registration with the JPO   |
| KIPO  | Design applications (designs) filed for registration with the KIPO  |
| USPTO | Granted design patents  |

## 1.3 Rules for assignment of the Locarno Classification

### 1.3.1 Only a single classification is assigned to each design application; multiple classifications may be assigned

At the JPO, KIPO and USPTO, only a single Locarno Classification will be assigned to a design while at the CNIPA and EUIPO, there may be cases where two or more Locarno Classifications will be assigned.

|       |  |
|-------|--|
| CNIPA | Both of them (depend on the situation)   |
| EUIPO | More than one classification is allowed if the design applicant indicated <u>different products</u> belonging to different classes. However, <u>for each product</u> , a single Locarno classification will be assigned. |
| JPO   | Only a single Locarno Classification that is considered as the most suitable is assigned.  |
| KIPO  | Only a single Locarno classification will be assigned.   |
| USPTO | Only a single Locarno classification is assigned.  |



### 1.3.2 When or in which case a single classification/multiple classifications will be assigned

At the EUIPO, when two or more products are indicated for a design and the products belong to different classes, multiple Locarno Classifications will be assigned. At the CNIPA, multiple Locarno Classifications will be assigned to the designs of products having multiple uses.

|       |   |
|-------|---|
| CNIPA | Classification of design normally follows the principle of purpose of use. A single classification or multiple classifications depend on whether the product has a single use or multiple uses.   |
| EUIPO | When more than one product is indicated in the application, the products do not have to belong to the same class of the Locarno Classification. When more than one product is indicated in the application, different classifications may therefore be assigned if those products belong to different classes.<br><br>Example: a design representing a car and designating both “automobiles” and “scale models” will be assigned classes 12-08 and 21-01 respectively. |
| JPO   | A single classification is assigned as mentioned above.   |
| KIPO  | Only a single Locarno classification will be assigned.  |
| USPTO | Only a single Locarno classification is assigned.   |

### 1.3.3 When or in which case a single classification/multiple classifications will be assigned in the case of multi-purpose products

In the case of a design of a multiple-purpose product, the CNIPA and EUIPO will assign multiple Locarno Classifications that correspond to each intended use of the product. At the JPO, KIPO, and USPTO, a single Locarno Classification is assigned based on the main intended use of the product, even for multi-purpose products.

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|-------|--|
| CNIPA | (1) Where a design application includes a design of one product and the product is a combination of products of two or more different uses, multiple classification numbers consistent with these uses shall be accorded, except for combination of furniture. For example, a photo frame with a |
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|-------|--|
|       | <p>thermometer has two uses in measuring temperature and placing photo, its classification numbers shall be 06-07 and 10-04. Another example, a desk-chair is a combination of furniture, and its classification number shall be 06-05.</p> <p>(2) Where a design application includes multiple designs of the same product and the product is a combination of products of two or more uses, multiple classification numbers consistent with these uses shall be accorded.</p> <p>(3) Where a design application includes designs of multiple products and each product has a different use, multiple classification numbers consistent with these uses shall be accorded. For example, a design patent application includes two products in bowl and spoon, and its classification numbers shall be 07-01 and 07-03.</p> |
| EUIPO | Multi-purpose products are classified in all classes and subclasses of the intended purposes (not only the main function) according to Locarno Classification - General Remarks (point e), provided that the purposes are indicated by the applicant or they are obvious in the representation.  |
| JPO   | <p>A single Locarno Classification is assigned even for multi-purpose products. In this case, the most suitable classification is selected based on the main intended use of the article embodying the design derived from the title of the article and the drawing.</p> <p>[Example] Table Clock with Radio Function (The main intended use is deemed as table clock.)</p>  |
| KIPO  | A single Locarno classification is assigned even for multi-purpose products.   |
| USPTO | Only a single Locarno classification is assigned.  |

### **1.3.4 (if multiple classifications are assigned) In what classifications order the invention/design will be searched for**

At both the CNIPA and EUIPO, assigned multiple Locarno Classifications have equality of status and there is no fixed order for the purpose of searches.

|       |   |
|-------|---|
| CNIPA | Multiple classifications are equal in search. Any one of them can be used |
|-------|---|

|       |  |
|-------|--|
|       | to find out the design.  |
| EUIPO | It will be searchable in all classifications assigned without any fixed order.   |
| JPO   | As mentioned above, as a single classification is assigned to each design, there is no fixed order for classification to search. However, when necessary (e.g., multiple-purpose products), related classifications will be additionally searched. |
| KIPO  | Multiple classifications are not available. When necessary, secondary Korean classification can be assigned and searched.  |
| USPTO | N/A  |

### **1.3.5 In determining classification, which is the most essential information, (a) the combination of the title and the drawing, (b) the title, or (c) the drawing**

The EUIPO, JPO, KIPO and USPTO replied that (a) the combination of the title and the drawing is the most important information in determining the Locarno Classification to be assigned. At the CNIPA, the title, the drawing and the use of the product stated in the brief explanation are equally important to jointly determine the Locarno Classification.

|       |  |
|-------|--|
| CNIPA | Classification of design is on the basis of the name of the product, drawings or photographs and the use of the product stated in the brief explanation. The three contents shall be combined to determine the use of the product. |
| EUIPO | (a) The combination of the product indicated in the application and the representation of the design   |
| JPO   | (a) The combination of the title of the article and the drawings   |
| KIPO  | (a) The combination of the title of the article and the drawings   |
| USPTO | (a) The combination of the title of the article and the drawings   |

### **1.3.6 (a) If the combination of the title and the drawings is the most essential information, which is more important, the title or the drawing?**

In the relationship between the title and the drawings, priority is given to the title at the EUIPO . The JPO, KIPO and USPTO do not give preference to the title or the drawings but rather looks to both together to assign its classification. At the CNIPA, the title, the drawing and the use of the product stated in the brief explanation are equally important to jointly determine the Locarno Classification.

|       |   |
|-------|---|
| CNIPA | The name of the product incorporating the design shall be in accordance with the design as shown in the drawings or photographs, together with the use of the product stated in the brief explanation as the basis in determining classification. |
| EUIPO | Priority is given to the title of the article unless it doesn't correspond to the drawing (obvious error of applicant)  |
| JPO   | Priority is equally given to the title and the drawings.  |
| KIPO  | Priority is equally given to the title and the drawings.  |
| USPTO | Priority is equally given to the title and the drawings.  |

### **1.3.7 Manual for assignment of the Locarno Classification (whether or not a certain manual has been established/ disclosed to public)**

At the CNIPA, KIPO, and EUIPO, guidelines on assigning Locarno Classification are established and the CNIPA and KIPO disclose the guidelines to the public as part of the examination standards. At the JPO and USPTO, instead of a manual on assigning classification, concordance information between the domestic classification and the Locarno Classification is available to the public.

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|-------|---|
| CNIPA | Chapter 3, Section 12 of Part I of Guidelines for Patent Examination is made to set forth general provisions on classification of design, including the objectives of design classification, the composition of the classification number, basis of classification, methods of classification, determination of the class and subclass numbers (including classification of product of single use, classification of product of multiple uses, and notification to rectify in classification procedure).<br><br>The Chinese-English classification chart has been published on the CNIPA website. |
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|-------|--|
|       | <a href="https://www.cnipa.gov.cn/col/col3163/index.html">https://www.cnipa.gov.cn/col/col3163/index.html</a>  |
| EUIPO | No specific manual on classification is made public. EUIPO's guidelines are very succinct on classification. However, the Office's DesignClass web tool, based on the Locarno Classification, helps users search the harmonised product indications database for product indications that best match the products for which they want to register a design. The harmonised product indications database follows the same structure of classes and subclasses as the Locarno Classification. It contains not only the Locarno product indications but also many more that are accepted by the EU Member State IP offices and the Office. The database is updated regularly with every new edition of the Locarno Classification approved by the Committee of Experts. |
| JPO   | "Concordance information between Japanese Design Classification and Locarno Classification" for assigning Locarno Classification based on Japanese design classification exists and is available on the JPO website.<br><a href="https://www.jpo.go.jp/e/system/design/gaiyo/bunrui/index.html">https://www.jpo.go.jp/e/system/design/gaiyo/bunrui/index.html</a>  |
| KIPO  | "Notification of Article List per Classification for Design (in Korean, effective as of Jan 1, 2023)" has been published on the KIPO website.<br>(Design Examination Standards:<br><a href="https://www.kipo.go.kr/ko/kpoContentView.do?menuCd=SCD0200157">https://www.kipo.go.kr/ko/kpoContentView.do?menuCd=SCD0200157</a> )<br>(Notification of Article List per Classification for Design:<br><a href="https://www.kipo.go.kr/ko//dsgnSortMng.do?sysCd=SCD02&amp;menuCd=SCD0201118&amp;parntMenuCd2=SCD0200268&amp;pgmId=PGM0000040">https://www.kipo.go.kr/ko//dsgnSortMng.do?sysCd=SCD02&amp;menuCd=SCD0201118&amp;parntMenuCd2=SCD0200268&amp;pgmId=PGM0000040</a> )  |
| USPTO | Concordance information between the United States Patent Classification (USPC) and Locarno Classification for assigning Locarno classification based on USPC is available to the public on the USPTO website (in English).<br><a href="https://www.uspto.gov/web/patents/classification/selectnumwithtitle.htm">https://www.uspto.gov/web/patents/classification/selectnumwithtitle.htm</a>  |

### 1.3.8 (if a partial design system exists) Assignment method for the partial design

For partial designs (including expression of disclaimer), the CNIPA, EUIPO, JPO,

KIPO, and USPTO, which have the partial design system, assign the same Locarno Classification as for the whole design (design of/for a whole article).

|       |  |
|-------|--|
| CNIPA | For partial designs, the classifications are assigned to the whole article and the partial designs. Where there is no special classification for partial designs, the classifications are assigned to the whole article <sup>1</sup> .   |
| EUIPO | According to Locarno – General Remarks (point d): “where there is no special classification provided for goods intended to form part of another product, those goods are placed in the same class and subclass of the product of which they are intended to form part, if they cannot normally be used for another purpose”. |
| JPO   | The same classification as for the whole article is assigned even to partial designs.  |
| KIPO  | The same classification as for the whole article is assigned even to partial designs.  |
| USPTO | There is no change to the classification method whether there is disclaimed subject matter or the entirety of that depicted in the drawings is claimed.  |

## 1.4 Utilization of the Locarno Classification

### 1.4.1 Relevance between the scope of rights and the scope of the Locarno Classification

With respect to all the Partner Offices, the Locarno Classification does not have a direct relationship with the scope of design rights. Meanwhile at the CNIPA, there are cases where the Locarno Classification is taken into account as a reference element in determining the category of product which affects the scope of rights.

|       |  |
|-------|--|
| CNIPA | The scope of rights relates to the category of products.<br>In determining the category of product, reference may be made to the title, international classification for designs and the shelves classification of the |
|-------|--|

<sup>1</sup> It is indicated in Guidelines for comments issued in October 2022, the final Guidelines has not yet been released as of July 2023. Where there is discrepancy the later one will prevail.

|       |  |
|-------|--|
|       | product when it is on sale. However, the determination of whether two products belong to the same or approximate category shall be based on whether the uses of the two products are identical or similar.   |
| EUIPO | The scope of rights is determined by whether the design (article and form) is similar or not to another design. Neither the designation of the product nor the Locarno classification affects the scope of protection  |
| JPO   | The scope of rights is determined by whether the design (an article, a building or a graphic image and the shape, patterns or colors, or any combination thereof (hereinafter referred to as the "shape or equivalent features" in the JPO's answer)) is similar or not. The scope of Locarno Classification does not directly affect judgment of similarity regarding an article, a building or a graphic image . |
| KIPO  | The purpose of the classification of article and category of articles is to maintain the consistency in preparing an application for design registration and to harmonize with the product indication not to determine the scope of similarity among articles (Design Examination Guideline)   |
| USPTO | There is no relationship between the scope of rights and the Locarno classification.   |

## 1.5 Issues regarding the Locarno Classification

As issues regarding the Locarno Classification, it was indicated that although the existing Locarno Classification is mainly used for the purpose of searching registered designs, from the standpoint of conducting reliable prior design searches at the design Offices, it cannot be effectively utilized due to its insufficiency such as its coarse structure and vague product indications, and from the standpoint of public use, it lacks detailed explanation and reference information.

|       |   |
|-------|---|
| CNIPA | <ol style="list-style-type: none"> <li>1. The two-level hierarchical structure of the Locarno classification is simple and coarse so that it is difficult to limit the search scope more precisely.</li> <li>2. There are no more detailed references and notes in the Locarno classification, which affects the understanding and utilization of the users.</li> </ol> |
| EUIPO | Classification serves exclusively administrative purposes, in particular allowing third parties to search the registered EU designs databases.  |

|       |  |
|-------|--|
|       | The search tools of EUIPO like eSearch (EU Designs database) and DesignView (database of the members of Designview internationally) use as search parameters, among others, the Locarno Classification.  |
| JPO   | Since the Locarno Classification has a coarse structure, it cannot be used for prior design searches in design examinations.   |
| KIPO  | KIPO launched the Locarno-based Unified Classification (LUC) for prior design searches and not those concerns are no longer a problem.   |
| USPTO | The Locarno classification system does not comprise a sufficient number of breakdowns (i.e., number of classes and subclasses) to allow design patent examiners to conduct high quality prior art searches. In our view, the Locarno classification system currently is not useful or usable for substantive examination systems and thus is unable to effectively serve as a standard classification. |

## 1.6 Others

### 1.6.1 Version of the Locarno Classification which each Office currently uses

As of the year 2023, the CNIPA, EUIPO, JPO, and KIPO are using the 14<sup>th</sup> edition of the Locarno Classification.

|       |  |
|-------|--|
| CNIPA | As from January 1, 2023: the 14 <sup>th</sup> edition<br>Until December 31, 2022: the 13 <sup>th</sup> edition |
| EUIPO | As from January 1, 2025: the 15 <sup>th</sup> edition<br>Until December 31, 2024: the 14 <sup>th</sup> edition |
| JPO   | As from January 1, 2023: the 14 <sup>th</sup> edition<br>Until December 31, 2022: the 13 <sup>rd</sup> edition |
| KIPO  | As from January 1, 2023: the 14 <sup>th</sup> edition<br>Until December 31, 2022: the 13 <sup>th</sup> edition |
| USPTO | As from January 1, 2020: the 13 <sup>th</sup> edition<br>Until December 31, 2019: the 11 <sup>th</sup> edition |



## **2. National/Regional design classification used during examination (including list of products)**

### **2.1 Whether or not the national/regional design classification has been established**

The JPO, KIPO and USPTO have a national design classification. The CNIPA and EUIPO do not have a national/regional design classification other than the Locarno Classification. However, the EUIPO has its unique list of products based on the Locarno Classification.

|       |  |
|-------|--|
| CNIPA | The national design classification has not been established in China.  |
| EUIPO | EUIPO uses the Locarno classification. EUIPO has compiled a list of products, the Harmonised Database of Product Indications, known as the DesignClass, which is based on the Locarno Classification, for classifying goods. The DesignClass was created together with other European IP offices within the framework of the EU convergence project CP7. |
| JPO   | The Japanese Design Classification has been established as Japan's own design classification.  |
| KIPO  | KIPO uses a national classification called LUC (Locarno-based Unified Classification) in substantial examination, which has been applied to applications filed after July 1, 2021.   |
| USPTO | The United States Patent Classification (USPC) is the national classification system for design patents at the USPTO.  |

## **2.2 Legal grounds of assigning the national/regional design classification**

### **2.2.1 Whether or not there are any legal grounds of assigning the national/regional design classification**

The JPO, KIPO and USPTO, which have a national design classification do not have any legal grounds for using the national classification.

|       |  |
|-------|--|
| CNIPA | N/A  |
| EUIPO | N/A  |
| JPO   | There aren't any.  |
| KIPO  | No legal grounds   |
| USPTO | There are no legal grounds for assigning the United States Patent Classification |

### **2.2.2 (if there are any legal grounds,) it is requested to indicate supporting regulations, etc.**

N/A

|       |     |
|-------|-----|
| CNIPA | N/A |
| EUIPO | N/A |
| JPO   | N/A |
| KIPO  | N/A |
| USPTO | N/A |

## **2.3 Relationships and status between the national/regional design classification and the Locarno Classification**

### **2.3.1 Which one is dominant?**

Out of the JPO, KIPO and USPTO, which have a national design classification, the JPO and USPTO replied that the national classification used for both management of design applications and prior design searches in conducting substantive examinations is dominant. In contrast, the KIPO uses the Locarno Classification for administrative management of design applications and the national design classification for prior design searches respectively.

|       |  |
|-------|--|
| CNIPA | N/A  |
| EUIPO | EUIPO only works with Locarno  |
| JPO   | Management and examination of applications for design registration in the JPO are conducted based on the Japanese Design Classification. |

|       |   |
|-------|---|
| KIPO  | The Locarno Classification is required to be indicated in an application while the LUC is used for substantial examination such as prior design searches and novelty.   |
| USPTO | The United States Design Classification (USPC) is used to route design patent applications to the appropriate patent examiners. USPC also aides USPTO design patent examiners to conduct high quality prior art searches. A USPC is first assigned to a design patent application. A USPC-Locarno concordance is used to assign a corresponding Locarno classification when the design patent application is granted. |

### 2.3.2 What has changed since the enforcement date of the Locarno Agreement?

The JPO, which is the Office of a contracting party to the Locarno Agreement and have a national design classification, replied that there have been no changes to the national design classification itself, since the enforcement date of the Locarno Agreement in the country.

|       |  |
|-------|--|
| CNIPA | N/A  |
| EUIPO | EUIPO has always worked, since 2003, with Locarno  |
| JPO   | There has been no changes to the content and utilization of the Japanese Design Classification as a result of the enforcement of the Locarno Agreement.  |
| KIPO  | In the past, the Locarno Classification was indicated in design gazettes along with the Korean Classification after the enforcement date of the Locarno Agreement. Currently, however, only Locarno Classification is indicated in gazettes.   |
| USPTO | No change has occurred. The United States is not a party to the Locarno Agreement, having submitted notification of denunciation of the Locarno Agreement on July 21, 1981.<br><a href="http://www.wipo.int/treaties/en/notifications/locarno/treaty_locarno_19.html">http://www.wipo.int/treaties/en/notifications/locarno/treaty_locarno_19.html</a> |

## 2.4 Outlines of the national/regional design classification

### 2.4.1 The structure and characteristic

The national design classifications of the JPO, KIPO and USPTO are all hierarchically structured based on the concept of intended use of articles/designs and have been subdivided as required from the standpoint of further detailed function and form. See each Office's reply below for the specific structure of each national design classification.

|       |  |
|-------|--|
| CNIPA | N/A  |
| EUIPO | N/A  |
| JPO   | <p>The Japanese Design Classification (JDC) is based on the concept of intended usages of articles, buildings or graphic images. The JDC also has the nature of an integration of the classification of articles, buildings or graphic images and the shape or equivalent features. The classification is broken down by mainly using the concept of intended usage of articles, buildings or graphic images and, where applicable, further broken down by using such concepts as function and the shape or equivalent features. Classification of articles, buildings or graphic images consists of "group" (indicating general field of articles), "class" (indicating division of the "group" by category of articles) and "subclass" (indicating individual article(s), building(s) or graphic image(s)), and classification of the shape or equivalent features("D-term") follows accordingly.</p> <p>[Example of classification] H7-725</p> <p>The leftmost digit ("group") is always indicated by a single uppercase alphabet letter (A to N, excluding I). The second digit from the left ("class") is indicated by a single digit number. The number after the hyphen (-) ("subclass") is indicated by a single- to a five-digit number. The same digit indicates classification by the same level of concept and the larger the digit on the right, the more subdivided the generic concept becomes. The number "9" refers to parts and accessories while the number "0" refers to miscellaneous and general articles that cannot be classified into 1 to 9.</p> <p>[Example of D-term] H7-725AA</p> <p>D-terms are indicated by adding a maximum of three uppercase alphabet letters (excluding I, O, Q, W, X, Y and Z) after the abovementioned article classification (H7-725).</p> |

|       |   |
|-------|---|
|       | <p>[Extract from the JDC] "H7 (Electronic Information Input/Output Equipment)"</p> <p>:</p> <p>H7-724 Electronic Computers or the like with Data Indicators (Laptop Type)</p> <p>:</p> <p>H7-725 Electronic Computers or the like with Data Indicators (Portable Type)</p> <p>H7-725A Others(excluding AA ~ AF)</p> <p>H7- 725AA Straight Type</p> <p>H7-725AB Foldable Type</p> <p>H7-725AC Revolving Type</p> <p>H7-725AD Slide Type</p> <p>H7-725AE Flip Type</p> <p>H7-725AF Wrist Watch Type</p> <p>H7-725B with Printer</p> <p>H7-725C with Full Keyboard</p> <p>H7-725D with Camera</p> <p>H7-725G with Specific Display</p> <p>H7-726 Desk Computers</p> <p>:</p> |
| KIPO  | <p>LUC is based on the Locarno Classification and uses the class and sub-class of the Locarno Classification as they are (except for class 32), and adds a sub-sub class code after the Locarno Classification. In other words, LUC consists of class, sub-class, and sub-sub class.</p> <p>e.g.) 14-03; E200</p> <p>14-03 is Locarno Classification. LUC places an alphabet at the beginning, and assigns numbers in the remaining 3 digits.</p>   |
| USPTO | <p>The design classification schedule of the United States Patent Classification (USPC) system provides a structured organization for the body of U.S. design patents. Since the claim of a design patent is directed to "an ornamental design" for "an article of manufacture" [35 USC 171], the</p>   |

|  |   |
|--|---|
|  | design classification schedule promotes efficient access to industrial designs that have been granted patent rights. USPC is a hierarchical classification system comprising classes and subclasses; classes generally align closely with Locarno classes. Classification of design patents in USPC is based on the concept of function or intended use of the industrial design disclosed and claimed in the design patent. Industrial designs that have the same function are generally collected in the same design class, even though individual designs may be used in different environments. For further discussion see the USPTO website at <a href="https://www.uspto.gov/patent/laws-and-regulations/examination-policy/seven-classification-design-patents">https://www.uspto.gov/patent/laws-and-regulations/examination-policy/seven-classification-design-patents</a> |
|--|---|

## 2.4.2 The number of classes/subclasses

See below.

|       |   |
|-------|---|
| CNIPA | N/A   |
| EUIPO | According to Locarno  |
| JPO   | There are 13 groups, 77 classes, 3,208 subclasses, 1,955 D-terms, totaling 5,163.           |
| KIPO  | According to Locarno (except 32 class)<br>31 classes, 239 subclasses, 4,087 sub-sub classes |
| USPTO | 33 classes, 5641 subclasses   |

## 2.5 Period and procedure of the revision of the national/regional design classification

### 2.5.1 How often the national/regional design classification is expected to be revised

Although there is no fixed schedule for the frequency of revision of the national design classifications of the JPO and USPTO, necessary revision is made according to the filing trends. At the JPO, update of rules on assigning the classification that does not

lead to the classification revision are conducted whenever need arises.

|       |  |
|-------|--|
| CNIPA | N/A  |
| EUIPO | N/A  |
| JPO   | There is no fixed schedule for the frequency of revision of the Japanese Design Classification. In the past, the Classification was revised in 2005, 2007, 2016, 2019, 2020 and 2021.<br><br>On the other hand, the content of the Classification Definition Cards which set forth the practice of assigning individual design classes are reviewed whenever need arises. The updated content for one year is annually published on the JPO website. |
| KIPO  | KIPO will update the LUC every 2 years just like Locarno Classification.   |
| USPTO | The United States Patent Classification (USPC) is revised based on needs identified by USPTO design patent examiners and developments in design filings and trends.  |

## 2.5.2 Is there exact frequency of revision?

N/A

|       |           |
|-------|-----------|
| CNIPA | N/A       |
| EUIPO | N/A       |
| JPO   | See 2.5.1 |
| KIPO  | See 2.5.1 |
| USPTO | See 2.5.1 |

## 2.5.3 What is the procedure of revision?

The national design classifications of the JPO, KIPO and USPTO are revised after going through review work in each Office. There are cases where outside stakeholders' opinions are sought.

|       |     |
|-------|-----|
| CNIPA | N/A |
|-------|-----|

|       |   |
|-------|---|
| EUIPO | N/A   |
| JPO   | The actual work for revising the Classification is conducted in the JPO. In formulating the revised Classification, we normally seek the outside stakeholders' opinions.  |
| KIPO  | Classification examiners and classifiers usually participate in review work.<br>Examiners assigned with specific products provide comments if necessary.  |
| USPTO | The United States Patent Classification (USPC) is revised as appropriate by the USPTO. Revisions are often proposed by examiners, then reviewed by supervisory examiners and other USPTO officials, before classifiers perform the revision of the classification in consultation with examiners and other officials. |

## 2.6 Purpose of assigning the national/regional design classification

The main purpose of assigning the national design classification is to improve efficiency of prior design searches in the substantive examination at the JPO, KIPO and USPTO. In addition, proper management of applications by examiners (JPO and USPTO) and improving efficiency of prior design searches by users (JPO and KIPO) are also intended purposes.

|       |   |
|-------|---|
| CNIPA | N/A   |
| EUIPO | N/A   |
| JPO   | To improve efficiency of examinations in prior design searches and for management of cases, and efficiency of prior design searches by users.   |
| KIPO  | To improve efficiency of examinations in prior design searches and efficiency of prior design searches by users.  |
| USPTO | The United States Design Classification (USPC) is used to route design patent applications to the appropriate patent examiners. USPC also aides USPTO design patent examiners to conduct high quality prior art searches. |



## **2.7 Assignment of the national/regional design classification**

### **2.7.1 Indication of the national/regional design classification**

See below.

|       |   |
|-------|---|
| CNIPA | N/A   |
| EUIPO | N/A   |
| JPO   | The Japanese Design Classification is indicated as a combination of symbols referring to group, class, subclass, and D-terms (where applicable).<br>[Example] B4-10A<br>(See 2.4.2) |
| KIPO  | See 2.4.1<br>Class, subclass, sub-sub class<br>e.g. 14-03;E200  |
| USPTO | Class and subclass [Example D25/119]  |

### **2.7.2 Assigner of the national/regional design classification**

At the JPO, KIPO and USPTO, the Office assigns the national design classification.

|       |        |
|-------|--------|
| CNIPA | N/A    |
| EUIPO | N/A    |
| JPO   | Office |
| KIPO  | Office |
| USPTO | Office |

### **2.7.3 (if assigned by applicant) How each Office handles the classification that is inappropriately assigned by applicant**

N/A

|       |     |
|-------|-----|
| CNIPA | N/A |
| EUIPO | N/A |
| JPO   | N/A |
| KIPO  | N/A |
| USPTO | N/A |

#### **2.7.4 (if assigned by Office) Systems for assignment of the national/regional classification in each Office (Who determines the classification)**

At the JPO, KIPO and USPTO, examiners play the role of finally deciding the assigned national design classification.

|       |  |
|-------|--|
| CNIPA | N/A  |
| EUIPO | N/A  |
| JPO   | To each design examiner at the JPO, specific fields of examination (article fields in charge) are assigned based on the Japanese Design Classification. In the end, the examiner in charge decides on the Japanese design classification to be assigned to the filed design. |
| KIPO  | Provisional assignment (Classifiers) → Review (classification examiners) → Confirmation (examiners)<br>*note: Provisional assignment will be conducted by an outsourcing agency and reviewed by KIPO.  |
| USPTO | A USPTO classifier assigns an initial United States Patent Classification (USPC) to an application. The initial USPC is used to route the application to the appropriate examiner. A final USPC is assigned by the examiner upon the grant of the design patent.             |

#### **2.7.5 Process for determination of the national/regional classification in each Office**

At the JPO, KIPO and USPTO, the examiner in charge of examination of the application reviews the provisionally assigned national classification and finally decides

on the classification. At the JPO and USPTO, classifiers in the Office provisionally assign the national classification while at the KIPO, the work is done by an outsourcing agency.

|       |  |
|-------|--|
| CNIPA | N/A  |
| EUIPO | N/A  |
| JPO   | The classifiers provisionally assign Japanese design classification to each application. The examiner in charge of examination of the application checks the provisional classification assigned and decide on the classification in the end. (It is possible for the examiner to change the classification.) The whole process of assigning classification is conducted in the JPO. |
| KIPO  | Provisional classification (Classifiers) → Review (classification examiners) → Confirmation (examiners)<br><br>If there is any objection to assignment of classification, classifiers, classification examiners and examiners come to agreement through discussion while dealing with assignment issues at the Classification Research Group Meeting.                                |
| USPTO | A USPTO classifier assigns an initial United States Patent Classification (USPC) to an application. The initial USPC is used to route the application to the appropriate examiner. A final USPC is assigned by the examiner upon the grant of the design patent.   |

### 2.7.6 The object of assignment

The JPO, KIPO and USPTO, assign the national design classification to all the design applications filed for registration. In addition, the JPO and KIPO also assign the national design classification to all the publicly known design materials accumulated in the Office for examination.

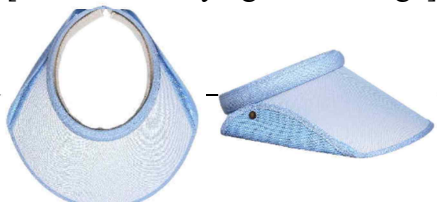
|       |  |
|-------|--|
| CNIPA | N/A  |
| EUIPO | N/A  |
| JPO   | Design applications (designs) filed with the JPO and publicly known design materials* collected and accumulated at the JPO as reference material for |


|       |  |
|-------|--|
|       | substantive examination.<br>(* information on designs appeared in foreign design gazettes, magazines and brochures and on the Internet websites, etc.)   |
| KIPO  | Design applications and published design materials (all the designs stored in KIPO database)   |
| USPTO | The United States Design Classification (USPC) is used to route design patent applications to the appropriate patent examiners. USPC also aides USPTO design patent examiners, other IP offices, and the public to conduct high quality prior art searches and to locate relevant U.S. design patents. |

## 2.8 Rules for assignment of the national/regional design classification

### 2.8.1 Only a single classification is assigned to each design application; multiple classifications may be assigned

At the JPO, KIPO and USPTO, a single primary national design classification will be first assigned to each design. In addition to the single primary classification, there may be cases where multiple classifications are assigned according to each design's specific function or shape, i.e. classifications on shape at the JPO, and secondary classifications at the KIPO and USPTO.

|       |  |
|-------|--|
| CNIPA | N/A  |
| EUIPO | N/A  |
| JPO   | <p>With regard to the classification of articles, buildings or graphic images (combination of group/class/subclass), only a single classification is assigned. Meanwhile, as for the shape classification (D-term), multiple classification can be assigned.</p> <p><i>Example</i></p> <div style="border: 1px solid black; padding: 10px; display: inline-block;"> <p>[Article embodying the Design] Hat</p>  </div> |

|       |   |
|-------|---|
|       | <p>Classification: B2-610 (Hats, Caps, or the like)</p> <p>D-term: B2-610A (with Brim), B2-610B (Head-opened Style)</p>   |
| KIPO  | <p>In principle, only a single classification is assigned, but additional classification can be assigned considering shape or function.</p> <p>e.g. bracelet-type wristwatch</p> <p>Primary Classification: 10-02;B000 [wrist watch]</p> <p>Secondary Classification: 11-01;B300 [accessories with ornaments for arms]</p>  |
| USPTO | <p>Multiple classifications may be assigned. The patent examiner may only assign one primary classification. The patent examiner may assign multiple secondary classifications.</p>   |

## 2.8.2 When or in which case a single classification/multiple classifications will be assigned

At the JPO, a single classification on article is always assigned and multiple shape classifications (D-term) may be additionally assigned. At the KIPO, for multiple-purpose products, up to four secondary classifications may be assigned in addition to the single primary classification. At the USPTO, multiple secondary classifications may be assigned in addition to the single primary classification.

|       |  |
|-------|--|
| CNIPA | In principle, only a single classification is assigned. Meanwhile, up to four secondary classifications can be assigned for multi-purpose products considering shapes or functions.                                  |
| EUIPO | N/A  |
| JPO   | See 2.8.1  |
| KIPO  | In principle, only a single classification is assigned. Meanwhile, up to four secondary Korean classifications can be assigned for multi-purpose products considering shapes or functions of an article. (See 2.8.1) |
| USPTO | Multiple classifications may be assigned. The patent examiner may only assign one primary classification. The patent examiner may assign multiple secondary classifications.   |

### 2.8.3 When or in which case a single classification/multiple classifications will be assigned in the case of multi-purpose products

The JPO assigns a single design classification based on the main intended use of the product, even for multi-purpose products. At the KIPO and USPTO, multiple secondary classifications may be assigned in addition to the single primary classification.

|       |   |
|-------|---|
| CNIPA | N/A   |
| EUIPO | N/A   |
| JPO   | A single Japanese design classification is assigned even for multi-purpose products. In this case, the most suitable classification is selected based on the main intended use of the design derived from the title of the article and the drawing.<br>[Example] Copying Machine with Scanner and Printer Function (The main intended use is as a copying machine.)<br>Classification: H7-53 (Copying Machines) |
| KIPO  | In the case of multi-purpose products, the primary classification will be assigned by the mainly intended use of an article (determined by the indication, drawing and description of design altogether) and secondary classifications can be assigned secondary function.  |
| USPTO | Classification of design patents in United States Patent Classification   |

|  |   |
|--|---|
|  | (USPC) is based on the concept of function or intended use of the industrial design disclosed and claimed in the design patent. Industrial designs that have the same function are generally collected in the same design class, even though individual designs may be used in different environments. Multiple classifications may be assigned. The patent examiner may only assign one primary classification. The patent examiner may assign multiple secondary classifications. |
|--|---|

#### **2.8.4 In determining classification, which is the most essential information, (a) the combination of the title and the drawing, (b) the title, (c) the drawing**

The JPO, KIPO and USPTO replied that (a) the combination of the title and the drawing is the most important information in determining the national classification to be assigned.

|       |  |
|-------|--|
| CNIPA | N/A  |
| EUIPO | N/A  |
| JPO   | (a) the combination of the title and the drawing |
| KIPO  | (a) the combination of the title and the drawing |
| USPTO | (a) the combination of the title and the drawing |

#### **2.8.5 (a) If the combination of the title and the drawing is the most essential information, which is more important, the title or the drawing**

The JPO, KIPO and USPTO do not give preference to the title or the drawings but rather looks to both together to assign its classification.

|       |                                      |
|-------|--------------------------------------|
| CNIPA | N/A                                  |
| EUIPO | N/A                                  |
| JPO   | Drawing and Title equally important. |
| KIPO  | Title and drawing equally important. |

|       |                                     |
|-------|-------------------------------------|
| USPTO | Drawing and Title equally important |
|-------|-------------------------------------|

### 2.8.6 Assignment manual of the national/regional design classification (whether or not a certain manual has been established/disclosed to public)

The JPO, KIPO and USPTO all have a manual for managing the national design classification. Related materials are made available to the public on their websites.

|       |   |
|-------|---|
| CNIPA | N/A   |
| EUIPO | N/A   |
| JPO   | There is a manual for assigning/managing Japanese design classification for examiners, which is not disclosed to the public. In addition, the JPO maintains “Japanese Design Classification – Classification Definition Cards” that state the definitions for assigning classification and D-term and a “List of Japanese Design Classification” on all the Japanese design classifications, which are published on the JPO website. (The "Classification Definition Card" is available only in Japanese.)<br><a href="https://www.jpo.go.jp/system/design/gaiyo/bunrui/isyou_bunrui/index.html">https://www.jpo.go.jp/system/design/gaiyo/bunrui/isyou_bunrui/index.html</a> |
| KIPO  | Currently “Notification of Article List per Classification for Design (in Korean)” is made public on the KIPO website. Sub-sub class in LUC is not open to public.<br><a href="https://www.kipo.go.kr/ko//dsgnSortMng.do?sysCd=SCD02&amp;menuCd=SCD0201118&amp;parntMenuCd2=SCD0200268&amp;pgmId=PGM0000040">https://www.kipo.go.kr/ko//dsgnSortMng.do?sysCd=SCD02&amp;menuCd=SCD0201118&amp;parntMenuCd2=SCD0200268&amp;pgmId=PGM0000040</a>   |
| USPTO | U.S. Patent Classification Manual is available on the USPTO website at <a href="https://www.uspto.gov/sites/default/files/web/offices/opc/documents/handbook.pdf">https://www.uspto.gov/sites/default/files/web/offices/opc/documents/handbook.pdf</a>  |

### 2.8.7 (if a partial design system exists) Assignment method for the partial design

The same classification as for the whole design is assigned even to partial designs at

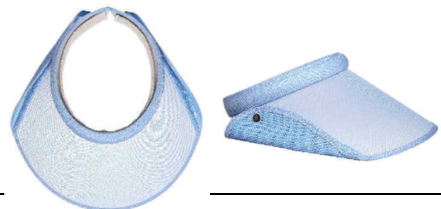


the JPO, KIPO and USPTO.

|       |  |
|-------|--|
| CNIPA | N/A  |
| EUIPO | N/A  |
| JPO   | The same classification as for the whole article is assigned even to partial designs. In addition to this, for partial design applications filed on or after May 1, 2019, the D-term "VZA" is assigned to a design in which a claimed part of a design and other parts of a design are drawn separately in the drawing. Also, the D-term "VZB" shall be assigned to a design that does not disclose any appearance from a certain direction. |
| KIPO  | The same classification as for the whole article is assigned even to partial designs.  |
| USPTO | There is no change to the classification method.   |

### 2.8.8 Assignment determined by index codes (non-hierarchical structure) or hierarchy

At the JPO, KIPO and USPTO, assignment of national design classification is determined by hierarchy, in principle. Meanwhile, with regard to the design classification at the JPO, its shape classification (D-term) may be multiply assigned just like as index codes.

|       |   |
|-------|---|
| CNIPA | N/A   |
| EUIPO | N/A   |
| JPO   | <p>In the Japanese Design Classification, groups/classes/subclasses have a hierarchical structure (only single classification is assigned to one subject) while D-terms are treated just like as index codes (multiple assignment is possible).</p> <p><i>Example</i></p> <p>[Article embodying the Design] Hat</p>  |

|       |  |
|-------|--|
|       | Classification: B2-610 (Hats, Caps, or the like)<br>D-term: B2-610A (with Brim), B2-610B (Head-opened Style)             |
| KIPO  | The LUC has a hierarchical which consists of Class, Sub-class and Sub-sub class.   |
| USPTO | The United States Patent Classification (USPC) is a hierarchical classification system comprising classes and subclasses |

### **2.8.9 (if hierarchy) assignment determined by the hierarchy starting with the first listed class**

In assigning the national design classification, at the JPO and KIPO, the most suitable classification category for the design filed is selected from the categories that are gradually subdivided from large concept to small concept. At the USPTO, selection is started from the category for small concept that is more concrete, and when the design does not fall under the category, by gradually moving to the category for larger concepts, the most suitable category is selected.

|       |   |
|-------|---|
| CNIPA | N/A   |
| EUIPO | N/A   |
| JPO   | In assigning classification, first, the most suitable "group" is selected from a number of groups which are sorted by using the largest concept. Then, the "class" reflecting the next largest concept and the "subclass" reflecting the smallest concept are selected in sequence in order to assign one optimal classification. |
| KIPO  | Class is assigned depending on the intended use of articles, and then Sub-class and Sub-sub class is assigned successively.   |
| USPTO | Design patent applications are hierarchically assigned classification(s) most comprehensive disclosure and from most complex to least complex.  |

### **2.8.10 Nomenclature of classification**

The JPO's design classification is indicated by such symbol as "H7-725". The KIPO's design classification is indicated by such symbol as "14-03;E300". The USPTO's design

classification is indicated by such symbol as “D25/110”.

|       |   |
|-------|---|
| CNIPA | N/A   |
| EUIPO | N/A   |
| JPO   | <p>[Example] H7-725</p> <p>The digit at the leftmost (group) is always indicated by a single uppercase alphabet letter (A through N, excluding I). The second digit from the left (class) is indicated by a single digit number. The number after the hyphen (-) (subclass) is indicated by a single to a five-digit number. The same digit indicates classification by the same concept and the larger the digit, the more subdivided the generic concept becomes. The number “9” refers to parts and accessories while the number “0” refers to miscellaneous and general articles that cannot be classified into 1 to 9.</p> <p>[Example of D-term] H7-725AA</p> <p>D-terms are indicated by adding a maximum of three uppercase alphabet letters (excluding I, O, Q, W, X, Y and Z) after the abovementioned article classification (H7-725).</p> |
| KIPO  | See 2.4.1   |
| USPTO | Class/subclass - D25/110  |

## 2.9 Utilization of the national/regional design classification

### 2.9.1 Relevance between the scope of rights and the scope of the national/regional design classification

With respect to the JPO, KIPO and USPTO, the national design classification does not have a direct relationship with the scope of design rights.

|       |  |
|-------|--|
| CNIPA | N/A  |
| EUIPO | N/A  |
| JPO   | <p>The scope of rights is determined by whether the design (an article, a building or a graphic image and the shape or equivalent features) is similar or not. The scope of Japanese design classification does not directly affect judgment of similarity regarding an article, a building or a graphic image .</p> |
| KIPO  | The purpose of the classification of article and category of articles is to  |

|       |   |
|-------|---|
|       | maintain the consistency in preparing an application for design registration and to harmonize with the product indication not to determine the scope of similarity among articles (Attachment #4 of the Enforcement Rules of the Design Protection Act)                           |
| USPTO | There is no relationship between the scope of rights and the United States Patent Classification. USPC is used to route design patent applications to the appropriate patent examiners. USPC also aides USPTO design patent examiners to conduct high quality prior art searches. |

## 2.9.2 Level of detail for the organization of the classes, subclasses

The structure of the national design classification of the JPO, KIPO and USPTO is more detailed than the Locarno Classification. (See 2.4.2 for the actual number of classification categories.)

|       |  |
|-------|--|
| CNIPA | N/A  |
| EUIPO | N/A  |
| JPO   | Compared with the Locarno Classification, the Japanese Design Classification consists of more classification categories including shape classification.<br>(See 2.4.2) |
| KIPO  | See 2.4.2  |
| USPTO | The United States Patent Classification comprises 33 classes and 5641 subclasses.  |

## 2.9.3 Whether detailed classification encourages specialization

The view that detailed classification enhances the understanding of the design filed and has an effect of increasing the accuracy of prior design searches reflects the consensus view of the respondent Offices.

|       |   |
|-------|---|
| CNIPA | N/A   |
| EUIPO | Detailed classification can enhance understanding on articles and thereby |

|       |  |
|-------|--|
|       | facilitate accurate searches. This answer is based on the use of the Locarno classification.   |
| JPO   | As detailed classification enables the Office to more appropriately assign classification to designs that relate to various articles, buildings or graphic images and bear various shapes or equivalent features, it is believed that such classification will enable to more appropriately limit the subjects of searches in conducting prior design searches, in particular. |
| KIPO  | Detailed classification can enhance understanding on articles and thereby facilitate accurate searches.  |
| USPTO | Detailed classification enhances the understanding of the application and thereby facilitate more accurate and efficient searches by the patent examiner.  |

## 2.9.4 Whether detailed classification increases speed of assigning classification

The view that detailed classification increases the speed of assigning classification reflects the consensus view of the respondent Offices.

|       |  |
|-------|--|
| CNIPA | N/A  |
| EUIPO | Detailed classification can increase speed of assigning classification. This answer is based on the use of the Locarno classification.   |
| JPO   | As classification that is detailed and for which rules for assigning are clearly defined enables the Office to more appropriately assign classification to designs that relate to various articles, buildings or graphic images and bear various shapes or equivalent features, it is believed that such classification will result in increasing the speed of assigning classification, in general. |
| KIPO  | Detailed classification can increase speed of assigning classification.  |
| USPTO | USPC is used to route design patent applications to the appropriate patent examiners. Logically, clarity with regard to where an application is classified in various classes and/or subclasses can speed up classification. The more granular the divisions, the faster an examiner can find the document.  |

### 2.9.5 Whether detailed classification reduces pendency, i.e., shortens time to first action

The view that detailed classification may contribute in reducing pendency reflects the consensus view of the respondent Offices.

|       |  |
|-------|--|
| CNIPA | N/A  |
| EUIPO | Detailed classification can reduce pendency. This answer is based on the use of the Locarno classification.  |
| JPO   | As detailed classification enables the Office to more appropriately assign classification to designs that relate to various articles, buildings or graphic images and bear various shapes or equivalent features, it is believed that such classification will enable examiners to, in particular. Accordingly, it would bring a positive effect on the examination in terms of reducing pendency. |
| KIPO  | Detailed classification can more appropriately limit the subjects of prior design searches and thereby reduce pendency.  |
| USPTO | USPC aides USPTO design patent examiners to conduct quicker, more efficient, high quality prior art searches by assisting them in more quickly and more thoroughly identifying and focusing on the most relevant prior art for given applications.   |

### 2.9.6 Whether detailed classification save the public money, i.e., the public can inexpensively determine if the ideas is already patented

The views that detailed classification can lead to saving public money from the standpoint of improving efficiency of examination practices in Offices and ensuring appropriate prior design searches reflect the consensus view of the respondent Offices.

|       |   |
|-------|---|
| CNIPA | N/A   |
| EUIPO | In the light of reducing pendency, it can save the public money. This answer is based on the use of the Locarno classification. |
| JPO   | As detailed classification enables to more appropriately assign   |

|       |  |
|-------|--|
|       | classification to designs that relate to various articles, buildings or graphic images and bear various shapes or equivalent features, it is believed that such classification will enable not only the Office (examiners) but also the public to more appropriately limit the subjects to be searched in prior design searches.   |
| KIPO  | In the light of reducing pendency, it can save the public money.   |
| USPTO | Improved classification that assists in providing more efficient examination helps design offices work more efficiently. Also, improved classification yields improved public information that allows prospective applicants to better gauge their design filing and the public and design right holders to better gauge their design patent/registration litigation strategies. |

## 2.10 Issues regarding the national/regional design classification

As each national design classification currently used at the JPO, KIPO and USPTO is adequately subdivided to satisfy filing and examination needs in each country, the use of the classification enables each Office to perform high quality prior design searches in their substantive examinations. On the other hand, particularly the JPO acknowledge an interchangeably issue between the Locarno Classification and those subdivided classifications in searching design gazettes of other countries.

|       |   |
|-------|---|
| CNIPA | N/A   |
| EUIPO | N/A   |
| JPO   | As the current Japanese Design Classification is not based on the Locarno Classification, its interchangeability, in particular, in searching design gazettes of other countries is low.  |
| KIPO  | As the LUC was developed based on Locarno Classification, the efficiency degradation issue that occurred by using both Korean Classification (previous national classification) and Locarno Classification in combination has been resolved.  |
| USPTO | The United States Patent Classification (USPC) is currently the only Locarno-based design classification system that is designed to aid patent examiners perform high quality prior art searches. The USPTO looks forward to working with offices to create interoperable design classification |

|  |  |
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|  | systems that provide effective design classification for use in prior art searching. |
|--|--|



## Conclusion

This Research Study revealed the actual state of usage and practices of design classifications in all the Partner Offices. The actual state of usage and practices refers to the method of utilizing the Locarno Classification as an international classification for designs (including subdivision of the product list) and the method of utilizing each country's unique design classification system established mainly for the purpose of conducting appropriate prior design searches in Offices that conduct substantive examinations.

Since design classification has the nature that serves for a smooth and efficient administration of work on design applications in the Office, specific practices of assigning classifications are closely related to each Office's design registration system, organization structure, etc. Nevertheless, certain measures taken in one Office revealed by this Research Study may also be useful and informative for other Partner Offices.

As issues regarding the Locarno Classification, it was indicated that although the existing Locarno Classification is mainly intended to be used for the purpose of searching registered designs, from the standpoint of conducting reliable prior design searches at the design Offices, it cannot be effectively utilized due to its insufficiency such as its coarse structure and vague product indications, and from the standpoint of public use, it lacks detailed explanation and reference information.

Besides, on the one hand, as each national design classification currently used at the JPO, KIPO and USPTO is adequately subdivided to satisfy filing and examination needs in each country, the use of the classification enables each Office to perform high quality prior design searches in their substantive examinations.

As one of the common issues in the field of designs, it is envisaged that achieving an environment where design Offices and users of the design system can use a common design classification that conforms has correlations to the Locarno Classification and is but is effectively subdivided for further enhanced prior design searches in order to improve practicability and convenience for both Offices and users. Forward-looking collaboration of the ID5 Partners in the future would be hoped for towards the achievement of such an environment.