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CLIM/CE/35/2

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商标注册用商品和服务国际分类特别联盟（尼斯联盟）

专家委员会

第三十五届会议

2025年4月28日至5月2日，日内瓦

报 告

经专家委员会通过

导 言

1. 尼斯联盟专家委员会（下称委员会）于2025年4月28日至5月2日在日内瓦以混合形式举行了第三十五届会议。委员会下列成员派代表出席了会议：阿尔及利亚、阿塞拜疆、爱尔兰、爱沙尼亚、奥地利、澳大利亚、冰岛、波兰、大韩民国、丹麦、德国、俄罗斯联邦、法国、芬兰、荷兰、加拿大、捷克共和国、拉脱维亚、立陶宛、联合王国、罗马尼亚、马来西亚、美利坚合众国、摩尔多瓦共和国、墨西哥、挪威、葡萄牙、日本、瑞典、瑞士、沙特阿拉伯、斯洛伐克、土耳其、乌克兰、乌兹别克斯坦、西班牙、希腊、新加坡、新西兰、匈牙利、亚美尼亚、以色列、意大利和中国（44个）。下列国家派观察员出席了会议：巴基斯坦、巴西、多米尼加、科特迪瓦、马达加斯加、尼日利亚、塞浦路斯和伊拉克（8个）。下列国际政府间组织的代表以观察员身份参加了会议：比荷卢知识产权局（BOIP）、非洲知识产权组织（OAPI）和欧洲联盟（欧盟）。下列非政府组织的代表以观察员身份参加了会议：际商标协会（INTA）、加拿大知识产权协会（IPIC）、马洛卡国际、欧洲法律学生协会（ELSA国际）和日本专利代理人协会（JPAA）。与会者名单见本报告附件一。

2. 会议由产权组织基础设施和平台部门助理总干事夏目健一郎先生宣布开幕，他对与会者表示欢迎。

主席团成员

3. 委员会一致选举 Laura Russo 女士（澳大利亚）担任主席，郭集娴女士（新加坡）和安德烈亚斯·厄斯特隆德先生（瑞典）担任副主席，任期为下两个日历年，即第三十五届和第三十六届会议。

4. 艾莉森·齐格女士（产权组织）担任会议秘书。

通过议程

5. 委员会一致通过了议程，见本报告附件二。

讨论、结论和决定

6. 依照 1979 年 9 月 24 日至 10 月 2 日举行的产权组织领导机构第十届系列会议的决定（见文件 AB/X/32 第 51 段和第 52 段），本届会议的报告仅反映委员会的各项结论（决定、建议、意见等），尤其不反映任何与会者的发言，除非是在委员会任何具体结论作出后对结论表示或者再次表示的保留意见。

通过尼斯分类第十二版的修正和其他修改，以及 NCL13 的生效

7. 根据《议事规则》第 7 条第(1)款，委员会同意，对尼斯分类第十二版 2025 年文本的修改，以及在整个三年修订期间通过的《尼斯协定》第三条第七款第（二）项¹意义上的修正，将于 2026 年 1 月 1 日生效，并在 2025 年年底以前以英文和法文在线公布新的（第十三版）文本（NCL(13-2026)）。

8. 委员会注意到，NCLPub 网站上将作提前公布，英文和法文版 Excel 格式的商品和服务清单将于 2025 年 6 月底之前在[尼斯分类下载和信息技术支持](#)页面上公布。

9. 委员会请国际局借此机会更正在尼斯分类案文中发现的所有明显打字或语法错误，并尽可能统一标点符号的使用。

企业部分

用户协会介绍其尼斯分类相关问题

10. 国际商标协会（INTA）的代表发言，重申了研究缩小第九类的规模并降低其复杂程度的重要性，提醒委员会注意其在上两届会议上提出的关切和解决方案。国际商标协会承认，其与各知识产权局正在进行的政策对话突出表明，并非所有知识产权局都以同样的方式看待第九类的扩大。对一些局来说，可以通过加强对审查员、知识产权从业人员和品牌所有人的培训，以及使用更先进的检索工具来应对第九类增长所带来的挑战。将第九类商品转移到其他现有类别可能被视为最务实可行的解决方案。国际商标协会重申了与所涉各方合作的承诺。加拿大知识产权协会表示，它也有类似的问题，并

¹ 《尼斯协定》第三条第七款第（二）项：“通过商品和服务分类修正的决定，应由出席会议并参加表决的特别联盟各国以五分之四多数作出。修正是指将商品或服务从一个类移到另一个类，或建立新类。”

表示有兴趣在这方面与国际商标协会合作（国际商标协会的发言全文见[产权组织会议页面的尼斯联盟专家委员会第三十五届会议 CLIM/CE/35](#)）。

审议 NCLRMS 表决 1 后的第一组提案（五分之四多数批准）

11. 讨论依据 [NCLRMS](#) 中的第一组进行，其中载有在表决 1 中获得五分之四多数支持的 2025 版分类修改提案。

12. 应要求，两项提案被移至第二组。委员会一致同意通过第一组的其余 226 项提案。这也包括德国在欧盟知识产权局和国际局的协助下提交的一个主题，旨在将第二十九类至第三十一类中的说明重新整理为更自然的词序。委员会的决定见 [NCLRMS/Sessions/CE35](#)。

13. 委员会同意维持表决 1 中获得五分之四多数支持的现有标准。

审议 NCLRMS 表决 1 后的第二组提案（包括各种修正和其他修改）

(a) 视频游戏器材

14. 讨论依据美利坚合众国提交的 [NCLRMS](#) 第二组主题进行，旨在澄清与视频游戏播放设备及视频游戏播放设备以外的类似设备相关的说明。

15. 该主题中的大多数提案未获得所需的多数支持。委员会的决定见 [NCLRMS/Sessions/CE35](#)。

(b) 第九类

16. 讨论依据国际局提交的提案进行，该提案在 [NCLRMS](#) 第二组中拆分为七个独立主题，旨在缩小第九类的规模。

17. 该项目系根据国际商标协会在 CE33 和 CE34 会议上的评论意见开展，旨在处理第九类不断扩大的规模。国际局解释称，该项目的方向系根据国际局于 2024 年 7 月向尼斯成员国发出调查的结果确定。此次调查以匿名方式收集了关于国际商标协会在 CE33 和 CE34 会议上提出的四项建议的反馈意见，具体包括：(a) 将第九类划分为若干小类；(b) 将第九类商品转移至现有类别；(c) 将第九类商品转移至新设类别；(d) 不要求对有形商品的虚拟版本进行注册。

18. 国际局简要总结了调查所得反馈意见的要点。总体而言，任何选项都没有得到明确的支持，但第二个选项（将第九类商品转移至其他现有类别）被视为最可行的解决方案。鉴于此，国际局已从第九类中找出 7 个有可能纳入其他现有类别的独立领域（与呼吸、服装、眼镜、消防、救生、防护及车辆相关的商品）。

19. 委员会感谢国际局考虑成员国的反馈意见并拟定了该项目。委员会批准了“车辆”（移至第十二类）和“眼镜”（移至第十类）主题中的大部分提案。然而，其他主题中的其余修正提案未获得所需多数。委员会的决定见 [NCLRMS/Sessions/CE35](#)。

(c) 精油

20. 讨论依据 [NCLRMS](#) 第二组的主题进行，是为了跟进此前在 CE34 上批准的由美利坚合众国提交的关于精油分类的修正。

21. 委员会通过了该主题下的所有提案。委员会的决定见 [NCLRMS/Sessions/CE35](#)。

(d) 宗教节日

22. 讨论依据 [NCLRMS](#) 第二组的主题进行，旨在删除对特定宗教节日的提及，由法国提交。

23. 委员会通过了该主题下的很多提案。委员会的决定见 NCLRMS/Sessions/CE35。

(e) 对 NCL (12-2025) 的其他修正和修改

24. 讨论依据 [NCLRMS](#) 第二组进行，该组包含对 2025 年版分类的修正和其他修改提案，这些提案在表决 1 中未获得五分之四多数支持。

25. 总体而言，委员会采纳了对分类的大量修正和其他修改（第二组阶段共批准 313 项）。委员会的决定见 NCLRMS/Sessions/CE35。

专家委员会下届会议

26. 委员会注意到，下届（第三十六届）会议将于 2026 年 4 月底或 5 月初在日内瓦举行，具体取决于产权组织各主要委员会的时间表。

会议闭幕

27. 主席宣布会议闭幕。

28. 专家委员会于 2025 年 5 月 21 日以电子方式一致通过了本报告。

[后接附件]

附件一：

与会人员名单

I. ÉTATS MEMBRES/MEMBER STATES

(dans l'ordre alphabétique des noms français des États)
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[后接附件二]

附件二

议程

1. 会议开幕
2. 选举委员会第三十五届和第三十六届会议的主席和两名副主席
3. 通过议程
4. 企业部分
用户协会介绍其尼斯分类相关问题
5. 审议 NCLRMS 表决 1 后的第一组提案（五分之四多数批准）
见 NCLRMS。
6. 审议 NCLRMS 表决 1 后的第二组提案
见 NCLRMS。
7. NCL13 的生效
8. 专家委员会下届会议
9. 会议闭幕

[附件二和文件完]