

Special Union for the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Union)

Committee of Experts

**Twenty-Fifth Session
Geneva, April 27 to May 1, 2015**

REPORT

adopted by the Committee of Experts

INTRODUCTION

1. The Committee of Experts of the Nice Union (hereinafter referred to as “the Committee”) held its twenty-fifth session in Geneva from April 27 to May 1, 2015. The following members of the Committee were represented at the session: Argentina, Australia, Austria, Belarus, China, Czech Republic, Denmark, Estonia, Finland, Germany, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Mexico, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Serbia, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and United States of America (33). The following States were represented by observers: Canada, Thailand and Yemen (3). Representatives of the following international intergovernmental organizations took part in the session in an observer capacity: Benelux Office for Intellectual Property (BOIP) and European Union (EU). A representative of the following international non-governmental organization (NGO) attended the session in an observer capacity: International Trademark Association (INTA). The list of participants appears as Annex I to this report.

2. The session was opened by Mr. Yo Takagi, Assistant Director General, Global Infrastructure Sector, WIPO, who welcomed the participants on behalf of the Director General.

OFFICERS

3. The Chair, Mr. Thom Clark (OHIM), and the Vice-Chairs, Ms. Anat Levy (Israel) and Ms. Iliana Mier (Mexico), were elected last year for two calendar years.
4. Mr. Antonios Farassopoulos (WIPO) acted as Secretary of the session.

ADOPTION OF THE AGENDA

5. The Committee unanimously adopted the agenda, which appears as Annex II to this report.

DISCUSSIONS, CONCLUSIONS AND DECISIONS

6. As decided by the Governing Bodies of WIPO at their tenth series of meetings held from September 24 to October 2, 1979 (see document AB/X/32, paragraphs 51 and 52), the report of this session reflects only the conclusions of the Committee (decisions, recommendations, opinions, etc.) and does not, in particular, reflect the statements made by any participant, except where a reservation in relation to any specific conclusion of the Committee was expressed or repeated after the conclusion was reached.

ENTRY INTO FORCE OF THE DECISIONS OF THE COMMITTEE OF EXPERTS

7. In accordance with Rule 7 of the Revised Rules of Procedure, the Committee agreed that changes to the 2015 version of the tenth edition of the Nice Classification that do not entail an amendment in the sense of Article 3(7)(b) of the Nice Agreement¹, would enter into force on January 1, 2016, and be published online in a new version of the tenth edition (NCL (10-2016)) by the end of 2015.
8. The Committee invited the International Bureau to take the opportunity of correcting any obvious typing or grammatical errors which it found in the text of the Classification and harmonizing, as far as possible, the use of punctuation.

CONSIDERATION OF VARIOUS PROPOSALS FOR AMENDMENTS AND OTHER CHANGES TO NCL (10-2015)

9. Discussions were based on project [CE252](#), [Annex 1](#), which contained a summary table of proposals for modifications to NCL (10-2015).
10. The Committee adopted an important number of changes to the Classification, as contained in Annex III to this report.

¹ Article 3(7)(b) of the Nice Agreement: "Decisions concerning the adoption of amendments to the Classification shall require a majority of four-fifths of the countries of the Special Union represented and voting. "Amendment" shall mean any transfer of goods or services from one class to another or the creation of any new class."

CONSIDERATION OF PROPOSALS FOR AMENDMENTS AND OTHER CHANGES TO NCL (10-2015) RELATING TO:

(a) THE CLASS HEADINGS AND EXPLANATORY NOTES OF VARIOUS CLASSES

11. Discussions were based on project [CE252, Annex 2](#), which contained a proposal for changes to 11 class headings and explanatory notes, submitted by OHIM.

12. The Committee adopted the proposal with slight modifications, as contained in Annex IV to this report.

(b) THE EXPLANATORY NOTE OF CLASS 40

13. Discussions were based on project [CE252, Annex 9](#), which replaced [Annex 3](#), regarding a proposal for modifications to the explanatory note of Class 40, submitted by Switzerland.

14. The Committee adopted an amended version of the original proposal, as contained in Annex V to this report.

15. The Committee also noticed that it would be useful to check the class headings and explanatory notes of all 45 classes of the Classification from the point of view of content, linguistic and format consistency. Japan, Switzerland, the United States of America, OHIM and the International Bureau stated that they would be willing to work on such a project. The International Bureau would contact these offices by the end of June or beginning of July in order to discuss on how to proceed.

(c) TABLE CUTLERY

16. Discussions were based on project [CE252, Annex 4](#), which contained a proposal for transferring table cutlery from Class 8 to Class 21, submitted by the United States of America.

17. The proposal did not obtain the majority of four-fifths of the member States represented and voting required to adopt the transfer. The Committee adopted nevertheless a certain number of changes that did not entail a transfer of goods, as contained in Annex VI to this report.

18. The United States of America expressed its intention to present a more comprehensive study for the twenty-sixth session of the Committee in connection with the transfer of table cutlery and related goods from Class 8 to Class 21.

(d) ELECTRICALLY HEATED SOCKS

19. Discussions were based on project [CE252, Annex 5](#), which contained a proposal for transferring electrically heated socks from Class 9 to Class 11, submitted by the United States of America.

20. The Committee approved the transfer and adopted a certain number of related changes to be effective with the coming into force of the eleventh edition of the Classification, as contained in Annex VII to this report.

(e) MILK SUBSTITUTES

21. Discussions were based on project [CE252](#), [Annex 6](#), which contained proposals concerning the classification of milk substitutes, submitted by the Republic of Korea, the United States of America and the International Bureau.

22. The Committee adopted a modified proposal, as contained in Annex VIII to this report.

(f) USE OF THE TERM “SERVICES”

23. Discussions were based on project [CE252](#), [Annex 7](#), which contained proposals for modifications to certain indications of services that do not really describe a service but rather make reference to an entity or a profession, submitted by Switzerland and the International Bureau.

24. The Committee adopted a number of changes, as contained in Annex IX to this report.

(g) SPELLING AND TRANSLATION MATTERS

25. Discussions were based on project [CE252](#), [Annex 8](#), which contained a proposal concerning spelling and translation matters, submitted by the International Bureau.

26. The Committee adopted an important number of changes, as contained in Annex X to this report.

PRESENTATION OF IMPROVEMENTS INTRODUCED IN THE ELECTRONIC PUBLICATION OF THE NICE CLASSIFICATION (NICEPUB)

27. The Secretariat presented a new version of NicePub which included the improvements requested by the Committee at its last session, namely:

- (a) appearance of the disclaimer and the titles of the taxonomy groups;
- (b) change of the displayed class with one click;
- (c) improvement of the bilingual display of indications of goods and services;
- (d) addition of a new tab displaying the complete list of class headings, including, on request, the explanatory notes;
- (e) possibility of downloading the following files:
 - (i) list of class headings and explanatory notes in searchable PDF format;
 - (ii) lists of goods and services per class (PDF);

- (iii) lists of goods and services per class including the taxonomy (PDF);
- (iv) complete list of goods and services in Excel format;
- (f) inclusion of editions 1 to 10.

28. The Committee recognized that the improvements introduced in the new version of NicePub were useful.

MATTERS CONCERNING PROCEDURE

29. Discussions during a session of the Committee may result in a member State adapting its proposals to suggestions made by the Committee. However, the practice of the Committee has been not to amend proposals of member States that are not represented at the session. A number of proposals that could have been approved in amended form have therefore been rejected on those grounds. The Committee was of the opinion that this practice should be changed and requested the Secretariat to establish a procedure that allowed the Committee to modify the proposals submitted by member States that are not represented at the session.

ADDITION OF NATIONAL OR REGIONAL PRODUCTS TO THE ALPHABETICAL LIST

30. The Committee noticed that in the last years there has been an increasing tendency to include national or regional goods, often food, in the Alphabetical List. Without proper guidelines, this has been done indiscriminately for products that are known worldwide and products that are popular only in certain countries or regions. Moreover, as the names of such products are not always clearly understood, a bracketed description of the product, sometimes including its origin, has often been added to the term in the Alphabetical List. The Committee considered it necessary to establish a clear policy for dealing with these cases uniformly and therefore requested the Secretariat to prepare guidelines for the presentation of proposals concerning this type of goods and their eventual incorporation in the Classification.

MATTERS CONCERNING THE PRESENTATION OF WORKING DOCUMENTS

31. The Committee requested the Secretariat to improve the functionality of the electronic forum and, in particular, the presentation of working documents. Ideally, it should be possible for member States to submit proposals, comments on proposals and reactions to such comments in one common document. If this was not feasible for the next session, proposals, comments and reactions to comments should be manually compiled in one table to facilitate the work of the Committee.

NEXT SESSION OF THE COMMITTEE OF EXPERTS

32. The Committee noted that its twenty-sixth session would be held in Geneva, if possible, in April or May 2016.

CLOSING OF THE SESSION

33. The Chair closed the session.

*33. The Committee of Experts
unanimously adopted this report by
electronic means on June 10, 2015.*

[Annexes follow]