

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

Committee of Experts

**Twenty-Sixth Session
Geneva, April 25 to 29, 2016**

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-sixth session in Geneva from April 25 to 29, 2016. The following members of the Committee were represented at the session: Australia, Austria, China, Denmark, Estonia, Finland, France, Germany, Greece, Israel, Italy, Japan, Kyrgyzstan, Latvia, Lithuania, Mexico, Netherlands, New Zealand, Norway, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Singapore, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and United States of America (33). The following States were represented by observers: Chad and Iraq (2). 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). Representatives of the following non-governmental organizations attended the session in an observer capacity: International Trademark Association (INTA) and Japan Patent Attorneys Association (JPAA). The list of participants appears as Annex I to this report.

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

OFFICERS

3. The Committee unanimously elected Mr. Thom Clark (EUIPO) as Chair, and Ms. Stéphanie Guillot (France) and Ms. Chrissie Norman (Australia) as Vice-Chairs.
4. Ms. Belkis Fava (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 2016 version of the tenth edition of the Nice Classification, and amendments in the sense of Article 3(7)(b) of the Nice Agreement¹ adopted during the whole five-year revision period, would enter into force on January 1, 2017 and be published online in a new (eleventh) edition (NCL (11-2017)) by the end of 2016.
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 MATTERS CONCERNING:

(a) PROPOSALS SUBMITTED BY MEMBER STATES THAT ARE NOT PRESENT AT THE SESSION OF THE COMMITTEE

9. Discussions were based on project [CE262](#), [Annex 1](#), Part I, submitted by the International Bureau, which contained guidelines for dealing with proposals submitted by member States that are not present at the session of the Committee.

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."

10. The Committee agreed on the following guidelines:
 - i. When a proposal from a member State that is not represented at the session is to be considered by the Committee, it will be voted on in its original form in accordance with the majority provided in Article 3(7) of the Nice Agreement.
 - ii. If the proposal in its original form does not obtain the required majority and the Chair of the Committee is of the opinion that the proposal could be acceptable in amended form, the Chair may propose a new wording based on the suggestions made by the floor. If the amended proposal obtains the required majority, it will appear in the report as a CE proposal and the original proposal as rejected. If the amended proposal is also rejected, only the original proposal will be mentioned in the report as rejected.
 - iii. The type of amendments that other delegations can suggest shall aim only at clarifying the meaning of the indication, either by improving the wording or adding clarification between square brackets. The amended proposal shall be acceptable in the class of the original proposal or, if it is a transfer, in the target class of the original proposal.

(b) PROPOSALS FOR THE ADDITION OF TYPICAL REGIONAL PRODUCTS TO THE ALPHABETICAL LIST OF THE CLASSIFICATION

11. Discussions were based on project [CE262](#), [Annex 1](#), Part II, submitted by the International Bureau, which contained guidelines concerning the addition of typical national or regional products to the Alphabetical List.

12. The guidelines, which had been prepared on the basis of the comments made by some members of the Committee during the twenty-fifth session, did not obtain consensus. In particular, it was important for certain countries to be able to continue including in the Alphabetical List products and services that are typical of their region. In cases where a term would not be broadly known as proposed, it should be possible to add a succinct explanation between square brackets. This should be particularly useful when translating such a term in different languages. The International Bureau indicated that it will open a project on the electronic forum so that further discussions on this matter can continue.

CONSIDERATION OF VARIOUS PROPOSALS FOR AMENDMENTS AND OTHER CHANGES TO NCL (10-2016)

13. Discussions were based on project [CE262](#), [Annex 2](#), which contained a summary table of proposals for modifications to NCL (10-2016).

14. The Committee adopted an important number of changes to the Classification, as contained in Annex III to this report.

15. The Committee did not reach consensus with regard to the classification of puddings, soufflés and desserts and thus recommended that further thought be given to the matter. The delegations from Australia, Italy, Switzerland, the Benelux Office for Intellectual Property and the EUIPO, as well as the International Bureau, indicated that they were interested in preparing a proposal on the classification of desserts in general, preferably with the participation of countries from other regions of the world where different types of desserts exist, which may lead to varying classification practices.

CONSIDERATION OF PROPOSALS FOR AMENDMENTS AND OTHER CHANGES TO NCL (10-2016) RELATING TO:

(a) TABLE CUTLERY

16. Discussions were based on project [CE262](#), [Annex 3](#), which contained a proposal for modifications to the classification of table cutlery, kitchen knives and other kitchen utensils for cutting, and serving utensils, submitted by the United States of America.

17. Although the proposal to transfer table cutlery, kitchen knives and other kitchen utensils for cutting from Class 8 to Class 21 did not obtain the required majority, the Committee agreed on classifying all serving utensils in Class 21 and thus adopted the necessary changes and amendments to the Classification, as contained in Annex IV to this report.

(b) SECURITY SERVICES

18. Discussions were based on project [CE262](#), [Annex 4](#), regarding a proposal related to security services, submitted by the United States of America.

19. The Committee adopted the proposal with some modifications, as contained in Annex V to this report.

(c) SAFES

20. Discussions were based on project [CE262](#), [Annex 5](#), which contained a proposal concerning safes, submitted by the United States of America.

21. The Committee adopted the proposal, as contained in Annex VI to this report.

(d) CLASS HEADINGS REVISION

22. Discussions were based on project [CE262](#), [Annex 6](#), which contained a joint proposal for changes to twelve class headings and explanatory notes, submitted by Japan, Switzerland, the United States of America, EUIPO and the International Bureau.

23. The Committee approved the proposal with slight modifications, as contained in Annex VII to this report.

24. The delegations of Japan, Switzerland, the United States of America and the EUIPO, as well as the International Bureau, indicated that they wished to extend the revision work to other classes of the Classification.

(e) SPELLING AND TRANSLATION MATTERS

25. Discussions were based on project [CE262](#), [Annex 7](#), relating to a proposal concerning spelling and translation matters, submitted by the International Bureau.

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

27. The Committee further agreed that the International Bureau introduce modifications to the English version of the indications of goods in Class 14 that contain the terms “[jewellery, jewelry (Am.)]”. Such modifications appear in Annex IX to this report.

NEXT SESSION OF THE COMMITTEE OF EXPERTS

28. The Committee noted that its twenty-seventh session would be held in Geneva, if possible, in April or May 2017.

CLOSING OF THE SESSION

29. The Chair closed the session.

30. *The Committee of Experts unanimously adopted this report by electronic means on May 31, 2016.*

[Annexes follow]