

ID5



ID5 Study Report of Design Classification Conventions & Practices - Appendix

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Appendix

Summary Table <ID5 Study Report of Design Classification Conventions & Practices>					
1. Locarno Classification for Industrial Designs					
Question	CNIPA	EUIPO	JPO	KIPO	USPTO
1.1 Purpose of assigning the Locarno Classification	To fulfill obligations under the Locarno Agreement. To facilitate searching and retrieving of registered designs by users.	To fulfill obligations under the Locarno Agreement European Union Implementing Regulation (Article 3 EUDIR). To facilitate searching and retrieving of registered designs by users.	To fulfill obligations under the Locarno Agreement. To facilitate searching and retrieving of registered designs by users.	To fulfill obligations under the Locarno Agreement. To facilitate searching and retrieving of registered designs by users.	To facilitate searching and retrieving of registered designs by other offices and users.
1.2.1 Assigner	Office	Applicants or Office	Office	Applicants and Office	Office
1.2.2 Office's handling where inappropriate classification is assigned by the applicant		Office changes the classification on its own motion.		Office sends a notification of rejection to the applicant.	
1.2.3 Determiner	Examiner	Examiner	Examiner	Examiner	Examiner
1.2.4 Process for determination	Examiner in charge of examination of the application reviews provisionally assigned classification, and classification examiner further reviews and decides on the final classification.	Examiner in charge of the examination of the application reviews the classification.	Examiner in charge of examination of the application reviews provisionally assigned classification and decides on the final classification.	Examiner in charge of examination of the application reviews provisionally assigned classification and decides on the final classification.	Examiner in charge of examination assigns the Locarno classification based on the concordance to the national classification.
1.2.5 Object of assignment	All the design applications filed for registration	All the design applications filed for registration	All the design applications filed for registration	All the design applications filed for registration	Granted design patents
1.3.1 Single or multiple classification(s) assigned	Multiple classifications allowed	Multiple classifications allowed	Single classification	Single classification	Single classification

1.3.2 Cases where multiple classifications are assigned	Where the product of the design has multiple uses	Where two or more products belonging to different classes are indicated for a single design			
1.3.3 Single/multiple-classification assignment for multi-purpose products	Multiple classifications corresponding to each intended use of the product is assigned.	Multiple classifications corresponding to each intended use of the product is assigned.	Only single classification corresponding to the main intended use of the product is assigned.	Only single classification corresponding to the main intended use of the product is assigned.	Only single classification corresponding to the main intended use of the product is assigned.
1.3.4 Classification order for searching	No fixed order	No fixed order			
1.3.5 The most essential information in determining classification	The combination of the title, drawing and the use of the product stated in the brief explanation	(a) the combination of the title and drawing	(a) the combination of the title and drawing	(a) the combination of the title and drawing	(a) the combination of the title and drawing
1.3.6 Which is more important, title or drawing	Both	Title (provided it corresponds to the drawing)	Both	Both	Both
1.3.7 Manual for assignment	Guidelines have been established and disclosed to the public as part of the examination standards.	Internal guidelines have been established.	Concordance information to the domestic classification is available to the public.	Notification of Article has been established and disclosed to the public.	Concordance information to the domestic classification is available to the public.
1.3.8 Assignment method for the partial design	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.	As per 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	The same classification as for the whole design is assigned.	The same classification as for the whole design is assigned.	The same classification as for the whole design is assigned.

		form part, if they cannot normally be used for another purpose”.			
1.4.1 Relevance between the scope of rights and classification	No direct relationship but helps in determining the category of product which affects the scope of rights	No direct relationship	No direct relationship	No direct relationship	No direct relationship
1.6.1 Current version in use	The 14 th edition	The 15 th edition	The 14 th edition	The 14 th edition	The 13 th edition

2. National/Regional design classification used during examination (including list of products)					
Question	CNIPA	EUIPO	JPO	KIPO	USPTO
2.1 Whether national/regional classification has been established	No	No Instead, a unique list of products based on the Locarno Classification "DesignClass" exists.	Yes (Japanese Design Classification)	Yes (Locarno-based Unified Classification)	Yes (United States Patent Classification)
2.2.1 Legal grounds of assigning national classification			No legal grounds	No legal grounds	No legal grounds
2.3.1 Dominant classification			National classification	National and Locarno classifications are used differently.	National classification
2.4.1 Structure and characteristics of the national classification			Hierarchically structured based on the concept of intended use of articles/designs. Subdivided by detailed function and form.	Hierarchically structured based on the concept of intended use of articles/designs. Subdivided by detailed function and form.	Hierarchically structured based on the concept of intended use of articles/designs. Subdivided by detailed function and form.
2.4.2 Number of classes/subclasses			13 groups 78 classes 3,208 subclasses 1,955 D-terms	31 classes 239 subclasses 4,087 sub-sub classes	33 classes 5,641 subclasses
2.5.1 Frequency of revision			No fixed schedule	Every 2 years, which is that of Locarno Classification	No fixed schedule, as needed
2.5.3 Procedure of revision			Revision is made after going through review work in the Office.	Revision is made after going through review work in the Office.	Revision is made after going through review work in the Office.
2.6 Purpose of assigning national classification			To improve efficiency of examination in prior design searches. To manage applications. To improve efficiency	To improve efficiency of examination in prior design searches. To improve efficiency of prior design searches by users.	To route applications to the appropriate examiners. To improve efficiency of examination in prior design searches.

			of prior design searches by users.		
2.7.1 Indication of national classification			Combination of group, class, subclass, and D-term (e.g. B4-10A)	Combination of class, subclass, sub-sub class (e.g. 14-03;E200)	Combination of class and subclass (e.g. D25/119)
2.7.2 Assigner			Office	Office	Office
2.7.4 Determiner			Examiner	Examiner	Examiner
2.7.5 Process for determination			Classifier provisionally assigns initial classification, then the examiner in charge reviews and finally decides on the classification.	Classifier provisionally assigns initial classification, then classification examiner and the examiner in charge reviews and finally decides on the classification.	Classifier provisionally assigns initial classification, then the examiner in charge reviews and finally decides on the classification.
2.7.6 Object of assignment			All the design applications filed for registration. All the publicly known design materials accumulated for examination.	All the design applications filed for registration. All the publicly known design materials accumulated for examination.	All the design applications filed for registration (patenting).
2.8.1 Single or multiple classification(s) assigned			A single primary classification and additional shape classification(s) may be assigned.	A single primary classification and additional secondary classification(s) may be assigned.	A single primary classification and additional secondary classification(s) may be assigned.
2.8.2 Cases where multiple classifications are assigned			In addition to the single primary classification, multiple shape classifications (D-term) may be assigned.	In addition to the single primary classification, up to four secondary classifications may be assigned.	In addition to the single primary classification, multiple secondary classifications may be assigned.
2.8.3 Single/multiple-classification assignment for multi-purpose products			A single classification is assigned based on the main intended use of the product.	Multiple secondary classifications may be additionally assigned.	Multiple secondary classifications may be additionally assigned.
2.8.4 The most essential			(a) the combination of	(a) the combination of	(a) the combination of

information in determining classification			the title and the drawing	the title and the drawing	the title and the drawing
2.8.5 Which is more important, title or drawing			Both	Both	Both
2.8.6 Manual for assignment			Office maintains a manual for managing the national classification. A material stating the definition of classes is also maintained and published.	Office maintains and publishes a manual for managing the national classification.	Office maintains and publishes a manual for managing the national classification.
2.8.7 Assignment method for the partial design			The same classification as for the whole design is assigned.	The same classification as for the whole design is assigned.	The same classification as for the whole design is assigned.
2.8.8 Assignment determined by index codes or hierarchy			By hierarchy. Exceptionally, shape classification (D-term) has a similar nature to index codes.	By hierarchy.	By hierarchy.
2.8.9 Assignment determined by the hierarchy			The most suitable classification category for the design is selected from the categories that are gradually subdivided from large concept to small concept.	The most suitable classification category for the design is selected from the categories that are gradually subdivided from large concept to small concept.	Design patent applications are hierarchically assigned classification(s) most comprehensive disclosure and from most complex to least complex.
2.8.10 Nomenclature of classification			Indicated by such symbol as "H7-725"	Indicated by such symbol as "14-03;E300"	Indicated by such symbol as "D25/110"
2.9.1 Relevance between the scope of rights and classification			No direct relationship	No direct relationship	No direct relationship
2.9.2 Level of detail for the organization of the classes, subclasses			The national classification is more detailed than the Locarno	The national classification is more detailed than the Locarno	The national classification is more detailed than the Locarno

			Classification. (See 2.4.2)	Classification. (See 2.4.2)	Classification. (See 2.4.2)
2.9.3 Whether detailed classification encourages specialization		Yes*	Yes	Yes	Yes
2.9.4 Whether detailed classification increases speed of assigning classification		Yes*	Yes	Yes	Yes
2.9.5 Whether detailed classification reduces pendency, i.e., shortens time to first action		Yes*	Yes	Yes	Yes
2.9.6 Whether detailed classification save the public money, i.e., the public can inexpensively determine if the ideas is already patented		Yes*	Yes	Yes	Yes

* The answers of EUIPO are based on the use of the Locarno Classification.