

WIPO



CLIM/GTP/26/2

English only

DATE: September 3, 2007

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

**SPECIAL UNION FOR THE INTERNATIONAL CLASSIFICATION OF GOODS AND
SERVICES FOR THE PURPOSES OF THE REGISTRATION OF MARKS
(NICE UNION)**

PREPARATORY WORKING GROUP

Twenty-Sixth Session
Geneva, November 26 to 30, 2007

**PROPOSALS FOR CHANGES TO THE NINTH EDITION
OF THE NICE CLASSIFICATION**

Document prepared by the International Bureau

1. The Annexes to this document contain proposals for amendments and other changes to the ninth edition of the Nice Classification, received in response to WIPO Circular NCL 72, dated September 19, 2006.

2. These proposals were submitted by China (Annex I), Finland (Annex II), Germany (Annex III), Japan (Annex IV), Latvia (Annex V), Mexico (Annex VI), Russian Federation (Annex VII), The former Yugoslav Republic of Macedonia (Annex VIII), United Kingdom (Annex IX) and the United States of America (Annex X).

3. *The Preparatory Working Group is invited to consider the above-mentioned proposals and to express its views thereon.*

[Annexes follow]

ANNEX I

中华人民共和国国家工商行政管理局商标局
Trademark Office
State Administration for Industry and Commerce
People's Republic of China

Jean-Luc Perrin
Senior Director
International Registration
Administration Department
34, chemin des Colombettes
1211 Geneve 20, Switzerland

Date: Apr 16, 2007

Dear Sir

Please check the proposals (see Annex I) by our bureau on the ninth edition of the Nice Classification according to the documents of C.NCL 72.

Sincerely yours



AN Qinghu

Director General

Trademark office

State Administration for

Industry and Commerce

People's Republic of China

地址: 中国北京西城区三里河东路八号
邮政编码: 100820
电话: (010) 68032233
传真: (010) 68013623

Address: 8 Sanlihe Donglu, Xichengqu,
Beijing 100820, People's Republic of China
Telephone: (010) 68032233
Telefax: (010) 68013623

Category 1-New indications

Class	Basic No.	Proposal
1		Genes of seeds for agricultural production
3		Automatic washing-up mashing drier
20		Knobs, not of metal
29		Milk shake
39		Funicular transport

Category 2-Exisiting indications to be deleted

Class	Basic No.	Proposal
21	210249	Delete K0063 “Knobs of porcelain”
42	420159	Delete R0044 “Rental of computer software” and S0055 “Software (Rental of computer-)

Category 3-Exisiting indications to be changed or transferred

Class	Basic No.	Proposal
8	080059	Transfer T0002 “Table cutlery (knives, forks and spoons)” and T0026 “Tableware (knives, forks and spoons)” to Class 21
8	080070	Transfer T0003 “Table forks” to Class 21
8	080078	Transfer C1105 “Cutlery*” to Class 21
8	080080	Transfer S0755 “Spoons*” and W0281 “Wine (Ladles for-) to Class 21
8	080081	Transfer L0030 “Ladles (hand tools)” to Class 21
8	080203	Transfer S0468 “Silver plate (knives, forks and spoons)” to Class 21
9	090428	Transfer E0070 “Electric welding apparatus” to Class 7
9	090456	Transfer S0643 “Soldering apparatus, electric” and W0185 “Welding apparatus, electric” to Class 7

[Annex II follows]

ANNEX II

**NATIONAL BOARD OF PATENTS
AND REGISTRATION OF FINLAND**

WIPO
International Bureau
Jean-Luc Perrin
Senior Director
International Registrations
Administration Department
34, chemin des Colombettes
1211 Geneva
Switzerland

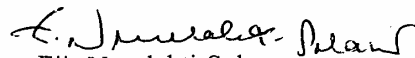
March 30, 2007

Re Proposals for changes in the ninth edition of the International Classification of Goods
and Services for the Purposes of the Registration of Marks (Nice Classification)

Dear Sir,

Please find enclosed proposals for changes in the Nice classification from the National Board of Patents and Registration of Finland, to be considered by the Preparatory Working Group of Experts of the Nice Union in its meeting in November 2007.

Yours sincerely,


Eija Nuorlahti-Solarmo
Vice President

■ **Address:**
P.O.Box 1140
FIN-00101 Helsinki, Finland

■ **Street Address:**
Arkadiankatu 6 A
Helsinki

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NATIONAL BOARD OF PATENTS AND REGISTRATION OF FINLAND

PROPOSALS FOR THE PREPARATORY WORKING GROUP

Category 3: EXISTING INDICATIONS TO BE TRANSFERRED

From Class 9 to Class 7:

Basic No	Item	
090428	Electric welding apparatus	
090456	Welding apparatus, electric	(Note the different basic numbers!)
090223	Welding electrodes	
090456	Soldering apparatus, electric	
090052	Electric arc cutting apparatus	
090052	Welding apparatus (Electric arc -)	
090051	Electric arc cutting apparatus	
090051	Cutting apparatus (Electric arc -)	

The preferable class for these items would be 7 because they are tools and it would be more consistent with the contents of the two classes in question. This type of tools are commonly used in heavy industry, such as shipbuilding, and don't seem to fit in class 9. The item 'welding electrodes' is a little different, but as electrodes for medical use are in class 10, it may be logical to have this in class 7. Moreover, the sentence 'apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity' does not cover this kind of goods, and neither do the other ones in the class heading.

090375 Sealing plastics (Electrical apparatus for -) [packaging]

As these are devices for packaging purposes and also commonly used in industry, they would possibly fit better in class 7 in analogy with packaging machines.

090569 Flat ironsn, electric

090569 Irons (Flat -), electric

There are smoothing presses, pressing machines, electric cleaning machines and apparatus in class 7, as well as other electrically operated household utensils, why it might be appropriate to transfer these items to it, too. The present class heading does not seem to indicate the inclusion of this type of goods in class 9, either.

Category 3: **CHANGE OF EXPLANATORY NOTE**

Class 9:

under *This Class includes, in particular:*

- the following electrical apparatus and instruments:
 - (a) certain electrothermic tools and apparatus, such as electric soldering irons, electric flat irons which, if they were not electric, would belong to Class 8;
 - (b) apparatus and devices which, if not electrical, would be listed in various classes, i.e., electrically heated clothing, cigar-lighters for automobiles;

The lines above to be replaced by:

- apparatus and devices which, if not electrical, would be listed in various classes, i.e., electrically heated clothing, cigar-lighters for automobiles;

[Annex III follows]

ANNEX III

Deutsches Patent- und Markenamt

München, den 15. März 2007

Telefon: (0 89) 21 95 - 4480

Aktenzeichen: BfKD

Deutsches Patent- und Markenamt · 80297 MünchenOMPI (Organisation Mondiale de la Propriété
Intellectuelle)

34, chemin des Colombettes

1211 Genève

(SUISSE)

Ihr Zeichen: C.NCL 72

Bitte Aktenzeichen und Anmelder/Inhaber bei
allen Eingaben und Zahlungen angeben!

Re: Proposals for changes in the ninth edition of the International Classification of Goods and Services
for the Purposes of the Registration of Marks (Nice Classification) – Proposals of the German Pa-
tent- and Trademark Office

Madam,

Sir,

the German Patent- and Trademark Office would like to submit to the International Bureau of the World
Intellectual Property Organization (WIPO) the following proposals for changes in the Nice Classification:

Category 1: New Indications:

Class 5	Dietary supplements
Class 19	Prefabricated houses
Class 35	Controlling
Class 35	Providing of business know-how (Franchising)
Class 36	Providing of financial know-how (Franchising)
Class 41	Organization of fashion shows
Class 42	Providing of technical know-how (Franchising)
Class 45	Providing of legal know-how (Franchising)

**Dokumentenannahme
und Nachbriefkasten
nur
Zweibrückenstraße 12**

Hauptgebäude:
Zweibrückenstraße 12
Zweibrückenstraße 5-7 (Breiterhof)
Markenabteilungen:
Cincinnatistraße 64
81534 München

Hausadresse (für Fracht):
Deutsches Patent- und Markenamt
Zweibrückenstraße 12
80331 München

Telefon: (089) 2195-0
Telefax: (089) 2195-2221
Internet: <http://www.dpma.de>

Zahlungsempfänger:
Bundeskasse Weiden
BBk München
Kto.Nr.: 700 010 54
BLZ: 700 000 00
BIC (SWIFT-Code): MARKDEF1700
IBAN: DE84 7000 0000 0070 0010 54

A 9112
2.06

S-Bahnanschluss im
Münchner Verkehrs- und
Tarifverbund (MVV):



Zweibrückenstr. 12 (Hauptgebäude);
Zweibrückenstr. 5-7 (Breiterhof);
S1 - S8 Haltestelle Isartor

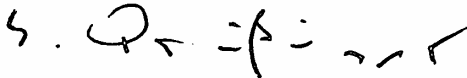
Schwere-Reiter-Straße 37
Cincinnatistraße 64

Changes to the Class Headings and Explanatory Notes:

Class	Place	Proposal
9	Class Heading	Replace: "magnetic data carriers, recording discs" with "magnetic data carriers, recording discs; compact discs, DVDs and other digital storage media"

Further inquiries send directly to Dr. Eberhard Preißinger c/o Deutsches Patent- und Markenamt (address on page 1). A french translation can be provided on demand.

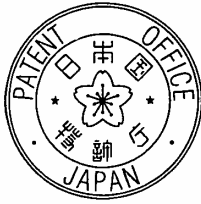
Yours sincerely



E. Preißinger

[Annex IV follows]

ANNEX IV



3-4-3 Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, JAPAN
Phone: 81-3-3581-1898 Fax: 81-3-3581-0762

JAPAN PATENT OFFICE
MINISTRY OF ECONOMY, TRADE AND INDUSTRY
GOVERNMENT OF JAPAN

March 29, 2007

Mr. Jean-Luc Perrin
Senior Director
International Registrations Administration Department
World Intellectual Property Organization
34, chemin des Colombettes
1211 Geneve 20
SUISSE

Dear Mr. Perrin:

In reply to your letter dated September 19, 2006, in which you invited proposals for changes in the ninth edition of the International Classification of Goods and Services for the Purpose of the Registration of Marks (Nice Classification), I have the pleasure in sending you herewith the new Japanese proposals for changes in the ninth edition of the Nice Classification.

Please find enclosed the list of proposed changes.

Sincerely yours,

HAYASHI Jiro
Director
Trademark Division
Japanese Patent Office

PROPOSALS FOR CHANGES TO THE 9TH EDITION OF THE NICE CLASSIFICATION

CATEGORY 1
New indications

Class	Basic No.	Serial No.	Indication	Remarks
9			Downloadable ring tones for mobile phones	This is a sound data which is generally provided by way of downloading and is used with mobile phones and portable music players. Therefore the indication should be listed as Class 9 goods.
9			Downloadable music files	This is a sound data which is generally provided by way of downloading and is used with mobile phones and portable music players. Therefore the indication should be listed as Class 9 goods.
9			Game programs	According to the Explanatory Note of Class 9, "all computer program and software" are classified as belonging to Class 9. Therefore the indication should be listed as Class 9 goods.
12			Cigar lighters for automobiles	These are produced exclusively for automobiles. Therefore the indication should be listed as Class 12 goods.
12			Fire engines	These are considered to be vehicles such as "Sprinkling trucks" (S0787) listed in Class 12. Therefore the indication should be listed as Class 12 goods.
12			Motor fire engines	These are considered to be vehicles such as "Sprinkling trucks" (S0787) listed in Class 12. Therefore the indication should be listed as Class 12 goods.
12			Fireboats	These are considered to be vehicles such as "Sprinkling trucks" (S0787) listed in Class 12. Therefore the indication should be listed as Class 12 goods.
16			Collectable Trading cards	These are printed goods for the purpose of collecting. Therefore the indication should be listed as Class 16 goods.
16			Absorbent sheets for foodstuff storage of paper or plastic materials	These are sheets made of paper or plastic materials for the purpose of food preservation. Therefore the indication should be listed as Class 16 goods.
16			Humidity control sheets for foodstuff storage of paper or plastic materials	These are sheets made of paper or plastic materials for the purpose of food preservation. Therefore the indication should be listed as Class 16 goods.

PROPOSALS FOR CHANGES TO THE 9TH EDITION OF THE NICE CLASSIFICATION

CATEGORY 1
New indications

Class	Basic No.	Serial No.	Indication	Remarks
16			Correcting tapes	These are used for correcting mistakes in office documents. Therefore the indication should be listed as Class 16 goods.
16			Paper sheeting for agricultural purposes	Although "Plastic sheeting for agricultural purposes" (P0465) is listed in Class 17 of the Alphabetical List, sheeting made from material other than plastic is not listed. This sheeting is made from paper. Therefore the indication should be listed as Class 16 goods.
24			Woven and non-woven textile fabric sheeting for agricultural purposes	Although "Plastic sheeting for agricultural purposes" (P0465) is listed in Class 17 of the Alphabetical List, sheeting made from material other than plastic is not listed. This sheeting is made of woven or non-woven textile fabric. Therefore the indication should be listed as Class 24 goods.
24			Woven textile fabric covers for seed and plant beds	These are woven textile fabric covers used for covering seed beds for the purpose of growing vegetables seedlings, flowering plants and trees. Goods made from woven textile fabric is classified in Class 24. Therefore the indication should be listed as Class 24 goods.
28			Video game machines	According to the Class Heading of Class 28, "Games" are classified as Class 28 goods. Therefore the indication should be listed as Class 28 goods.
28			Portable games with liquid crystal displays	According to the Class Heading of Class 28, "Games" are classified as Class 28 goods. Therefore the indication should be listed as Class 28 goods.
28			Amusement apparatus adapted for use with an external display screen or monitor	According to the Class Heading of Class 28, "Games" are classified as Class 28 goods. Therefore the indication should be listed as Class 28 goods.
28			Games (Apparatus for -) adapted for use with an external display screen or monitor	According to the Class Heading of Class 28, "Games" are classified as Class 28 goods. Therefore the indication should be listed as Class 28 goods.
28			Plastic model kits	These are kits of manufactured parts which can be assembled into toy models. Therefore the indication should be listed as Class 28 goods.
28			Toy musical boxes	These are different from "Musical boxes" (M0490) in Class 15. Therefore the indication should be listed as Class 28 goods.

PROPOSALS FOR CHANGES TO THE 9TH EDITION OF THE NICE CLASSIFICATION

CATEGORY 1
New indications

Class	Basic No.	Serial No.	Indication	Remarks
28			Pachinko	This is an amusement apparatus like a pinball game and is becoming popular in countries outside Japan. Therefore the indication should be listed as Class 28 goods.
30			Noodles, sauce, dehydrated vegetables and toppings combined in a disposable container	This food product consists of noodles, sauce, dehydrated vegetables, and topping combined in a disposable container that can be eaten after pouring boiled water. The product has now become universally popular. Therefore the indication should be listed as Class 30 goods.
32			Smoothie	This is a beverage prepared by adding vegetables and fruits to yoghurt or milk, and then mixed in blenders. It becomes popular abroad as well as domestically. Therefore the indication should be listed as Class 32 goods.
41			Movie services provided on-line via computer networks	This service should be listed as a service belonging to Class 41, as with "Game services provided on-line from a computer network" in Class 41 G0002 of the Alphabetical List.

PROPOSALS FOR CHANGES IN THE 9TH EDITION OF THE NICE CLASSIFICATION

CATEGORY 2
indications to be deleted

Class	Basic No.	Serial No.	Indication	Remarks
6	60082	P0381	Pins for wheels, etc.	As this indication includes the word "etc.", it is unclear what products fall thereunder. Therefore the indication should be deleted from Class 6 goods.
9	90576	A0273	Amusement apparatus adapted for use with an external display screen or monitor	This is a game apparatus. Therefore the indication should be deleted from Class 9 goods.
9	90542	G0030	Games (Apparatus for -) adapted for use with an external display screen or monitor	This is a game apparatus. Therefore the indication should be deleted from Class 9 goods.
9	90032	C0489	Cigar lighters for automobiles	As these are produced exclusively for automobiles, the indication should be deleted from Class 9 goods.
9	90298	F0194	Fire engines	These are considered to be vehicles. Therefore the indication should be deleted from Class 9 goods.
9	90297	M0422	Motor fire engines	These are considered to be vehicles. Therefore the indication should be deleted from Class 9 goods.
9	90601	F0191	Fire boats	These are considered to be vehicles. Therefore the indication should be deleted from Class 9 goods.

PROPOSALS FOR CHANGES IN THE 9TH EDITION OF THE NICE CLASSIFICATION

CATEGORY 3

modification of existing indications of goods or services

Class	Basic No.	Serial No.	Indication	Remarks
9	Explanatory Note		Under " <i>This Class includes, in particular:</i> " delete: "cigar-lighters for automobiles:"	As "Ciger lighters for automobile" are produced exclusively for automobiles, they should not be indicated as belonging to Class 9. Therefore the indication should be deleted from Explanatory Note for Class 9.
9	Explanatory Note		Under " <i>This Class includes, in particular:</i> " delete: "amusement apparatus adapted for use with an external display screen or monitor;"	As "Amusement apparatus adapted for use with an external display screen or monitor" is a game apparatus, it should be indicated as belonging to Class 9. Therefore the indication should be deleted from Explanatory Note of Class 9.
28	Explanatory Note		Under " <i>This Class does not includes, in particular:</i> " delete: "amusement apparatus adapted for use with an external display screen or monitor(Cl.9);"	As "Amusement apparatus adapted for use with an external display screen or monitor" is a game apparatus, it should not be indicated as belonging to Class 9. Therefore the indication should be deleted from Explanatory Note of Class 28.

[Annex V follows]

ANNEX V



LATVIJAS REPUBLIKAS PATENTU VALDE
PATENT OFFICE OF THE REPUBLIC OF LATVIA

Citadeles 7/70, Rīga, LV-1010, Latvia; phone: (+371) 7099 600, (+371) 7099 618, (+371) 7099 621
fax: (+371) 7099 650; e-mail: valde@lrpv.lv; http://www.lrpv.lv

Rīga 09.05.2007 No. 1-5.4/151N
Re: 26.03.2007 No. C.NCL 74

Marcus Höpferger
Acting Director
Law and International Classification
Division
Sector of Trademarks, Industrial
Design and Geographical Indications

Fax +41 22 733 54 28

The Latvian Patent Office would like to submit proposal in relation to new indication relating to goods that do not appear in the 9th Edition of the Nice Classification for consideration during the twenty-sixth session of the Preparatory Working Group of the Committee of the Experts of the Nice Union.

Our proposal is to include indication „pelmeni” (in russian „пельмени”) in Class 30, since it is similar to „ravioli”.

We are sorry for sending our proposal a bit late.

Yours Sincerely

A handwritten signature in cursive script, appearing to read 'D Liberte'.

Dace Liberte
Director
Design and Trademark Department

[Annex VI follows]

ANNEX VI



OFICCE OF THE DEPUTY DIRECTOR
OF SUPPORT SERVICES
DGASA.2007.042

Mexico City, march 20, 2007

Jean-Luc Perrin
Senior Director
International Registrations
Administration Department

Dear Mr. Jean-Luc Perrin

Referring to your communication C.NCL 72, dated September 19, 2007, in which you make a kind invitation to propose changes to the ninth edition of the Nice Classification, that will be analyzed during the twenty-sixth session of the Committee of Experts of the Nice Union, in Geneve, from November 26 to 30, 2007, please find enclosed the proposals made by México.

Best regards,

A handwritten signature in black ink, which appears to read "M. Rodriguez", is written over a large, sweeping horizontal line that extends across the width of the signature area.

Mario Rodriguez Montero
Deputy Director of Support Services

PROPOSALS FOR CHANGES TO THE NICE CLASSIFICATION

Category 1 – New indications

	Prop. No.	Class	Basic No.	Proposal	Remarks/Observations
	MX-01	03		Breath freshening strips	By analogy with Breath freshening sprays 00030204 (M).
	MX-02	03		Strips (Breath freshening -)	By analogy with Sprays (Breath freshening -) 00030204.
	MX-03	05		Ice spray for medical purposes	By analogy with Anaesthetics 00050017 (M).
*	MX-04	28		Surfboards (Bags especially designed for skis and -)	See also MX-09 The indication 00280166 is divided into two, so the words skis and surfboards appear in the Alphabetical list.

Category 3 – Modifications of existing indications

	Prop. No.	Class	Basic No.	Proposal	Remarks/Observations
	MX-05	18 (M)	00180091	Cases, of leather or leatherboard, not adapted to a product	Clarification of wording in accordance with the General Remarks (Goods (f)) of the ICGS.
	MX-06	20 (M)	00200228	Cases of wood or plastic, not adapted to a product	Clarification of wording in accordance with the General Remarks (Goods (f)) of the ICGS.
	MX-07	20	00200228	Bins of wood or plastic, not adapted to a product	Clarification of wording in accordance with the General Remarks (Goods (f)) of the ICGS.
	MX-08	20	00200228	Boxes of wood or plastic, not adapted to a product	Clarification of wording in accordance with the General Remarks (Goods (f)) of the ICGS.
*	MX-09	28	00280166	Skis and surfboards (Bags especially designed for -)	See also MX-04 The indication 00280166 is divided into two, so the words skis and surfboards appear in the Alphabetical list.

[Annex VII follows]

ANNEX VII



ФЕДЕРАЛЬНАЯ СЛУЖБА
ПО ИНТЕЛЛЕКТУАЛЬНОЙ
СОБСТВЕННОСТИ,
ПАТЕНТАМ И ТОВАРНЫМ
ЗНАКАМ
(РОСПАТЕНТ)

Бережковская наб., 30, корп. 1, Москва, Г-59, ГСП-5, 123995
Тел/факс 240-65-79

Mr. Jean-Luc Perrin
Senior Director
International Registrations
Administration Department
WIPO

Fax: +41 22 733 54 28

16.03.2007 № 45-1/4-570

На № _____ от _____

Re: Proposals for changes in the ninth edition of the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification)

Dear Mr. Perrin,

With reference to your Circular letter of September 19, 2006 please find the proposals prepared by the Federal Service for Intellectual Property, Patents and Trademarks to be introduced into Alphabetical List of the ninth edition of the Nice Classification.

Category 1

Class	Proposal
29	R- семена подсолнечника обработанные E- Sunflower seeds processed F- Graines de tournesol traitées

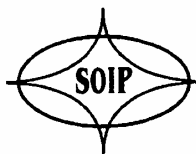
Sincerely yours,

M. Faleev
Director
International Cooperation
Department

Federal Service for
Intellectual Property,
Patents and Trademarks

[Annex VIII follows]

ANNEX VIII



03-13/44

REPUBLIC OF MACEDONIA

STATE OFFICE OF
INDUSTRIAL
PROPERTY

23/03/2007

N° _____

Date _____

Skopje

Mr. Jean-Luc Perrin
Senior Director
International Registrations
Administration Department
World Intellectual Property Organization
34, chemin des Colombettes
CH-1211 Geneve 20
Switzerland

Dear Mr. Perrin,

With reference to your letter C. NCL 72/00, dated September 19, 2006, please find enclosed the proposal of the State Office of Industrial Property of the Republic of Macedonia for changes in the 9th edition of the Nice Classification. I hope that our proposal will be discussed during the twenty-sixth session of the Preparatory Working Group of the Committee of Experts of the Nice Union.



Sincerely yours,

Bejram Ameti
Director

26th MEETING OF THE PREPARATORY WORKING GROUP

PROPOSAL FOR CHANGES IN THE NINTH EDITION OF THE NICE
CLASSIFICATION

Category 1: New indications, relating to goods or services that do not appear in the Alphabetical List of the ninth edition of the Classification.

Class	Indication	Remarks
29	ajvar [preserved paprika salad]	AJVAR is a vegetable salad made of baked (roasted), grind and fried red paprika. It is prepared in autumn (when red paprika grow) and can be preserved during the whole year. AJVAR is a traditional Macedonian product, although the word AJVAR is a generic term for that product widely known and prepared in the Balkan region.

[Annex IX follows]

ANNEX IX

PROPOSAL SUBMITTED BY THE UNITED KINGDOM

Re: Proposals for changes in the ninth edition of the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification).

Category 1: new indications, relating to goods or services that do not appear in the Alphabetical List of the ninth edition of the Classification;

Class	Basic no.	Proposal/Proposition
2		Paint patches [repositionable]

The goods covered by this term are a layer of paint film which can be used, for example, on a wall instead of using a tester pot of paint. They are repositionable so that they can be placed in different parts of a room as necessary. There was some debate regarding whether this product should be classified in Class 2, by analogy with paints, or whether it should be classified in Class 16, by analogy with colour sample books. It was decided that Class 2 is the correct classification because repositionable paint patches are still essentially patches of paint.

Class	Basic no.	Proposal/Proposition
3		Air fragrancing preparations
5		Air deodorising preparations

The products covered by both of these terms may be referred to as 'air fresheners' in advertising literature but they have distinctly different functions and are classified in different classes. Air fragrancing preparations perfume the air but air deodorising preparations remove odours from the air rather than replace or mask the odour with a fragrance. See also the proposal to add " – room fragrancing preparations" to the explanatory note relating to Class 3, and the proposed deletion of "Air freshening preparations" from Class 5.

Class	Basic no.	Proposal/Proposition
5		Stem cells
5		Biological tissue cultures
5		Surgical implants grown from stem cells [living tissues]

These new indications are relevant to the field of biotechnology. There is a growing market for these goods. See also the proposal to change "Biological preparations, other than for medical or veterinary purposes" to "Biological preparations [other than tissue cultures], for industrial purposes".

Class	Basic no.	Proposal/Proposition
35		Franchising consultancy [business] services
45		Franchising consultancy [legal] services

A franchise is an authorisation granted, to an individual or group, by a company to sell its goods or services in a particular way. There is no one class into which franchising consultancy would fit so it is necessary to classify according to the subject matter involved. For example, business advice is in Class 35, financial advice is in Class 36 and legal advice is in Class 35. The addition of “Franchising consultancy [business] services” and “Franchising consultancy [legal] services” would make it clear that consultancy services relating to franchising are classified according to the particular subject matter.

Class	Basic no.	Proposal/Proposition
36		Brokerage of carbon credits
42		Provision of information, advice and consultancy in relation to carbon offsetting
44		The planting of trees for carbon offsetting purposes

The buying and selling of carbon credits is likely to become an increasingly important economic activity. Specialist brokers provide the service in Class 36, classified by analogy with brokerage of commodities (36), scientific advisors provide advice relating to conservation in Class 42 and project developers oversee tree planting and environmental protection in Class 44.

Class	Basic no.	Proposal/Proposition
41		Coaching

To ‘coach’ is defined as ‘to train or tutor or to act as a trainer or tutor’ (Oxford Concise English Dictionary) so coaching is essentially a training related activity, proper to Class 41. This differs from ‘counselling’ which is ‘the process of assisting and guiding clients, esp. by a trained person on a professional basis, to resolve esp. personal, social or psychological problems and difficulties’ (Oxford Concise English Dictionary).

Class	Place	Proposal/Proposition
3	Explanatory Note	Under “ <i>This Class includes, in particular:</i> ” add: “- hair lotions and shampoos containing insecticides;”

It is a common mistake to classify shampoos or conditioners containing insecticides in Class 5. The inclusion of shampoos, Basic no. 030134, in the Alphabetical List makes it clear that all shampoos, and by analogy hair conditioners, are classified in Class 3. The addition of “- hair lotions and shampoos containing insecticides” to the explanatory note in Class 3 will clarify this issue. See also the proposal to change “Antiparastic preparations” to “Antiparasitic preparations [other than hair lotions or shampoos]”.

Class	Place	Proposal/Proposition
3	Explanatory Note	Under “ <i>This Class includes, in particular:</i> ” add: “- room fragrancing preparations”

This new addition to the explanatory note ties into the proposal to add “Air fragrancing preparations” (3) to the Alphabetical List. If the proposal to include air fragrancing preparations is accepted then this addition will be unnecessary.

Category 2: indications to be deleted because the goods or services covered by those indications are no longer needed in the Alphabetical List;

Class	Basic no.	Proposal/Proposition
5	050004	Delete A0149 “Air freshening preparations”

‘To freshen’ is defined as to ‘revive, refresh or renew’ (Oxford Concise English Dictionary) and in order to perform this function air freshening preparations usually contain a fragrance. The goods in Class 5 perform the function of removing odours from the air but they do not replace or mask the odour with a fragrance so this term causes confusion.

Class	Basic no.	Proposal/Proposition
39	390076	Delete I0018 “Information (Storage -)” and S0077 “Storage information”

A large volume of applications filed with the UK Office are made by people who are unfamiliar with classification practice. While it is clear that “Storage information” refers to information about storage, at first sight, “Information (Storage -)” could be read as including information storage by electronic means. A common classification error is to classify storage and retrieval of electronic information in Class 39 rather than Class 35 so the removal of these terms will reduce the risk of this error. Storage and retrieval of electronic information (35) can be classified by analogy with compilation of information into computer databases in Class 25 , Basic no. 350080.

Category 3: modification of existing indications of goods or services, following transfer of the goods or services to other classes, or merely because of clarification of wording;

Class	Basic no.	Proposal/Proposition
5	050029	Change A0357 “Antiparasitic preparations” to “Antiparasitic preparations [other than hair lotions or shampoos]”

This change is needed in order to take account of the proposal to add “- hair lotions and shampoos containing insecticides” to the explanatory note to Class 3.

Class	Basic no.	Proposal/Proposition
1	010579	Change B0406 “Biological preparations, other than for medical or veterinary purposes” to “Biological preparations [other than tissue cultures], for industrial purposes”

This change is needed in order to take account of the proposal to add “Biological tissue cultures” to Class 5.

Class	Basic no.	Proposal/Proposition
26	260030	Transfer T0101 “Tea cosies” to Class 21

Class 21 is appropriate because tea cosies are adapted to the product they are intended to contain.

Class	Basic no.	Proposal/Proposition
35	350050	Transfer G0017 “Grading of wool” to Class 42
35	350010	Transfer E0032 “Evaluation of standing timber” to Class 42

“Grading of wool” and “Evaluation of standing timber” should both be transferred to Class 42 by analogy with quality control and assessment services.

Jane Laphorn
April 2007

[Annex X follows]

ANNEX X

PROPOSAL SUBMITTED BY THE UNITED STATES OF AMERICA

I – Additions

Class	Description	Reason
3	Deodorants for pets	
3	Douching preparations for personal sanitary or deodorant purposes	
4	Ethanol [fuel]	New type of fuel.
4	Oil and fats used as a component in further product manufacture	
5	Anti-dandruff preparations	
5	Antimicrobial preparations	Akin to antibacterial preparations.
5	Dietary and nutritional supplements	
5	Douching preparations for medical purposes	
5	Nutritional supplements	
5	Personal lubricants	Not necessarily a medicated preparation or for medicated purposes, but not a Class 4 item.
5	Sanitary tampons	Analogous to Sanitary napkins 050234
6	Ascenders made of metal [mountaineering equipment]	
6	Chimney flues of metal	
6	Key rings of common metal	
6	Piggy banks of metal	
6	Piggy banks of precious metal	
6	Stair-treads [steps] of metal	Stair-treads [steps] not of metal are in the alphabetical list in 19 (1900740)
7	Gas generators [machines]	
7	Gas-operated blow torches	
7	Steam generators [machines]	
8	Fish tapes	Hand tool used by electricians to route wiring through walls
8	Flatware [tableware]	Knives, forks and spoon
9	Crash dummies	
9	Electric blow torches	
9	Fabric steamers	Performs same function as flat irons (090569)
9	Gaming machines for gambling	These are calibrated gambling machines and should be in 9.
9	Garment steamers	Performs same function as flat irons (090569)
9	Hourglasses [time measuring apparatus]	
9	Laboratory centrifuges	
9	Ophthalmic lenses	
9	Printed circuit boards	
9	Slot machines	These are calibrated and should be in 9
10	Douche bags	
10	Love dolls	Anatomically accurate human figures or human parts used for sexual activity

10	Massage tables	
10	Microdermabrasion apparatus	
10	Surgical scrub suits	Based on 100200, "clothing especially for operating rooms"
11	Bread-making machines	
11	Machines for the separation and purification of water	Based on 110135 Purification installations for sewage - proposed language can be confused with separators and other cleaning machines in 7
11	Yogurt-making machines	
13	Ammunition belts	
13	Ammunition cartridge belts	
13	Torpedos	
14	Beads for making jewelry	Pieces of jewelry
16	Bulletin boards	
16	Document holders	
16	Paint trays	
16	Paper party hats	These are for amusement or decorative purposes, not for use as clothing
16	Passport cases	Based on 160340 passport holders - these are essentially the same item but are sometimes classified in Class 18
17	Electrical ceramic insulators	
17	Vapor barriers in the form of sheeting	
18	Credit card cases	
18	Gym bags	
19	Chimney flues not of metal	
19	Plaster figurines	
19	Pulse meters	
20	Blinds (Indoor window -)	Cross reference of 200272
20	Futons	
20	Indoor window shades	
20	Key rings of plastic	
20	Planters	
20	Shades (Indoor window -)	
20	Trays, not of metal, for commercial purposes	
20	Wall-mounted diaper changing platforms	In the nature of a changing table, but usually of plastic and mounted to the wall in a public facility, such as a restroom.
20	Window blinds of textile [interior]	
20	Window boxes	
20	Window shades [interior]	
21	Mop wringers	
21	Non-woven cloths for cleaning	
21	Waste paper baskets	
22	Bobbins for retaining embroidery floss or wool [not parts of machines]	
24	Baby changing mats	
25	Laboratory coats	To distinguish from 090691 "clothing especially made for laboratories;" lab coats are merely apparel and not protective

25	Motorcyclist's clothing	Based on 250002, Motorists' clothing is in 25 and such goods are mistakenly put in Class 9 as "clothing for protection against accidents"
25	Skorts	Combination garment of a skirt and shorts
26	Beads for handicraft work	Adornments
28	Air mattresses for recreational purposes	
28	Arcade video game machines	
28	Engines for toy model vehicles	Could also be in 7
28	Floats for bathing and swimming for recreational purposes	
28	Foosball tables	Table-top football/soccer games, not a piece of furniture.
28	Gaming chips [or poker chips]	Article for use in gaming, not encoded, used with playing cards as a substitute for money.
28	Remote controls for toy model vehicles	Could also be in 9
28	Ropes for rock climbing [sports articles]	Could also be in 22
28	Swimming flutter boards	
28	Swimming kick boards	
28	Tickets for playing lottery games	
28	Water wings for recreational purposes	
29	Fish mousses	
29	Non-alcoholic egg nog	Made of milk or cream, eggs and sugar
29	Potato flour	
29	Vegetable mousses	
30	Cake frosting	
30	Cake icing	
30	Candy apples	
30	Chocolate mousses	
30	Chocolate-coated nuts	
30	Dessert mousses	
30	Fruit coulis	
30	Marinades	
31	Top soil	
32	Smoothies	
35	Data processing services	
35	Leasing of photocopier machines	
35	Leasing of vending machines	
35	Tax assessment	
35	Tax consultation	
36	Telecommunication airtime brokerage services	
37	Carpentry services	
37	Janitorial services	Includes cleaning, maintenance and minor repairs, all of which are in Class 37.
37	Joinery services	
37	Leasing of bulldozers	
37	Leasing of construction equipment	
37	Leasing of cranes [construction equipment]	
37	Leasing of excavators	
37	Leasing of road sweeping machines	
38	Leasing of facsimile apparatus	

38	Leasing of message sending apparatus	
38	Leasing of telecommunication equipment	
38	Leasing of telephones	
39	Car leasing	
39	Coach rental	
39	Leasing of diving bells	
39	Leasing of diving suits	
39	Leasing of freezers	
39	Leasing of horses	
39	Leasing of motor racing cars	
39	Leasing of parking places	
39	Leasing of refrigerators	
39	Leasing of storage containers	
39	Leasing of vehicle roof racks	
39	Leasing of warehouses	
39	Rental of freezers	
40	Bottling services	The activity of commercial filling of bottles for others - Class 37 is also a possibility as is Class 39 based on 39022 packaging of goods
40	Desk-top publishing services [printing]	
40	Leasing of generators	
40	Leasing of space heating apparatus	
40	Material sterilization services	
40	Sanitization services	
41	Charitable services, namely, providing educational services to needy people	
41	Leasing of audio equipment	
41	Leasing of cine-films	
41	Leasing of lighting apparatus for theatrical sets or television studios	
41	Leasing of motion pictures	
41	Leasing of movie projectors and accessories	
41	Leasing of radio and television sets	
41	Leasing of show scenery	
41	Leasing of skin diving equipment	
41	Leasing of sound recordings	
41	Leasing of sports equipment, except vehicles	
41	Leasing of stadium facilities	
41	Leasing of stage scenery	
41	Leasing of tennis courts	
41	Leasing of video cameras	
41	Leasing of video cassette recorders	
41	Leasing of videotapes	
41	Leasing or camcorders	
41	Providing online greeting cards	Could also be in 45 if viewed as a social activity
42	Civil engineering services	
42	Duplication of audio and video tapes	Based on 420197 duplication of computer programs
42	Leasing of computer software	
42	Leasing of computers	
42	Leasing of web servers	
43	Charitable services, namely, providing food to needy people	

43	Charitable services, namely, providing shelter to needy people	
43	Leasing of chairs, tables, table linen, glassware	
43	Leasing of cooking stoves	
43	Leasing of meeting rooms	
43	Leasing of temporary accommodation	
43	Leasing of tents	
43	Leasing of transportable buildings*	
43	Rental of cooking stoves	
44	Charitable services, namely, providing medical services to needy people	
44	Leasing of sanitation facilities	
45	Alternative dispute resolution services	
45	Charitable services, namely, providing clothing to needy people	
45	Charitable services, namely, providing furniture to needy people	
45	Handwriting analysis	
45	Leasing of fire alarms	
45	Leasing of fire extinguishers	
45	Licensing of photographs	The underlying reproduction rights of a photograph are intellectual property rights; Class 45 is the current class for such services.
45	Mediation services	
45	On-line personal ads for the purposes of dating and social introduction	Not an advertising service, but a dating/introduction service.
45	Rental of safes	
20 - explanatory note	Includes in particular: Containers not of metal for storage or transport	Should be in specific inclusion in Class 20 section - class heading is vague as justification for including goods in the alphabetical list in 20

II – Deletions

Basic #	Class	Description	Reason
110093	11	Chimney flues	These are ducts and should be classified as construction materials in 6 and 19 as chimney shafts are

III – Transfers

Basic #	From CI	To CI	Description	Reason
070084	7	11	Drying machines	Should be in 11 with other drying apparatus - what is rationale for these goods in 11
070084	7	11	Spin driers	Should be in 11 with other drying apparatus - what is rationale for these goods in 11
410096	41	40	Digital imaging services	This is more of a transfer service that transforms a physical object into an electronic image than it is a photography activity.
420198	42	40	Conversion of data or documents from physical to electronic media	Service is similar to digital imaging - appears to be inconsistent with entry in Class 42 for Data conversion of computer programs and data [not physical conversion]
030168	3	5	Alum stones [antiseptic]	Antiseptics are in Class 5
280044	28	10	Rehabilitation apparatus (Body —)	Rehabilitation is a medically-related activity so apparatus should be in 10. Cross reference for Body rehabilitation apparatus should be added.
200118	20	13	Gun racks	These are specially adapted to hold guns only
260029	26	23	Threads of metal for embroiders	
170027	17	9	Asbestos soles	Analogous to "shoes for protection against accidents, irradiation and fire." Also, asbestos screens for firemen were transferred from 17 to 9 in the 9th edition
80168	8	3	Nail files	Analogous with emery (030094)
130004	13	4	Tinder	Analogous with firelighters (040007)
200221	20	10	Identification bracelets, not of metal, for hospital purposes	These should be in 10 with other medical treatment items; they identify important information about patient that affects treatment (e.g. blood type, allergies, etc.)
060051	6	10	Identification bracelets, of metal, for hospitals	These should be in 10 with other medical treatment items; they identify important information about patient that affects treatment (e.g. blood type, allergies, etc.)
200028	20	21	Drinking straws	These are household utensils for drinking
200021	20	28	Fishing baskets	Used in the sport or pastime of fishing for holding fish - called fishing creels in US

IV – Modifications

Basic #	Class	Current description	Proposed description	Reason
140162	14	Key rings [trinkets or fobs]	Metal fobs for key rings [trinkets] in 6; plastic fobs for key rings [trinkets] in 20	This is not a jewelry item - many of these fobs are for purely decorative purposes and are made of various materials
110174	11	Ionization apparatus for the treatment of air	Ionization apparatus for the treatment of air or water	
090311	9	Ionization apparatus not for the treatment of air	Ionization apparatus not for the treatment of air or water	
210285	21	Figurines [statuettes] of porcelain, terra-cotta or glass	Figurines [statuettes] of porcelain, ceramic, earthenware or glass	Terra-cotta is classified in Class 19 so figurines made of that substance should be in 19 also; earthenware and ceramic is classified in Class 21 so figurines made of those substances should be in Class 21 also
210217	21	Statues of porcelain, terra-cotta or glass	Statues of porcelain, earthenware, ceramic or glass	Terra-cotta is classified in Class 19 so statues made of that substance should be in 19 also; earthenware and ceramic is classified in Class 21 so statues made of those substances should be in Class 21 also
210285	21	Statuettes of porcelain, terra-cotta or glass	Statuettes of porcelain, earthenware, ceramic or glass	Terra-cotta is classified in Class 19 so statuettes made of that substance should be in 19 also; earthenware and ceramic is classified in Class 21 so statuettes made of those substances should be in Class 21 also
190224	19	Figurines [statuettes] of stone, concrete or marble	Figurines [statuettes] of stone, concrete, terra-cotta or marble	Terra-cotta is classified in Class 19 so figurines made of that substance should be in 19 also
190170	19	Statues of stone, concrete or marble	Statues of stone, concrete, terra-cotta or marble	Terra-cotta is classified in Class 19 so statues made of that substance should be in 19 also
190224	19	Statuettes of stone, concrete or marble	Statuettes of stone, concrete, terra-cotta or marble	Terra-cotta is classified in Class 19 so statuettes made of that substance should be in 19 also
160321	16	Babies' diapers of paper and cellulose, disposable	Babies' and toddlers' diapers of paper and cellulose, disposable	Applicants have been getting rejections for these goods when used for toddlers
160322	16	Babies' napkin-pants [diaper-pants] of paper and cellulose, disposable	Babies' and toddlers' napkin-pants [diaper-pants] of paper and cellulose, disposable	Applicants have been getting rejections for these goods when used for toddlers
160181	16	Babies' napkins of paper and cellulose, disposable	Babies' and toddlers' napkins of paper and cellulose, disposable	Applicants have been getting rejections for these goods when used for toddlers
160322	16	Diaper-pants (Babies' —) of paper and cellulose, disposable	Diaper-pants (Babies' and toddlers' —) of paper and cellulose, disposable	Applicants have been getting rejections for these goods when used for toddlers
110269	11	Solar collectors [heating]	Solar thermal collectors [heating]	

General Remarks	Services (b)	Rental services are in principle classified in the same classes as the services provided by means of the rented objects (e.g., Rental of telephones, cover by Class 38).	Rental and leasing services are in principle classified in the same classes as the services provided by means of the rented objects (e.g., Rental or leasing of telephones, covered by Class 38).	Rental and leasing activities are basically the same - it is allowing a third party to use goods of another for a fee. Leasing is not limited to being a real estate or financial service.
140162	14	Key rings [trinkets or fobs]	Key rings [trinkets or fobs] of precious metal	These items are not jewelry and are often made of compositions other than precious metal
090265	9	Water wings	Water wings for life saving purposes	Water wings are also flotation devices used for recreation purposes
090265	9	Floats for bathing and swimming	Floats for bathing and swimming for life saving purposes	Floats are also flotation devices used for recreation purposes
200242	20	Poles, not of metal	Poles, not of metal, not for building purposes	Confusion with posts, not of metal (190206)

[End of Annex X and of document]