Study Report of Design Classification Conventions & Practices

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Introduction

At the Inaugural ID5 Annual Meeting in December 2015, EUIPO, JPO, KIPO, SIPO 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 2nd 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 (EUIPO, JPO, KIPO and SIPO), the primary purpose of assigning Locarno Classification 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.

EUIPO	To fulfill obligations under the Locarno Agreement 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
SIPO	(1) Determine the category of product incorporating the design; (2) Manage design patents by categories; (3) Enable search of design patents; and (4) Compile and publish design patent documents according to sequence of classification number.
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 JPO, SIPO 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.

EUIPO	Applicant may but is not obliged to indicate class and sub-class. EUIPO may assign class and sub-class if not indicated
JPO	Office
KIPO	Applicants (indicating only "class"), Office (indicating "sub class")
SIPO	Office
USPTO	Office

1.2.2 (if assigned by applicant) How each Office handles the classification that is in appropriately 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.

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.
SIPO	N/A
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.

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.
SIPO	Classification of a design application is assigned by computer classification system or classification examiner.
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, only one examiner is in charge of the examination of Locarno

Classification for all design applications. 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 SIPO, 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 SIPO uses a computer classification system.

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.
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) A sub-class assignment will be conducted by an outsourcing agency and reviewed by KIPO. 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.
SIPO	Classifications of paper applications are assigned by classification examiner. Classifications of electronic 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. If the classification is modified by the examiner during the preliminary examination, the classification examiner should review the amended classification. The whole process of assigning classification is conducted in SIPO.
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.

1.2.5 The object of assignment

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

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
SIPO	Patent applications for design
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 EUIPO and SIPO, there may be cases where two or more Locarno Classifications will be assigned.

EUIPO	More than one classification is allowed if the design applicant indicated different products belonging to different classes. However, for each product, 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.
SIPO	Both of them (depend on the situation)
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 SIPO, multiple Locarno Classifications will be assigned to the designs of products having 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, unless several designs are combined in a multiple application. When more than one product is indicated in the application, different classifications may therefore be assigned if those products belong to different classes. 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.
SIPO	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.
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 EUIPO and SIPO 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.

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	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 to the design derived from the title of the article and the drawing. [Example] Table Clock with Radio Function (The main intended use is deemed as table clock.)
KIPO	A single Locarno classification is assigned even for multi-purpose products.
SIPO	(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 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. (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. (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.
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 EUIPO and SIPO, assigned multiple Locarno Classifications have equality of status and there is no fixed order for the purpose of searches.

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.
SIPO	Multiple classifications are equal in search. Any one of them can be used to find out the design.
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 SIPO, the title, the drawing and the use of the product stated in the brief explanation are equally important to jointly determine the Locarno Classification.

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
SIPO	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.
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, JPO and KIPO. The USPTO does not give preference to the title or the drawings but rather looks to both together to assign its classification. At the SIPO, the title, the drawing and the use of the product stated in the brief explanation are equally important to jointly determine the Locarno Classification.

EUIPO	Priority is given to the title of the article
JPO	Priority is given to the title of the article.
KIPO	Priority is given to the title of the article.
SIPO	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.
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 KIPO, SIPO and EUIPO, guidelines on assigning Locarno Classification are established and the KIPO and SIPO 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.

EUIPO	No specific manual on classification is made public. EUIPO's guidelines are very succinct on classification.
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 (in Japanese). http://www.jpo.go.jp/shiryou/s_sonota/isyou_bunrui.htm
KIPO	General rules for assignment and procedures to change the classification assigned are prescribed by the Design Examination Standards (Established Rule No. 96, effective as of Jan 1, 2017) Classification per article is prescribed by the Notification of Article List per Classification for Design (in Korean, 2714-4, effective as of Feb 15, 2017) (Design Examination Standards: http://www.kipo.go.kr/kpo/user.tdf?a=user.html.HtmlApp&c=30732&catmenu=m06_03_04) (Notification of Article List per Classification for Design: http://www.kipo.go.kr/kpo/user.tdf?a=user.html.HtmlApp&c=3084&catmenu=m04_02_02)
SIPO	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). The above content has been published on the SIPO website. http://www.sipo.gov.cn/zhfwpt/zlsqzn/sczn2010eng.pdf
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). https://www.uspto.gov/web/patents/classification/selectnumwithtitle.htm

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

For partial designs (including expression of disclaimer), the 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).

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.
SIPO	N/A
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 SIPO, 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.

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 does affects the scope of protection
JPO	The scope of rights is determined by whether the design (article and form) is similar or not. The scope of Locarno Classification does not directly affect judgment of similarity regarding the article.
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)
SIPO	The scope of rights relates to the category of products. In determining the category of product, reference may be made to the title, international classification for designs and the shelves classification of the 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.
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.

EUIPO	Classification serves exclusively administrative purposes, in particular allowing third parties to search the registered Community designs databases. The search tools of EUIPO like eSearch (Community Bulletin) and DesignView (bulletins 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 does not use the Locarno Classification prior design searches. ・Some product indications in the Locarno classification are not suitable in Korea. ・Sometimes the Locarno Classification makes examination more difficult due to some vague titles of articles which have too many meanings when translated into Korean, such titles could be considered grounds of rejection in Korea.
SIPO	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. 2. There are no more detailed references and notes in the Locarno classification, which affects the understanding and utilization of the users.
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 2017, all the Partner Offices are using the 11th edition of the Locarno Classification.

EUIPO	As from January 1, 2017: the 11th edition Until December 31, 2016: the 10th edition
JPO	As from January 1, 2017: the 11th edition Until December 31, 2016: the 10th edition
KIPO	As from February 15, 2017: the 11th edition Until February 14, 2017: the 10th edition
SIPO	As from March 1, 2017: the 11th edition Until February 28, 2017: the 10th edition
USPTO	As from January 1, 2017: the 11th edition Until December 31, 2016: the 10th 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 EUIPO and SIPO 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.

EUIPO	EUIPO uses the Locarno classification. EUIPO has compiled a list of products, known as the 'Eurolocarno' list, which is based on the Locarno Classification, for classifying goods. The use of products indicated in this 'Eurolocarno' list and the classification as appearing in this list cannot give rise to an objection by the examiner. EUIPO has the project to have a similar “Harmonised Database” at European level with other European IP offices.
JPO	The Japanese Design Classification has been established as Japan’s own design classification.
KIPO	Yes. (referred to as Korean Classification or Local Classification)
SIPO	The national design classification has not been established in China.
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.

EUIPO	N/A
JPO	There aren’t any.
KIPO	No legal grounds
SIPO	N/A
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

EUIPO	N/A

JPO	N/A
KIPO	N/A
SIPO	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.

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 a subject of administrative management as it is required to be indicated in an application while the Korean Classification is used for substantial examination such as prior design searches and novelty.
SIPO	N/A
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 and KIPO, which are the Offices 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 their countries.

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.
KIPO	Since the enforcement date of the Locarno Agreement, the Locarno Classification has been indicated in design gazettes along with the Korean Classification. Since the enforcement date of the Hague Agreement, the Locarno Classification has been indicated not only in the design gazettes but also in applications.

	*Locarno Agreement (effective as of Apr 17, 2011), Hague Agreement(effective as of Jul 1, 2014)
SIPO	N/A
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. http://www.wipo.int/treaties/en/notifications/locarno/treaty_locarno_19.html

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.

EUIPO	N/A
JPO	The Japanese Design Classification (JDC) is based on the concept of intended use of articles. The JDC also has the nature of an integration of the classification of article and form. The classification is broken down by mainly using the concept of intended use of articles and, where applicable, further broken down by using such concepts as function and form. Classification of article consists of "group" (indicating general field of articles), "class" (indicating division of the "group" by category of articles) and "subclass" (indicating individual article(s)), and classification of form ("D-term") follows accordingly. [Example of classification] H7-725 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. [Example of D-term] H7-725AA 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). [Extract from the JDC] "H7 (Electronic Information Input/Output Equipment)" : H7-724 Electronic Computers or the like with Data Indicators (Laptop Type) : H7-725 Electronic Computers or the like with Data Indicators (Portable Type)

	H7-725A Others(excluding AA ~ AF) H7- 725AA Straight Type H7-725AB Foldable Type H7-725AC Revolving Type H7-725AD Slide Type H7-725AE Flip Type H7-725AF Wrist Watch Type H7-725B with Printer H7-725C with Full Keyboard H7-725D with Camera H7-725G with Specific Display H7-726 Desk Computers :
KIPO	1. Mechanism of the Korean Classification The Korean Classification is based on intended use of articles and some articles are further classified by their functional feature and, when necessary, some can be even further classified by their appearance or form. 2. Structure of the Korean Classification The Korean Classification is hierarchically structured with Class, Sub Class, Sub-Sub Class under Group (Group> Class> Sub Class> Sub Class>Sub-Sub Class) and, when necessary, a sub-sub class can be subdivided into shape classes. A total of 13 groups are represented by a single uppercase alphabet letter (A to N, excluding I) and arranged in order from consumer goods to production goods. (e.g. “A”: manufactured foodstuff and table luxuries, “B”: clothing and personal belongings, “C”: daily products) 1) A group is subdivided into classes based on intended use of articles and is represented by single digit number from 0 to 9 (e.g. B1: clothing, B2: Garments, B3: personal belongings) 2) A class is subdivided into sub-classes based on generic concepts of articles and represented by multiples of 10 (10, 20, 30…., etc.) after the hyphen (e.g. B1-10 : suits and Korean traditional clothes, B1-20: Japanese clothes and Chinese clothes) 3) Sub-sub classes delineate individual articles encompassed with the scope of a sub class and are represented by a single- to five- digit number based on the decimal classification system. 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. (e.g. B1-111: men’s business suits, B1-114: vests for suits B1-115: jumpers 4) A sub-sub class can be subdivided into shape classes on a basis of a distinctive form of the article and is represented by alphabet letters after sub-sub class (e.g. B1-62: under shirts, B1-62A: sleeved under shirts, B1-62B:sleeveless under shirts)

	5) GUI design: It follows the classification of the article where the GUI is applied and is represented by “S” at the end of the abovementioned classification code. (e.g. a portable device in which GUI is indicated : H540S a home network device in which GUI is indicated : H4330S) 6) Articles that are not covered by Group A to M (excluding I) are classified by Group N and fonts and 2D shapes fall into this group.  e.g.) B3-431BA (square-shaped rings with ornaments) B3 : Personal belongings (portable goods worn by bodies for the purpose of decoration) ----- *class* B3-1 : ornaments B3-2: ornaments for a head and ears B3-3: ornaments for a neck and a chest B3-4 : ornaments for arms and fingers -----*sub class* B3-41 : ornaments for arms B3-42 : cuffed buttons B3-43 : ornaments for fingers ----- *sub-sub class - level 1* B3-431 : rings ----- *sub-sub class level 2* B3-431A : rings / integrated ornaments B3-431B : rings / separated ornaments ----- *shape class - level 1* **B3-431BA : square-shaped ornaments ----- *shape class - level 2*** B3-431BB : circle-shaped ornaments
SIPO	N/A
USPTO	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 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 https://www.uspto.gov/patent/laws-and-regulations/examination-policy/seven-classification-design-patents

2.4.2 The number of classes/subclasses

See below.

EUIPO	According to Locarno
JPO	There are 13 groups, 77 classes, 3,193 subclasses, 1,843 D-terms, totaling 5,126.
KIPO	13 groups, 75 classes, 2,929 subclasses, 569 shape classes = in total 3,586
SIPO	N/A
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, KIPO and USPTO, necessary revision is made according to the filing trends. At the JPO and KIPO, update of rules on assigning the classification that does not lead to the classification revision are conducted whenever need arises.

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 and 2016. 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	Rather than revising the Korean Classification, KIPO constantly updates assignment of detailed classification through the Classification Research Group Meeting regularly held by examiners, classification examiners and classifiers since the Korean Classification is matched to the Locarno Classification.
SIPO	N/A
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

EUIPO	N/A
JPO	See 2.5.1
KIPO	See 2.5.1
SIPO	N/A
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.

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	When there is any change to assignment of classifications through the regular Classification Research Group Meeting held by examiners, classification examiners and classifiers, the Korean Classification will be revised after reflecting outside stakeholder's feedback.
SIPO	N/A
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.

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.
SIPO	N/A
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.

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). [Example] B4-10A (See 2.4.2)
KIPO	See 2.4.1 Group, class, subclass, sub-sub class and shape class e.g. B4-11A
SIPO	N/A
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.

EUIPO	N/A
JPO	Office
KIPO	Office
SIPO	N/A
USPTO	Office

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

N/A

EUIPO	N/A
JPO	N/A
KIPO	N/A
SIPO	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.

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)

	*note: Provisional assignment will be conducted by an outsourcing agency and reviewed by KIPO.
SIPO	N/A
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.

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) 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.
SIPO	N/A
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.

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.

	(* 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)
SIPO	N/A
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.

EUIPO	N/A
JPO	With regard to the classification of article (combination of group/class/subclass), only a single classification is assigned. Meanwhile, as for the shape classification (D-term), multiple classification can be assigned. *Example* [Article to Design] Hat  Classification: B2-610 (Hats, Caps, or the like) D-term: B2-610A (with Brim), B2-610B (Head-opened Style)
KIPO	Only a single classification is assigned. Meanwhile, secondary Korean classification can be assigned considering shape or function of an article. The secondary Korean classification will be determined by the title of the article or drawings. e.g. bracelet-type wristwatch Primary Classification : J230 (wristwatch) Secondary classification : B341C

	(accessories with ornaments for arms) 
SIPO	N/A
USPTO	Multiple classifications may be assigned. The patent examiner may only assign one primary classification. The patent examiner may assign multiple secondary classifications.

2.8.2 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 five 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.

EUIPO	N/A
JPO	See 2.8.1
KIPO	In principle, only a single classification is assigned. Meanwhile, up to five secondary Korean classifications can be assigned for multi-purpose products considering shapes or functions of an article. (See 2.8.1)
SIPO	N/A
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.

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. [Example] Copying Machine with Scanner and Printer Function (The main

	intended use is as a copying machine.) Classification: H7-53 (Copying Machines)
KIPO	The primary classification will be assigned by the main function of an article (determined by the title of an article) and secondary Korean classifications can be assigned to facilitate accurate searches.
SIPO	N/A
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. The patent examiner may only assign one primary classification. The patent examiner may assign multiple secondary classifications.

2.8.4 In determining classification, the essential information is (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.

EUIPO	N/A
JPO	(a) the combination of the title and the drawing The title of the article is especially important in deciding the classification (group/class/subclass), while the drawing is especially important in deciding the D-term.
KIPO	(a) the combination of the title and the drawing
SIPO	N/A
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

In the relationship between the title and the drawings, priority is given to the title at the JPO and KIPO. USPTO does not give preference to the title or the drawings but rather looks to both together to assign its classification.

EUIPO	N/A
JPO	Priority is given to the title of the article.
KIPO	Priority is given to the title of the article.
SIPO	N/A
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.

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. http://www.jpo.go.jp/shiryou/s_sonota/isyou_bunrui.htm http://www.jpo.go.jp/shiryou_e/s_sonota_e/j-classification_for_id.htm
KIPO	There is a manual for assigning/managing design classification to maintain consistency of classification and such manual on how classification is assigned (based on distinctive form, intended use, functional feature) is made public. http://www.kipo.go.kr/kpo/user.tdf?a=user.ip_info.others.BoardApp&board_id=others&catmenu=m04_02_05
SIPO	N/A
USPTO	U.S. Patent Classification Manual is available on the USPTO website at https://www.uspto.gov/sites/default/files/web/offices/opc/documents/handbook.pdf

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.

EUIPO	N/A
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.
SIPO	N/A
USPTO	There is no change to the classification method.

2.8.8 Assignment determined by index code (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.

EUIPO	N/A
JPO	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). *Example* [Article to Design] Hat  Classification: B2-610 (Hats, Caps, or the like) D-term: B2-610A (with Brim), B2-610B (Head-opened Style)
KIPO	The Korean Classification has a hierarchical structure and is represented by classification codes.
SIPO	N/A
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.

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	Group: It is arranged in order from consumer goods to production goods. Class: The group is subdivided into classes based on the intended use of articles. Sub class: A class is subdivided into sub-classes based on generic concepts. Sub-sub Class: A sub-sub class has individual articles encompassed within the scope of a sub-class A sub-sub class is broken down by characteristics of articles (e.g. finished goods, components, parts) and a shape class can be assigned if articles have a distinctive form.

SIPO	N/A
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 "B3-431A". The USPTO's design classification is indicated by such symbol as "D25/110".

EUIPO	N/A
JPO	[Example] H7-725 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. [Example of D-term] H7-725AA 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).
KIPO	See 2.4.1
SIPO	N/A
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 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.

EUIPO	N/A
JPO	The scope of rights is determined by whether the design (article and form) is similar or not. The scope of Japanese design classification does not directly affect judgment of similarity regarding the article.
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)
SIPO	N/A
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.)

EUIPO	N/A
JPO	Compared with the Locarno Classification, the Japanese Design Classification consists of more classification categories including shape classification. (See 2.4.2)
KIPO	See 2.4.2
SIPO	N/A
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.

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 and bear various shapes and forms, it is believed that such classification will enable to more appropriately limit the subjects of prior design searches, in particular.
KIPO	Detailed classification can enhance understanding on articles and thereby facilitate accurate searches.
SIPO	N/A
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.

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 and bear various shapes and forms, 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.
SIPO	N/A
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.

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 and bear various shapes and forms, it is believed that such classification will enable examiners to more appropriately limit the subjects of prior design searches, 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.
SIPO	N/A
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.

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 and bear various shapes and forms, 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.
SIPO	N/A
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, the Offices acknowledge that improving the relationship between the Locarno Classification and those subdivided classifications for the purpose of improving practicability of classifications in a broader and more global context is a common issue for all the Offices.

EUIPO	N/A
JPO	As the Japanese Design Classification is not based on the Locarno Classification, its interchangeability, in particular, in searching design gazettes of other countries is low.
KIPO	To resolve issues caused by using both the Korean Classification and the Locarno Classification, KIPO is developing a new local classification based on the Locarno Classification. (It is intended to develop more detailed classification by breaking down the sub-class of the Locarno Classification.)
SIPO	N/A
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 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 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. On the other hand, the Offices acknowledge that improving the relationship between the Locarno Classification and those subdivided classifications for the purpose of improving practicability of classifications in a broader and more global context is a common issue for all the Offices.

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 has correlations to the Locarno Classification 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.

(End of Document)

Appendix

Summary Table <ID5 Study Report of Design Classification Conventions & Practices>					
1. Locarno Classification for Industrial Designs					
Question	EUIPO	JPO	KIPO	SIPO	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. 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	Applicants or Office	Office	Applicants and Office	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	One examiner is in charge of all design applications.	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 of the application reviews provisionally assigned classification, and classification examiner further reviews 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	Single classification	Single classification	Multiple classifications allowed	Single classification
1.3.2 Cases where multiple classifications are assigned	Where two or more products belonging to different classes are indicated for a single design			Where the product of the design has multiple uses	

1.3.3 Single/multiple-classification assignment for multi-purpose products	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.	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.
1.3.4 Classification order for searching	No fixed order			No fixed order	
1.3.5 The most essential information in determining classification	(a) the combination of the title and drawing	(a) the combination of the title and drawing	(a) the combination of the title and drawing	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
1.3.6 Which is more important, title or drawing	Title	Title	Title	Both	Both
1.3.7 Manual for assignment	Internal guidelines have been established.	Concordance information to the domestic classification is available to the public.	Guidelines have been established and disclosed to the public as part of the examination standards.	Guidelines have been established and disclosed to the public as part of the examination standards.	Concordance information to the domestic classification is available to the public.
1.3.8 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.		The same classification as for the whole design is assigned.
1.4.1 Relevance between the scope of rights and classification	No direct relationship	No direct relationship	No direct relationship	No direct relationship but helps in determining the category of product which affects the scope of rights	No direct relationship
1.6.1 Current version in use	The 11th edition	The 11th edition	The 11th edition	The 11th edition	The 11th edition

2. National/Regional design classification used during examination (including list of products)					
Question	EUIPO	JPO	KIPO	SIPO	USPTO
2.1 Whether national/regional classification has been established	No Instead, a unique list of products based on the Locarno Classification ('Eurolocarno') exists.	Yes (Japanese Design Classification)	Yes (Korean Classification)	No	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	Both 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 77 classes 3,193 subclasses 1,843 D-terms	13 groups 75 classes 2,929 subclasses 569 shape classes		33 classes 5,641 subclasses
2.5.1 Frequency of revision		No fixed schedule	No fixed schedule		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 group, class, subclass, sub-sub class and shape class (e.g. B4-11A)		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 five 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		A single classification is assigned based on	Multiple secondary classifications may		Multiple secondary classifications may

products		the main intended use of the product.	be additionally assigned.		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		Title	Title		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 “B3-431A”		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.

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