

CHAPTER 16**INDEXING****INDEX**

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INTRODUCTION

- 16.1 Applications are indexed so that at examination they can be searched. If they are not indexed correctly the search will not be effective. Also at lodgement and registration they are advertised in the Australian Official Journal of Design (AOJD) which is available to the public. This allows the public to search or inquire in their field of interest. If the classification is incorrect they may miss important information.

CLASSIFICATION SYSTEM

- 16.2 The classification system used in Australia is based on the on the "International Classification For Industrial Designs", (IDC). This was established by the Locarno Agreement. Australia is not a party to this agreement, but the classification system is still used by this office. There are 32 classes and most of these classes are further divided into sub-classes. These classes and sub-classes are based on function, ie purpose or use for which the article is intended. Also as some of sub-classes are large the office has sub-divided these sub-classes (also by function). These further subdivisions are listed as Designs Administration Classification Codes.

THE IDC

- 16.3 The IDC is the main classification tool. It contains four relevant parts:
- (i) a list of classes
 - (ii) a list of classes and subclasses, with explanatory notes
 - (iii) an alphabetical listing of articles
 - (iv) a listing of the articles in their class and subclass order

Examiners generally will use the third and fourth parts of the IDC.

DESIGNS ADMINISTRATION CLASSIFICATION CODES

- 16.4 The Designs Administration Classification Codes list the articles in their class, subclass and then sub-division order. They only apply to subclasses that have sub-divisions.

INDEXING - CHOOSING A CLASS

- 16.5 To start indexing the examiner will usually go to the name of the article offered by the applicant. The examiner should also make sure that the name of the article correlates to what is shown in the representations. If not, the examiner should use a name that best describes the representations.
- 16.5.1 Once the examiner has established a name of article they should try and find it in the alphabetical listing in part 3 of the IDC. The examiner may have to translate the applicant's name of article to its generic form, ie "oral interpersonal communication device" to "telephone" (most of the time it is in its generic form).

- 16.5.2 If the examiner does find it, on the left hand side of that name will be a class with a subclass. Now refer to that class with subclass in part 4 of the IDC. The examiner should then consider if that classification is appropriate, ie look at the other article names to see if there is some similarity or commonality.

The above is the ideal method for indexing but unfortunately does not happen all the time. The following procedures will help the examiner to achieve the above. The examiner should do it in the order below. If "A" does not work try "B" and so on.

(A) ANOTHER WORD

- 16.5.3 Try and find another word that might describe the article ie footwear could be shoe, storage furniture could be cabinet etc. As the examiner uses the classification more and more they will become familiar with the style of article names. Then use this other word as a normal indexing.

(B) SIMILAR WORD

- 16.5.4 Try and find the name of a similar article ie stool to chair, pick to shovel, timepiece to watch or clock, diaper to nappy etc. Then use this similar word as a normal indexing.

(C) PURPOSE

- 16.5.5 If the examiner has an idea as to what the article does they can go to part 2 of the IDC containing a list of the classes and subclasses and try to find a class and/or subclass that might relate to the article being indexed. If the examiner does find a class and/or subclass, then they can go to part 4 of the IDC containing the articles in their class and subclass order and go through that class and/or subclass to try and find a similar article.

SUB-DIVISIONS

- 16.6 Once the article is classified the examiner will have to check if it has a sub-division. If it does it will have to be further indexed in that sub-division. You will have to go through each sub-division and see if one suits your article, if not it goes in "NES" (Not Elsewhere Specified).

CASE OF DOUBT

- 16.7 Sometimes the article name and representations are so vague that it is not possible to accurately index it. In this instance a tentative indexing (educated guess) should be made. More information will be requested at first examination and a correct classification made.

MULTIPLE INDEXING

- 16.8 At times an article may have more than one classification. This is rare but acceptable.

DIFFICULT CASES

- 16.9 If the application is very difficult and the examiner can not even guess at its classification you should leave the application in the "indexing tray". Also articles that may be in a new field or of general interest to the area should also be left in this "tray". Once a fortnight all the examining officers get together and decide on the best indexing. At this stage an indexing will be decided on.

ENTERING CLASSIFICATION DATA ON THE SYSTEM

- 16.10 The "Designs Administrative Systems Examiners Manual" at Section 2.1 contains the procedure the examiner is to follow.

PREPARATION OF FILE AND REPRESENTATIONS

- 16.11 Once the application is indexed the examiner will have to write the classification on the front of the case file. The examiner then selects a sheet or photograph showing a representation for the search material. A perspective or isometric view is usually the best view for this purpose. The examiner enters the classification and application number on the top of the sheet. This sheet then goes into the classified representations tray. Sometimes there is only one view and you can either photocopy it or put the whole case in the classified representations tray. Once this is finished the application is put back in its folder and returned to file.