

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

### **Committee of Experts**

**Twenty-Eighth Session**  
**Geneva, April 30 to May 4, 2018**

#### **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-eighth session in Geneva from April 30 to May 4, 2018. The following members of the Committee were represented at the session: Algeria, Australia, Austria, Belarus, China, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Israel, Italy, Japan, Latvia, Lithuania, Mexico, Netherlands, New Zealand, Norway, Poland, Republic of Korea, Romania, Russian Federation, Singapore, Slovakia, Spain, Sweden, Switzerland, the Former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom and United States of America (36). The following States were represented by observers: India, Saudi Arabia and Thailand (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). Representatives of the following non-governmental organizations attended the session in an observer capacity: American Intellectual Property Law Association (AIPLA), Intellectual Property Institute of Canada (IPIC), 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. Francis Gurry, Director General, WIPO, who welcomed the participants.

## OFFICERS

3. The Committee unanimously elected Ms. Monique Choiniere (United States of America) as Chair, and Ms. Chi Suan Kok (Singapore) and Mr. Sébastien Tinguely (Switzerland) 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.

## DECISIONS OF THE COMMITTEE

7. In accordance with the provisions of Article 3(7)(a) and (b) of the Nice Agreement, the decisions of the Committee concerning the adoption of amendments<sup>1</sup> to the Nice Classification (hereinafter referred to as “the Classification”) required a four-fifth majority of the countries of the Nice Union represented and voting at the session. Decisions concerning the adoption of other changes to the Classification required a simple majority of the countries of the Nice Union represented and voting at the session.

## ENTRY INTO FORCE OF THE DECISIONS OF THE COMMITTEE

8. In accordance with Rule 7 of its Rules of Procedure, the Committee agreed that changes to the Classification that did not entail an amendment in the sense of Article 3(7)(b) of the Nice Agreement will enter into force on January 1, 2019, and will be incorporated in a new version of the Classification. Amendments will enter into force later on, at a date to be determined by the Committee.
9. The Committee noted that the International Bureau will prepare and publish online the new version of the Classification (NCL (11-2019)), in English and French, by the end of 2018. The list of goods and services in Excel format, in English and French, will be made available on the electronic forum by the end of June 2018.

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<sup>1</sup> Article 3(7)(b) of the Nice Agreement provides that “...“Amendment” shall mean any transfer of goods or services from one class to another or the creation of any new class.”

10. 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 PROPOSALS CARRIED FORWARD FROM THE 27<sup>TH</sup> SESSION AND PENDING APPROVAL**

11. Discussions were based on project [CE282](#), [Annex 1](#), which contained a summary table of proposals for amendments and other changes to the Classification which were carried forward from the twenty-seventh session of the Committee and were still pending approval.

12. The Committee adopted a certain number of amendments and other changes to the Classification. The decisions of the Committee are available on the electronic forum, project [CE280](#).

## **CONSIDERATION OF PROPOSALS FOR AMENDMENTS AND OTHER CHANGES TO NCL (11-2018)**

### **(a) VARIOUS PROPOSALS**

13. Discussions were based on project [CE282](#), [Annex 2](#), which contained a summary table of proposals for amendments and other changes to the 2018 version of the Classification.

14. The Committee adopted an important number of amendments and other changes to the Classification. The decisions of the Committee are available on the electronic forum, project [CE280](#).

15. The Committee noted that a decision on proposals relating to food and beverages, in particular food and beverages that are typical of certain countries or regions but not necessarily known worldwide, was postponed until more detailed guidelines are prepared and submitted to the Committee. The delegations of France, Italy, Switzerland and the United Kingdom volunteered to participate in this project.

16. The Committee further 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 CE292, Annex 1, and will be discussed at the twenty-ninth session.

### **(b) CLASS HEADINGS REVISION**

17. Discussions were based on project [CE282](#), [Annex 3](#), which contained a joint proposal for changes to nine class headings and their explanatory notes, submitted by Japan, Switzerland, the United States of America, the European Union Intellectual Property Office (EUIPO) and the International Bureau.

18. The Committee approved the proposal with slight modifications. The decisions of the Committee are available on the electronic forum, project [CE280](#).

### **(c) RESEARCH SERVICES**

19. Discussions were based on project [CE282](#), [Annex 4](#), which contained a proposal relating to the classification of research services, submitted by the United States of America.

20. The Committee adopted a certain number of amendments and other changes to the Classification. The decisions of the Committee are available on the electronic forum, project [CE280](#).

**(d) DISPENSERS**

21. Discussions were based on project [CE282](#), [Annex 5](#), which contained a proposal relating to the classification of dispensers, submitted by the United States of America.

22. The Committee adopted a certain number of amendments and other changes to the Classification. The Committee further agreed that such changes entailed an amendment in the sense of Article 3(7)(b) of the Nice Agreement and will therefore enter into force with the next, twelfth edition of the Classification at a date to be fixed by the Committee. The decisions of the Committee are available on the electronic forum, project [CE280](#).

**(e) GOODS USED FOR MEDICAL OR LABORATORY PURPOSES**

23. Discussions were based on project [CE282](#), [Annex 6](#), which contained a proposal relating to the classification of certain apparatus used for medical or laboratory purposes, submitted by the United States of America.

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

**CONSIDERATION OF A PROPOSAL FOR AMENDMENTS TO THE RULES OF PROCEDURE OF THE COMMITTEE OF EXPERTS**

25. Discussions were based on project [CE282](#), [Annex 7](#), relating to amendments to the Rules of Procedure of the Committee of Experts of the Nice Union.

26. The Committee adopted amendments to Rules 4(3)(ii), 5 and 8 of its Rules of Procedure as contained in Annex III to this report.

**REPORT ON NCL-RELATED IT SYSTEMS**

27. Discussions were based on [presentations](#) made by the International Bureau regarding the progress in the development of a Revision Management Solution (RMS) project that was introduced at the twenty-seventh session of the Committee, as well as an outline of the future revision process of the Classification through the RMS.

28. The Committee noted that the RMS would be used for the revision process leading to the publication of NCL(11-2021). The Committee further noted that the RMS would provide a user interface for Offices to submit their proposals of modifications to the Classification, as well as a preliminary electronic voting function for each proposal submitted. Concerning the voting function, the results of the electronic voting would be made available to Member States via the RMS prior to the actual session. Such information would allow the International Bureau to group together certain proposals that could be considered acceptable without further prolonged discussions at the Committee's sessions. One delegation supported the concept of preliminary voting and asked the International Bureau whether it would also be possible at that stage to withdraw proposals that did not receive a lot of support based on the results of the preliminary vote.

## **NEXT SESSION OF THE COMMITTEE OF EXPERTS**

29. The Committee noted that its twenty-ninth session will be held in Geneva, in April or May 2019.

## **CLOSING OF THE SESSION**

30. The Chair closed the session.

31. *The Committee of Experts unanimously adopted this report by electronic means on June 4, 2018.*

[Annexes follow]