



**ID5 Study Report of Design Classification Conventions & Practices - Appendix**

**Appendix**

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|  | **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 form part, if they cannot normally be used for another purpose”. | 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. |
| 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 14th edition | The 15th edition | The 14th edition | The 14th edition | The 13th edition |

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|  | 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 of prior design searches by users. | 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. |
| 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 information in determining classification | |  |  | (a) the combination of the title and the drawing | (a) the combination of the title and the drawing | (a) the combination of 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 Classification.  (See 2.4.2) | The national classification is more detailed than the Locarno Classification.  (See 2.4.2) | The national classification is more detailed than the Locarno 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.