

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 amendments¹ 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.

¹ 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 27TH 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]

ANNEXE I/ANNEX I

LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS

I. ÉTATS MEMBRES/MEMBER STATES

(dans l'ordre alphabétique des noms français des États)
(in the alphabetical order of the names in French)

ALGÉRIE/ALGERIA

Mohamed CHERGOU (M.), chef, Service de la coopération et des relations avec les institutions internationales, Institut national algérien de la propriété industrielle (INAPI), Ministère de l'industrie et des mines, Alger

Abdelhakim GUETTAR (M.), examinateur, Institut national algérien de la propriété industrielle (INAPI), Ministère de l'industrie et des mines, Alger

ALLEMAGNE/GERMANY

Eberhard PREISSINGER (Mr.), Senior Trade Mark Examiner, Head of Classification and Documentation, German Patent and Trade Mark Office (DPMA), Federal Ministry of Justice and Consumer Protection, Munich

Martin SEBELE (Mr.), Classification Expert, Trade Marks and Designs Department, German Patent and Trade Mark Office (DPMA), Federal Ministry of Justice and Consumer Protection, Munich

AUSTRALIE/AUSTRALIA

Lachlan FREEMANTLE (Mr.), Assistant Director, Trade Marks and Designs Group, IP Australia, Canberra

AUTRICHE/AUSTRIA

Johann WIPLINGER (Mr.), Trade Mark Examiner, Legal Department, Austrian Patent Office, Vienna

BÉLARUS/BELARUS

Larysa YERMACHONAK (Ms.), Deputy Head, Trademarks Department, National Center of Intellectual Property (NCIP), Minsk

CHINE/CHINA

YANG Jianyu (Ms.), Director, Trademark Application Division, Trademark Office, State Administration for Industry and Commerce (SAIC), Beijing

CROATIE/CROATIA

Tea MAJERSKI (Ms.), Classification Expert, Trademarks and Industrial Designs Department, State Intellectual Property Office (SIPO), Zagreb

DANEMARK/DENMARK

Louise Yde FRANK (Ms.), Principal Legal Adviser, Trademarks and Designs, Danish Patent and Trademark Office, Ministry of Industry, Business and Financial Affairs, Taastrup

Christian HELTOE (Mr.), Legal Expert, Danish Patent and Trademark Office, Ministry of Industry, Business and Financial Affairs, Taastrup

ESPAGNE/SPAIN

Lourdes VELASCO GONZÁLEZ (Sra.), Jefa, Área de Examen de Signos Distintivos Nacionales II, Departamento de Signos Distintivos, Oficina Española de Patentes y Marcas (OEPM), Ministerio de Energía, Turismo y Agenda Digital, Madrid

ESTONIE/ESTONIA

Küllli SOODEN (Ms.), Chief Examiner, Trademark Examination Division, Trademark Department, The Estonian Patent Office, Tallinn

Heli LAANEOTS (Ms.), Senior Examiner, Trademark Examination Division, Trademark Department, The Estonian Patent Office, Tallinn

ÉTATS-UNIS D'AMÉRIQUE/UNITED STATES OF AMERICA

Monique CHOINIÈRE (Ms.), Administrator, Office of the Deputy Commissioner for Trademark Classification Policy and Practice, United States Patent and Trademark Office (USPTO), Department of Commerce, Alexandria

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EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE/THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

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FÉDÉRATION DE RUSSIE/RUSSIAN FEDERATION

Larisa BORODAY (Ms.), Head of Division, Trademarks Examination Division, Federal Institute of Industrial Property (FIPS), Federal Service for Intellectual Property, Patents and Trademarks (ROSPATENT), Moscow

FINLANDE/FINLAND

Olli TEERIKANGAS (Mr.), Head of Unit, Trademarks and Designs, Finnish Patent and Registration Office, Helsinki

Susanna HYVÖNEN (Ms.), Assistant Administrative Officer, Patents and Trademarks, Finnish Patent and Registration Office, Helsinki

FRANCE

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Laure ZERAH (Mme), juriste spécialisée en examen de marques, Direction de la propriété industrielle, Département des marques, dessins et modèles, Institut national de la propriété industrielle (INPI), Courbevoie

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ISRAËL/ISRAEL

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Mariko YAMANE (Ms.), Trademark Examiner, International Trademark Classification Office, Trademark Division, Trademark and Customer Relations Department, Japan Patent Office (JPO), Ministry of Economy, Trade and Industry, Tokyo

LETTONIE/LATVIA

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Sigita KIM-TAISAN (Ms.), Examiner, Trademarks and Designs Division, State Patent Bureau of the Republic of Lithuania, Vilnius

MEXIQUE/MEXICO

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NORVÈGE/NORWAY

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NOUVELLE-ZÉLANDE/NEW ZEALAND

Jeanette PALLISER (Ms.), Principal Trade Mark Examiner, Intellectual Property Office of New Zealand, Ministry of Business, Innovation and Employment, Wellington

PAYS-BAS/NETHERLANDS

Willibrord NEYS (Mr.), Lawyer, Legal Affairs, Benelux Office for Intellectual Property (BOIP), The Hague

POLOGNE/POLAND

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RÉPUBLIQUE DE CORÉE/REPUBLIC OF KOREA

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KIM Man Ho (Mr.), Team Manager, WIPS Corporation, Seoul

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Jitka STREITBERG (Ms.), Patent Information Department, Industrial Property Office, Prague

ROUMANIE/ROMANIA

Mitrita HAHUE (Ms.), Head, Trademark Division, State Office for Inventions and Trademarks (OSIM), Bucharest

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ROYAUME-UNI/UNITED KINGDOM

Natalie MORGAN (Ms.), Head, Trade Mark Classification and Design Law and Practice, UK Intellectual Property Office (UK IPO), Newport

Darrel HENDY (Mr.), Classification Examiner, Trade Marks and Designs Policy, UK Intellectual Property Office (UK IPO), Newport

SINGAPOUR/SINGAPORE

Ching Lee Jolie GWEE (Ms.), Trade Mark Examiner, Registry of Trade Marks, Intellectual Property Office of Singapore (IPOS), Singapore

Chi Suan KOK (Ms.), Trade Mark Examiner, Registry of Trade Marks, Intellectual Property Office of Singapore (IPOS), Singapore

SLOVAQUIE/SLOVAKIA

Stanislava KOPRDOVÁ (Ms.), Classification Expert, Trademarks and Designs Department, Industrial Property Office of the Slovak Republic, Banská Bystrica

SUÈDE/SWEDEN

Andreas ÖSTLUND (Mr.), Trademark Examiner, Design and Trademark Department, Swedish Patent and Registration Office (SPRO), Söderhamn

SUISSE/SWITZERLAND

Peter BENNINGER (M.), examinateur, Section examen des marques, Division des marques, Institut fédéral de la propriété intellectuelle (IPI), Berne

Sébastien TINGUELY (M.), juriste, Division des marques, Institut fédéral de la propriété intellectuelle (IPI), Berne

TURQUIE/TURKEY

Coşkun TUNCABOYU (Mr.), Nice Classification Expert, Trademark Division, Turkish Patent and Trademark Office, Ankara

UKRAINE

Viktoriiia GRYSHCENKO (Ms.), Chief Expert, Patent Information Department, State Enterprise “Ukrainian Intellectual Property Institute” (Ukrpatent), Ministry of Economic Development and Trade of Ukraine, Kyiv

Maryna VLASENKO (Ms.), Chief Expert, Sector of Development and Introduction of the International Classification of Goods and Services, State Enterprise “Ukrainian Intellectual Property Institute” (Ukrpatent), Ministry of Economic Development and Trade of Ukraine, Kyiv

II. ÉTATS OBSERVATEURS/OBSERVER STATES

ARABIE SAOUDITE/SAUDI ARABIA

Abdulaziz Mohammed F. ALJTHALEEN (Mr.), Legal Counsel, Department of Law, Ministry of Energy, Industry and Mineral Resources, Riyadh

Abeer AL RASHED (Ms.), Legal Adviser, Trademarks Department, Ministry of Commerce and Investment, Riyadh

INDE/INDIA

Subasani PURUSHOTHAMAN (Ms.), Senior Examiner of Trademarks, Department of Industrial Policy and Promotion, Ministry of Commerce and Industry, Chennai

THAÏLANDE/THAILAND

Suthasinee JAOVISIDTHA (Ms.), Trademark Examiner, Department of Intellectual Property (DIP), Ministry of Commerce, Nonthaburi

Sudkhet BORIBOONSRI (Mr.), Counsellor, Permanent Mission to the World Trade Organization (WTO), Geneva

III. ORGANISATIONS INTERNATIONALES INTERGOUVERNEMENTALES/ INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

OFFICE BENELUX DE LA PROPRIÉTÉ INTELLECTUELLE (OBPI)/BENELUX OFFICE FOR INTELLECTUAL PROPERTY (BOIP)

Willibrord NEYS (Mr.), Lawyer, Legal Affairs, Benelux Office for Intellectual Property (BOIP), The Hague

UNION EUROPÉENNE (UE)/EUROPEAN UNION (EU)

Thom CLARK (Mr.), Senior Intellectual Property Assistant, Operations Department, European Union Intellectual Property Office (EUIPO), Alicante

Kelly-Marie BENNETT (Ms.), Legal Assistant, Legal Practice Service, European Union Intellectual Property Office (EUIPO), Alicante

IV. ORGANISATIONS NON GOUVERNEMENTALES/NON-GOVERNMENTAL ORGANIZATIONS

Association américaine du droit de la propriété intellectuelle (AIPLA)/American Intellectual Property Law Association (AIPLA)

Jessie ROBERTS (Ms.), Member, AIPLA Trademark Treaties and International Law Committee, Great Falls

Association internationale pour les marques (INTA)/International Trademark Association (INTA)

Bruno MACHADO (Mr.), Representative, Geneva

Institut de la propriété intellectuelle du Canada (IPIC)/Intellectual Property Institute of Canada (IPIC)

Kimberley BAILLIE (Ms.), Member, Trademark Agent, Gowling WLG, Ottawa

Japan Patent Attorneys Association (JPAA)

Emi AOSHIMA (Ms.), Japan Patent Attorney, Trademark Department, Yuasa and Hara, Tokyo
Sei SAITO (Mr.), Japan Patent Attorney, Trademark Department, Sei Saito Trademark and Patent Firm, Osaka

V. BUREAU/OFFICERS

Présidente/Chair:	Monique CHOINIERE (Mme/Ms.) (États-Unis d'Amérique/United States of America)
Vice-présidents/Vice-Chairs:	Chi Suan KOK (Mme/Ms.) (Singapour/Singapore) Sébastien TINGUELY (M./Mr.) (Suisse/Switzerland)
Secrétaire/Secretary:	Belkis FAVA (Mme/Ms.) (OMPI/WIPO)

VI. SECRETARIAT DE L'ORGANISATION MONDIALE DE LA PROPRIÉTÉ
INTELLECTUELLE (OMPI)/SECRETARIAT OF THE WORLD INTELLECTUAL
PROPERTY ORGANIZATION (WIPO)

Francis GURRY (M./Mr.), directeur général/Director General

Yoshiyuki TAKAGI (M./Mr.), sous-directeur général/Assistant Director General

Kunihiko FUSHIMI (M./Mr.), directeur, Division des classifications internationales et des normes, Secteur de l'infrastructure mondiale/Director, International Classifications and Standards Division, Global Infrastructure Sector

Patrick FIÉVET (M./Mr.), chef, Section des systèmes informatiques, Division des classifications internationales et des normes, Secteur de l'infrastructure mondiale/Head, IT Systems Section, International Classifications and Standards Division, Global Infrastructure Sector

Belkis FAVA (Mme/Ms.), chef, Section des classifications pour les marques et les dessins et modèles, Division des classifications internationales et des normes, Secteur de l'infrastructure mondiale/Head, Mark and Design Classifications Section, International Classifications and Standards Division, Global Infrastructure Sector

Alison ZÜGER (Mme/Ms.), administratrice aux classifications, Section des classifications pour les marques et les dessins et modèles, Division des classifications internationales et des normes, Secteur de l'infrastructure mondiale/Classifications Officer, Mark and Design Classifications Section, International Classifications and Standards Division, Global Infrastructure Sector

[L'annexe II suit/
Annex II follows]

ANNEX II
(see paragraph 5 of this report)

AGENDA

	<u>Paragraphs</u> (Annexes)
1. Opening of the session	2
2. Adoption of the agenda See the present document.	5 (II)
3. Consideration of proposals carried forward from the 27 th session and pending approval See project CE282 , Annex 1 .	11, 12
4. Consideration of proposals for amendments and other changes to NCL (11-2018)	
(a) Various proposals See project CE282 , Annex 2 .	13 - 16
(b) Class Headings revision See project CE282 , Annex 3 .	17, 18
(c) Research services See project CE282 , Annex 4 .	19, 20
(d) Dispensers See project CE282 , Annex 5 .	21, 22
(e) Goods used for medical or laboratory purposes See project CE282 , Annex 6 .	23, 24
5. Consideration of a proposal for amendments to the Rules of Procedure of the Committee of Experts See project CE282 , Annex 7 .	25, 26 (III)
6. Report on NCL-related IT systems	27, 28
7. Next session of the Committee of Experts	29
8. Closing of the session	30

[Annex III follows]

ANNEX III

RULES OF PROCEDURE OF THE COMMITTEE OF EXPERTS OF THE NICE UNION

(Article 3(4) of the Nice Agreement (Geneva Act))

adopted by the Committee of Experts on September 10, 1973,
and amended on May 28, 1982, November 10, 1995, October 11, 2000,
October 9, 2003, November 22, 2010, ~~and~~ May 3, 2017 and May 4, 2018

Rule 1: Application of the General Rules of Procedure

The Rules of Procedure of the Committee of Experts of the Nice Union (hereinafter referred to as the "Committee of Experts") and of the subcommittees and working groups established by it shall consist of the General Rules of Procedure of WIPO, supplemented and amended by the provisions of Articles 3 and 4 of the Nice Agreement (Geneva Act) and by the provisions set forth hereinafter.

Rule 2: Representation and Expenses of Delegations and Representatives

- (1) Each delegate may represent one State only.
- (2) The expenses of each delegation or representative shall be borne by the Government or the Organization which has appointed it.

Rule 3: Sessions

- (1) The Committee of Experts shall meet in regular sessions once a year on convocation by the Director General.
- (2) The Committee of Experts shall meet in extraordinary session on convocation by the Director General, on his own initiative or at the request of one-fourth of the States members of the Committee of Experts.
- (3) Subcommittees and working groups established by the Committee of Experts shall meet at such times and at such places as may be determined by the Committee of Experts or by the Director General in consultation with the Chair of the subcommittee or working group concerned.

Rule 4: Subcommittees and Working Groups

- (1) When establishing any subcommittee or working group, the Committee of Experts shall determine its terms of reference and the frequency of its sessions.
- (2) The members of a subcommittee or working group established by the Committee of Experts shall be any member States of the Nice Union that have informed the Committee of Experts or the International Bureau of their wish to become members of such subcommittee or working group.
- (3) Observer status in a subcommittee or working group established by the Committee of Experts shall be afforded to
 - (i) any State member of WIPO that has informed the Director General in writing of its wish to acquire such status in such subcommittee or working group,
 - (ii) the African Intellectual Property Organization, the African Regional Intellectual Property Organization, the Benelux Organisation for Intellectual Property and the European ~~Community~~Union, and

- (iii) any other intergovernmental organization which has a regional office for the purposes of registering marks or is specialized in the field of marks, of which at least one of the member States is a country of the Nice Union, and has informed the Director General in writing of its wish to acquire such status in such subcommittee or working group, and
- (iv) any international non-governmental organization specialized in the field of trademarks that has informed the Director General in writing of its wish to acquire such status in such subcommittee or working group.

Rule 5: Status of Certain Intergovernmental Organizations in the Committee of Experts

Article 3(2)(b)¹ of the Nice Agreement (Geneva Act) shall apply to the following intergovernmental organizations:

African Intellectual Property Organization,
African Regional Intellectual Property Organization,
Benelux Organisation for Intellectual Property,
European ~~Community~~ Union.

Rule 6: Officers

- (1) The Committee of Experts shall elect a Chair and two Vice-Chairs for two calendar years.
- (2) Any subcommittee or working group established by the Committee of Experts shall elect a Chair and one Vice-Chair.
- (3) Any outgoing Chair or Acting Chair may be immediately re-elected to the office which he has held.
- (4) Where the Chair or Acting Chair is the only member of the delegation of a member State, he may vote in his capacity of delegate.
- (5) Representatives of the intergovernmental organizations referred to in Rule 5 may be elected as officers of the Committee of Experts or of any subcommittee or working group established by the Committee of Experts.

Rule 7: Adoption of Amendments and Other Changes to the Nice Classification²

- (1) The Committee of Experts shall adopt amendments and other changes to the Classification at its regular yearly sessions. Amendments shall enter into force at the end of specified revision periods. The Committee of Experts shall determine the length of such periods and the date at which the amendments will enter into force. In accordance with Article 4(1) of the Nice

¹ Article 3(2)(b) of the Nice Agreement: The Director General shall invite intergovernmental organizations specialized in the field of marks, of which at least one of the member countries is a country of the Special Union, to be represented by observers at meetings of the Committee of Experts.

² Article 3(7)(b) of the Nice Agreement: "Amendment" shall mean any transfer of goods or services from one class to another or the creation of any new class.

Agreement³, such date could not be earlier than six months after the date of dispatch of the corresponding notification to the countries of the Nice Union by the International Bureau. Other changes, as long as they do not entail an amendment, will enter into force on January 1, but not earlier than six months after the date of their adoption, unless the Committee of Experts decided otherwise.

- (2) The Committee of Experts shall be able to take certain decisions by electronic means. Such decisions include the adoption of the reports of its sessions and, without prejudice to Rule 7(1), the adoption of changes to the Classification which do not entail an amendment.

Rule 8: Publication of the Report

The report on the work of each session of the Committee of Experts, or a summary drawn up by the International Bureau, shall be published ~~in the review *WIPO Magazine* or~~ on the WIPO Web site ~~on the Internet~~.

[End of Annex III and of document]

³ Article 4(1) of the Nice Agreement: Changes decided upon by the Committee of Experts and recommendations of the Committee of Experts shall be notified to the competent Offices of the countries of the Special Union by the International Bureau. Amendments shall enter into force six months after the date of dispatch of the notification. Any other change shall enter into force on a date to be specified by the Committee of Experts at the time the change is adopted.

TECHNICAL ANNEXES

[The Technical Annexes are available on the Electronic Forum, under Project [CE280](https://www3.wipo.int/nef/public/nice)
<https://www3.wipo.int/nef/public/nice>]

[End of Technical Annexes and of document]