

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

Committee of Experts

Twenty-Second Session
Geneva, April 23 to 27, 2012

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-second session in Geneva from April 23 to 27, 2012. The following members of the Committee were represented at the session: Austria, China, Denmark, Estonia, France, Germany, Greece, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Mexico, Netherlands, Norway, Portugal, Romania, Russian Federation, Serbia, Singapore, Spain, Sweden, Switzerland, Turkey, United Kingdom and United States of America (27). The following States were represented by observers: Angola, Brazil, Djibouti, Iraq, Myanmar and Namibia (6). Representatives of the following international intergovernmental organizations took part in the session in an observer capacity: Benelux Organisation 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). Representatives of the following national non-governmental organizations attended the session in an observer capacity: American Intellectual Property Law Association (AIPLA) and Mexican Association for the

Protection of Intellectual Property (AMPPI). The list of participants appears as Annex I to this report.

2. The session was opened by Mr. Antonios Farassopoulos, Head, International Classifications and WIPO Standards Service, who welcomed the participants on behalf of the Director General.

OFFICERS

3. The Committee unanimously elected Mr. Alexander Pfister (Switzerland) as Chair, and Mrs. Yang Jianyu (China) and Mrs. Mary Munson-Ott (United States of America) as Vice-Chairs.
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 tenth edition of the Nice Classification, as long as they do not entail an amendment according to Article 3(7)(b) of the Nice Agreement, would enter into force on January 1, 2013, and be published online in a new version of the tenth edition (i.e. the tenth edition would be updated in respect of additions, deletions and changes in the wording of the indications of goods and services and in the wording of the class headings and the explanatory notes). The new version of the tenth edition will be indicated with the abbreviation NCL and, between round brackets, the number of the edition followed by a hyphen and the year of entry into force of the new version, as follows: NCL (10-2013), which means "Nice Classification, 10th edition, version in force since January 1, 2013". The new version will include all "changes" adopted by the Committee at its 22nd session. The adopted "amendments" will enter into force at a later date to be agreed on by the Committee. A list of the changes entering into force on January 1, 2013, will be made available to the offices on the electronic forum and on the WIPO classifications web site.

CONSIDERATION OF PROPOSALS FOR MODIFICATIONS TO THE TENTH EDITION OF THE NICE CLASSIFICATION

8. Discussions were based on project [CE223](#).
9. The Committee adopted a certain number of amendments and other changes, as contained in Annex III to this report.

CONSIDERATION OF A STUDY CONCERNING “OPTICAL GOODS”

10. Discussions were based on project [CE224](#), which contained a summary table of a study concerning “optical goods” in Class 9, submitted by the United States of America.
11. The Chair invited the delegations to express their views on the principle of the proposal, i.e., keeping optical apparatus and instruments for scientific or measurement purposes in Class 9 and moving eyewear goods from Class 9 to Class 10. While some delegations expressed their support to the proposal, others feared that it might be difficult to establish a clear difference between the various types of goods involved, and stressed the importance of evaluating first whether such an amendment would be of real benefit to the users, in particular to trademark registration applicants who would have to classify their goods in two different classes instead of only one.
12. Although the proposal received support, it failed to obtain the required four-fifths majority of the countries represented and voting in the session.

PROCEDURAL MATTERS

13. Discussions were based on project [CE225](#), which contained a proposal by the International Bureau (IB) concerning the procedure for submitting to the IB proposals for modifications to the Nice Classification, and for adoption by the Committee of Experts of the translation of such proposals from the authentic language in which they were submitted (either English or French) into the other authentic language.
14. The Committee decided to try the following procedure for the next, 23rd session:
 - i. The IB will not send any longer circular letters inviting national and regional trademark Offices to submit proposals for modifications to the Classification. Offices will be able to post their proposals on the electronic forum at any time.
 - ii. Only proposals posted before or on October 31 of the year preceding that of the Committee’s session will be considered by the Committee at such session, e.g. for the 2013 session, before or on October 31, 2012.
 - iii. Individual projects will be created on the electronic forum for each country proposal submitted, in order to allow a more efficient discussion.
 - iv. It will be possible to submit comments on proposals to the corresponding e-forum project at any time, but the deadline for a given session is December 31 of the year preceding that of the

session, e.g. for the 2013 session, the deadline is December 31, 2012.

- v. January will be dedicated to the translation by the IB of proposals that received no comments (and, therefore, will probably be maintained without modifications), to allow offices having submitted proposals to prepare and submit their answer to comments and to withdraw or modify proposals that might have little chance to be adopted.
 - vi. The last translations and the summary table of proposals will be provided by the IB on the e-forum by the end of February, beginning of March.
 - vii. As far as possible, the Committee's sessions will be held at the end of April or beginning of May.
15. The IB made presentations on the updated version of the electronic forum and on the new Nice publication platform (Nicepub), followed by an update of the taxonomy project presented by the Office for Harmonization in the Internal Market.

NEXT SESSION OF THE COMMITTEE OF EXPERTS

16. The Committee noted that its twenty-third session would be held in Geneva at the end of April or beginning of May 2013.

CLOSING OF THE SESSION

17. The Chair closed the session.

18. The Committee of Experts unanimously adopted this report by electronic means on May 30, 2012.

[Annexes follow]