



Ministério do Desenvolvimento, Indústria e Comércio Exterior  
Instituto Nacional da Propriedade Industrial  
Procuradoria-Geral  
Divisão de Consultoria

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NOTA/INPI/PROC/DICONS/Nº 01/2003

Ref.: Processo: 5240000 3432/02

Em, 6-01-2003

EMENTA- PROPRIEDADE  
INDUSTRIAL- USO DA PALAVRA  
COURO- ALCANCE-

**Senhor chefe da Divisão de Consultoria:**

Sr. Diretor de Patentes solicita pronunciamento desta Procuradoria sobre o questionamento do Centro das Indústrias de Curtume do Brasil, entidade nacional representante do setor de curtido sobre a inadequação do título "couro sintético", referente a PI 0014505, publicada na RPI 1651, de 27-08-2002.

Alega como fundamentação para seu pleito a determinação contida na lei nº 4.888, de 9-12-1965, que em seu artigo art. 1º proíbe por à vista ou a vender sob o nome de couro, produtos que não sejam obtidos exclusivamente de pele animal, bem como uma possível indução a erro ao consumidor.

Partindo-se do ponto de vista de uma interpretação literal do texto legal, não resta dúvida que ela, está consonante com o que preceitua a Lei da Propriedade Industrial, em seu inciso VI do art. 124, com relação à marca, já que é vedado o registro de sinal de caráter de uso necessário ou seja, *couro*, para a marca de igual denominação. (grifos nossos)

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SERVIÇO PÚBLICO FEDERAL  
INSTITUTO NACIONAL DA PROPRIEDADE INDUSTRIAL  
PROCURADORIA-GERAL

Com relação ao caso concreto apresentado á guisa de exemplo pelo peticionário, verifico tratar-se um pedido de patente com prioridade unionista sob o título "couro sintético".

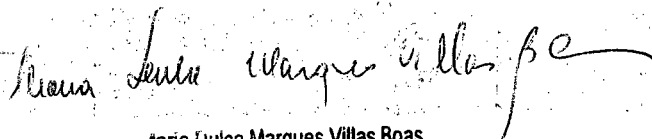
O examinador do INPI ao receber um pedido patente deve analisá-lo de acordo com as normas estabelecidas não só na Lei da Propriedade Industrial, mas com todos aqueles atos legais e operacionais que tenham ligação com a matéria a ser avaliada, inclusive as internacionais

O Oficial Catchword Index to the Seventh Edition (1999) of the International Patent Classification- WIPO, classifica sob o título geral LEATHER(couro), C14, subclassificando em DO6N- Artificial (artificial) (cópia em anexo )

Ora, tal nomenclatura é a adotada internacionalmente pela Organização Mundial da Propriedade Industrial, da qual o INPI é parte e como tal deverá seguir a mesma classificação.

Ademais, a expressão "couro sintético" usada como título do invento, não me parece levar ao consumidor mediano, que é aquele que deve servir de parâmetro para avaliação do questionamento, a pensar que se trata de couro de pele de animal e sim que é uma matéria produzida artificialmente.

Em sendo assim, entendo que o pleito deve ser acatado parcialmente, com relação a registro de marca perante este INPI, sob a denominação **couro**, não se aplicando, destarte, a mesma orientação com relação a título de patente, por ser **couro artificial** a denominação, que deve ser observada pelo examinador para classificar o invento, de acordo com as regras estabelecidas pela Organização Mundial da Propriedade Industrial.



Maria Dulce Marques Villas Boas  
Procuradora Federal  
Mat. SIAPE 449535  
OAB-RJ 23784

# OFFICIAL CATCHWORD INDEX

to the Seventh Edition (1999) of the  
International Patent Classification



2420

Property Organization

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# OFFICIAL CATCHWORD INDEX

to the Seventh Edition (1999) of the  
International Patent Classification

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**World Intellectual Property Organization**

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**OFFICIAL CATCHWORD INDEX  
to the Seventh Edition (1999) of the  
International Patent Classification**

**LEASING**

**LENTICULAR**

<b>LEASING</b>		
— threads	D02H	9/00 13/00
<b>LEATHER</b>	C14	
artificial —	D06N	3/00
bleaching —	D06L	3/00
bonding rubber to —	C08J	5/12
bonding rubber to — in shoe-making	A43D	25/00 86/00 31/50
coating processes for —	B29D	31/50
curing —; dehairing —	B05D	7/12
dyeing —	C14C	1/00
finishing —	D06P	
	C14B	
	C14C	11/00
imitations of — surfaces	B44F	9/12
impregnating —	C14C	9/00
investigating —	G01N	33/44
— substitutes	D06N	3/00
machines for sewing — goods	D05B	15/00
making — articles	B68F	1/00
making — shoes	A43D	
making — substitutes	D06N	3/00
manufacture of —	C14	
non-domestic cleaning of hides	D06G	1/00
processes for dyeing —	C14	
	D06P	
processes for printing on —	B41M	1/38
processes for printing on — in combination with treating —	C14B	1/28
tanning —	C14C	3/00
treating — chemically	C14C	
working —	C14B	
working — in making — articles	B68F	
working — in making shoes	A43D	
<b>LEAVES</b>		
see LEAF(-VES)		
<b>LECHER</b>		
— lines	H01P	3/04
— resonators	H01P	7/02
<b>LECITHIN</b>	C07F	9/10
— as foodstuff	A23J	7/00
<b>LECTERNS</b>	A47B	19/00
<b>LEDGERS</b>	B42D	1/00 12/00
<b>LEEWAY</b>		
measuring —	G01C	

<b>LEG-BOOTS</b>	A43B	3/02
<b>LEGGING(S)</b>	A41D	17/02
— -trees	A43D	3/14
<b>LEG-RESTS</b>		
— for beds, sofas	A47C	20/00
	A61G	7/065
— for chairs	A47C	7/50
<b>LEGS</b>		
(1) — [= body parts]		
artificial — as prostheses	A61F	2/60
exercising the —	A63B	23/04
(2) — for articles		
— for rigid containers	B65D	25/24
furniture —	A47B	91/00
<b>LEMON(S)</b>		
hand peelers for —	A47J	17/04
— squeezers	A47J	19/02
<b>LENARD</b>		
— tubes	H01J	33/00
<b>LENGTH</b>		
measuring —	G01B	
<b>LENO</b>		
— shedding for looms	D03C	7/00
— woven fabric	D03D	19/00
<b>LENS(ES)</b>		
(1) optical —		
adjusting or mounting — in photographic apparatus	G03B	
— for lamps	F21V	5/04
— for spectacles	G02C	1/00
making optical — of plastics	B29D	11/00
optical —	G02B	3/00
uniting glass —	C03B	23/22
(2) — for electromagnetic waves	H01Q	15/02
— for electromagnetic waves in waveguides	H01P	
(3) electrostatic, electron optical or magnetic — in discharge tubes	H01J	
<b>LENTICULAR</b>		
— screens photographic bases with —	G03C	7/14

# International Patent Classification

Seventh Edition (1999)

Section D

Textiles; Paper

2X  
✓



World Intellectual Property Organization

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# International Patent Classification

Seventh Edition (1999)

Volume 4

Section D

Textiles; Paper



World Intellectual Property Organization

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The present (seventh) edition constitutes the authentic English text of the Classification provided for in the Strasbourg Agreement Concerning the International Patent Classification (of 1971). The revised version of the Classification contained in this edition was adopted in 1998 by the Committee of Experts set up under the said Agreement. This (seventh) edition entered into force on January 1, 2000.

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WIPO PUBLICATION  
No. 560(E)

ISBN 92-805-0794-X (Vol. 4)

WIPO 1999

Printed and bound in Great Britain by  
Butler & Tanner Ltd. Frome and London

## USER INFORMATION

1. The Guide to the International Patent Classification, which explains the layout, use of symbols, principles, rules and application of the Classification, appears in Volume 9 (which also contains a listing of all main groups) as well as in Volume 10.
2. In order to assist the user, the text of the Classification is presented in such a way as to give some indication of the kind of changes it has undergone with respect to previous editions.
3. The following indications are used in this edition of the Classification:

- (a) Text in italics means that the entry in question, in relation to the sixth edition, either
  - (i) is new, or
  - (ii) has been changed (in wording or in hierarchical position) so that the scope (see paragraphs 43 to 48 of the Guide to the IPC) of one or more groups was affected, or
  - (iii) has been deleted (see under (c), below).

In cases (i) or (ii), above, the entry in italics is followed by an Arabic numeral in square brackets (see under (b), below).

- (b) An Arabic numeral in square brackets (for example [4] or [7]), at the end of an entry, indicates the edition of the Classification where the entry was, in relation to the preceding edition, either
  - (i) new, or
  - (ii) changed (in wording or hierarchical position) so that the scope of one or more groups was affected.

One and the same entry may be followed by two or more Arabic numerals in square brackets (for example [4,7] or [2,4,6]), which means that in each of the editions referred to by these numerals, the entry, in relation to the preceding edition, has undergone one of the changes set forth in (i) or (ii), above.

An entry which has existed since the first edition of the Classification and has been changed only in the seventh edition (in wording or hierarchical position) so that the scope of one or more of the groups was affected, is followed by [1,7].

A note which is new with respect to the previous edition is followed by an Arabic numeral in square brackets indicating the edition in which it was introduced.

A note that has been significantly changed in the seventh edition, in relation to the sixth edition, so that the classification of subject matter is affected by this change, is supplemented by the Arabic numeral 7 in square brackets at the end of the note.

- (c) The symbols of groups that have been deleted, i.e. groups that existed in the sixth edition of the Classification but do not exist in the seventh edition, are printed with an indication in italics of where the subject matter concerned is transferred to, or covered in, the seventh edition.

Examples: 50/02 (covered by 43/06, 43/10)  
 57/32 (transferred to 57/05)  
 13/10 (transferred to 19/015, covered by 17/14).

The symbols of groups which have been deleted in the sixth or previous editions do not appear in the seventh edition.

# SECTION D – TEXTILES; PAPER

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**Note**

Layered products classified in this subclass are also classified in subclass B 32 B.

1/00	Linoleum	3/12	. with macromolecular compounds obtained otherwise than by reactions only involving carbon-to-carbon unsaturated bonds
3/00	Artificial leather, oilcloth, or like material obtained by covering fibrous webs with macromolecular material, e.g. resins, rubber or derivatives thereof [4]	3/14	. . with polyurethanes
3/02	. with cellulose derivatives	3/16	. with oil varnishes
3/04	. with macromolecular compounds obtained by reactions only involving carbon-to-carbon unsaturated bonds	3/18	. with two layers of different macromolecular materials (3/08 takes precedence)
3/06	. . with polyvinyl chloride or its copolymerisation products	5/00	Roofing felt, i.e. fibrous webs coated with bitumen
3/08	. . . with a finishing layer consisting of polyacrylates, polyamides, or polyurethanes	7/00	Flexible sheet materials not otherwise provided for, e.g. textile threads, filaments, yarns or tow, glued on macromolecular material
3/10	. . with styrene-butadiene copolymerisation products	7/02	. composed of mixtures of substances
		7/04	. characterised by their surface properties
		7/06	. impregnated

D 06 P DYEING OR PRINTING TEXTILES; DYEING LEATHER, FURS, OR SOLID MACROMOLECULAR SUBSTANCES IN ANY FORM (for mechanical matters, see B 41 F, J, D 06 B, C; printing on surfaces of materials other than textiles B 41 M; surface treatment of fibres or filaments from glass, minerals, or slags C 03 C 25/00; mordanting D 06 M; dyeing paper D 21 H)

**Note**

Processes using enzymes or micro-organisms in order to:  
 (i) liberate, separate or purify a pre-existing compound or composition, or to  
 (ii) treat textiles or clean solid surfaces of materials  
 are further classified in subclass C 12 S. [5]

**Subclass Index****DYEING OR PRINTING PROCESSES**

Classified according to dyes or auxiliary agents ..... 1/00  
 Classified according to material treated ..... 3/00

Combined with mechanical treatment ..... 7/00

OTHER FEATURES, e.g. AFTER-TREATMENT, RESERVE DYEING OR PRINTING ..... 5/00

1/00	General processes of dyeing or printing textiles, or general processes of dyeing leather, furs, or solid macromolecular substances in any form, classified according to the dyes, pigments, or auxiliary substances employed	1/10	. . containing metal
1/02	. using azo dyes (1/18, 1/38, 1/39, 1/41 take precedence) [2]	1/12	. . prepared <u>in situ</u>
1/04	. . not containing metal	1/13	. using azomethine dyes [2]
1/06	. . . containing acid groups	1/14	. using phthalocyanine dyes without vatting (1/38, 1/40 take precedence)
1/08	. . . cationic azo dyes	1/16	. using dispersed, e.g. acetate, dyestuffs
		1/18	. . Azo dyes
		1/19	. . Nitro dyes [2]
		1/20	. . Anthraquinone dyes

