

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

### **Committee of Experts**

**Twenty-Seventh Session  
Geneva, May 1 to 5, 2017**

#### **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-seventh session in Geneva from May 1 to 5, 2017. The following members of the Committee were represented at the session: Australia, Austria, Belarus, China, Czech Republic, Denmark, Estonia, Finland, France, Germany, Israel, Italy, Japan, Latvia, Lithuania, Mexico, Netherlands, New Zealand, Norway, Poland, Republic of Korea, Romania, Russian Federation, Serbia, Singapore, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and United States of America (33). The following States were represented by observers: Canada, Democratic Republic of the Congo, Saudi Arabia and Thailand (4). Representatives of the following international intergovernmental organizations took part in the session in an observer capacity: African Intellectual Property Organization (OAPI), 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. Kunihiro Fushimi, Director, International Classifications and Standards Division, WIPO, who welcomed the participants on behalf of the Director General.

## OFFICERS

3. The Chair, Mr. Thom Clark (EUIPO), and the Vice-Chairs, Ms. Stéphanie Guillot (France) and Ms. Chrissie Norman (Australia), were elected last year for two calendar years. As Ms. Stéphanie Guillot and Ms. Chrissie Norman did not attend the session, the Committee appointed Ms. Kahina Bounif (France) and Mr. Lachlan Freemantle (Australia) to replace them.
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 Rules of Procedure, the Committee agreed that changes to the eleventh edition of the Nice Classification that do not entail an amendment in the sense of Article 3(7)(b) of the Nice Agreement<sup>1</sup> would enter into force on January 1, 2018 and be published online in a new version of the eleventh edition (NCL (11-2018)) by the end of 2017.
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 (11-2017)

9. Discussions were based on project [CE272](#), [Annex 1](#), which contained a summary table of proposals for modifications to NCL (11-2017).
10. The Committee adopted an important number of changes to the Classification. The decisions of the Committee are available on the electronic forum, project [CE270](#).

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<sup>1</sup> 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."

11. The Committee noted that the proposals that could not be discussed at this session due to lack of time will be listed in a separate working document on the electronic forum, project [CE282](#), Annex 1, and will be discussed at the twenty-eighth session.

## **CONSIDERATION OF PROPOSALS FOR AMENDMENTS AND OTHER CHANGES TO NCL (11-2017) RELATING TO:**

### **(a) CONFERENCES, CONGRESSES AND SYMPOSIUMS**

12. Discussions were based on project [CE272](#), [Annex 2](#), which contained a proposal on the classification of services relating to arranging and conducting conferences, congresses and symposiums, submitted by the United States of America.

13. The proposal did not obtain consensus and was therefore withdrawn by the proposing Office.

### **(b) DISPENSERS**

14. Discussions were based on project [CE272](#), [Annex 3](#), regarding a proposal relating to the classification of dispensers, submitted by the United States of America.

15. The proposal did not obtain consensus and was therefore withdrawn by the proposing Office.

### **(c) CLASS HEADINGS REVISION**

16. Discussions were based on project [CE272](#), [Annex 4](#), which contained a joint proposal for changes to nine class headings and their explanatory notes, submitted by Japan, Switzerland, the United States of America, EUIPO and the International Bureau.

17. The Committee approved the proposal with slight modifications. The decisions of the Committee are available on the electronic forum, project [CE270](#).

18. 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.

### **(d) SPELLING AND TRANSLATION MATTERS**

19. Discussions were based on project [CE272](#), [Annex 5](#), relating to a proposal concerning spelling and translation matters, submitted by the International Bureau.

20. The Committee adopted a number of changes. The decisions of the Committee are available on the electronic forum, project [CE270](#).

## **FOLLOW-UP ON THE DISCUSSIONS CONCERNING THE CLASSIFICATION OF DESSERTS**

21. Due to the number and complexity of the proposals submitted to the Committee, it was not possible to discuss this item during the session.

22. The Committee noted that the International Bureau will prepare a brief summary on the status of this project, which will be posted on the electronic forum, project [SP001](#). If no new ideas or proposals are posted by the date of the next session of the Committee, the project will be considered as closed.

#### **FOLLOW-UP ON THE DISCUSSIONS CONCERNING THE ADDITION OF TYPICAL NATIONAL OR REGIONAL PRODUCTS TO THE ALPHABETICAL LIST**

23. Due to the number and complexity of the proposals submitted to the Committee, it was not possible to discuss this item during the session.

24. The Committee noted that the International Bureau will prepare a brief summary on the status of this project, which will be posted on the electronic forum, project [RP001](#). If no new ideas or proposals are posted by the date of the next session of the Committee, the project will be considered as closed.

#### **INFORMATION ON THE DEVELOPMENT OF A REVISION MANAGEMENT SYSTEM (RMS) AND ON THE ONLINE PUBLICATION OF THE NICE CLASSIFICATION (NCLPUB)**

25. Discussions were based on project [CE272, Annex 6](#), and on a [presentation](#) made by the International Bureau regarding the development of a Revision Management Solution (RMS) project and the introduction of some improvements to the online publication of the Classification (NCLPUB).

26. The Committee noted that the International Bureau was working on improving the online publication of the Classification. It further noted that the International Bureau has launched a project for the provision of an IT solution to assist the International Bureau and the national Offices in the management of the Nice, Vienna and Locarno Classifications data and revision process.

27. After the presentation made by the International Bureau, one delegation expressed concerns about the loss of certain search functionalities in the archive mode of NCLPUB. Another delegation asked the International Bureau whether it would be possible to promote further the use of the electronic forum. This delegation also enquired about the possibility to include online voting functions in the electronic forum in order to provide all member countries with the possibility of expressing their definitive choice. This would allow the International Bureau to shorten considerably the length of the Committee's sessions.

#### **AMENDMENTS TO RULE 7(1) OF THE RULES OF PROCEDURE OF THE COMMITTEE OF EXPERTS OF THE NICE UNION**

28. Discussions were based on project [CE272, Annex 7](#), related to the amendments to Rule 7(1) of the Rules of Procedure of the Committee of Experts of the Nice Union.

29. The Committee adopted amendments to Rule 7(1) of its Rules of Procedure as contained in Annex III to this report.

**LENGTH OF THE NEXT REVISION PERIOD FOR AMENDMENTS (ARTICLE 3(7)(b) OF THE NICE AGREEMENT) TO THE NICE CLASSIFICATION**

30. In accordance with Rule 7 of the Rules of Procedure, the Committee agreed that the next revision period for amendments to the Classification, i.e. for any transfer of goods or services from one class to another or for the creation of any new class, should be of five years.

**NEXT SESSION OF THE COMMITTEE OF EXPERTS**

31. The Committee noted that its twenty-eighth session would be held in Geneva, if possible, in April or May 2018.

**CLOSING OF THE SESSION**

32. The Chair closed the session.

33. *The Committee of Experts unanimously adopted this report by electronic means on June 2, 2017.*

[Annexes follow]