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# INTERNATIONAL CLASSIFICATION OF GOODS AND SERVICES

## FOR THE PURPOSES OF THE REGISTRATION OF MARKS

UNDER THE

**Nice Agreement**

of June 15, 1957,  
as revised at Stockholm on July 14, 1967,  
and at Geneva on May 13, 1977

THIRD EDITION



WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

1981

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## PREFACE

### HISTORY AND PURPOSE OF THE NICE INTERNATIONAL CLASSIFICATION

1. After having gradually matured administratively as a result of the work carried out by the United International Bureaux for the Protection of Intellectual Property (BIRPI), in collaboration with national industrial property offices, the International Classification of Goods and Services for the Purposes of the Registration of Marks was made official by an Agreement which was concluded between the Governments concerned at the Nice Diplomatic Conference on June 15, 1957, and was subsequently revised at Stockholm on July 14, 1967 (Stockholm Act), and at Geneva on May 13, 1977 (Geneva Act).
2. The countries party to the Nice Agreement constituted a Special Union within the framework of the Paris Union for the Protection of Industrial Property and declared their adoption of a common classification of goods and services for the registration of marks.
3. The International Classification is essentially of practical value: Article 2 of the Nice Agreement provides that the effect of the International Classification is that attributed to it by each country. The Classification does not bind the contracting countries in respect of either the evaluation of the extent of the protection afforded to the mark or the recognition of service marks. On the other hand, each of those countries has to apply the International Classification for registrations of marks, either as a principal or as a subsidiary system, and has to include in the official publications relating to its registrations the numbers of the classes of the International Classification to which the goods or services for which the marks are registered belong.
4. Use of the International Classification is mandatory not only for the national registration of marks in countries party to the Nice Agreement. It is also mandatory for the international registration of marks effected by the International Bureau of the World Intellectual Property Organization (WIPO--formerly BIRPI), in Geneva, since the entry into force on June 15, 1957, of the Madrid Agreement Concerning the International Registration of Trademarks as revised at Nice.
5. The International Classification is likewise mandatory for the international registration of marks under the Trademark Registration Treaty (TRT), done at Vienna on June 12, 1973, which entered into force on August 7, 1980.
6. The International Classification is also applied in a number of countries not party to the Nice Agreement (see list on page viii)).

## REVISIONS OF THE CLASSIFICATION

7. The International Classification published here is based on the one published in 1935 by BIRPI. Indeed it was the 1935 Classification, consisting of a list of 34 classes and an alphabetical list of goods, that was adopted by the Nice Agreement of June 15, 1957. It was provided in 1957 that a Committee of Experts appointed by the governments concerned and established at BIRPI would complete the list of classes and the alphabetical list of goods with a list of classes of services and an alphabetical list of services, and that the whole work could thereafter be added to and amended by the same Committee.

8. The Committee of Experts, which initially was set up as a Provisional Committee by virtue of a resolution adopted at the Nice Conference, and which since the entry into force of the Nice Agreement on April 8, 1961, has been acting as a body established by the Agreement, met a number of times and drew up, as a first step, a list of eight service classes and the alphabetical list of services on the basis of documents supplied by certain Offices that already provided for the registration of service marks at the national level. This list was added to the existing list of classes of goods. The Committee of Experts also added explanatory notes to most of the classes of goods and services; these were not a component of the International Classification according to the original Nice Agreement or the Stockholm Act, but under the Geneva Act they form an integral part of the Classification. The Committee of Experts subsequently made certain amendments, additions and other changes to the new List of Classes and Alphabetical List of Goods and Services. "Amendment" means any transfer of goods or services from one class to another, or the creation of a completely new class.

9. At its eleventh session in June 1974, the Committee of Experts decided to undertake a general review of the Alphabetical List of Goods and Services from the point of view of form.

10. To that end a Temporary Working Group was set up and entrusted with the review, the purpose of which was to improve the text of the Alphabetical List on the basis of the existing List of Classes. The following countries were members of the Working Group: Austria, France, Germany (Federal Republic of), Netherlands, Spain, United Kingdom, United States of America. The Benelux Trademark Office was represented in an observer capacity.

11. Article 1(4) of the Geneva Act of the Nice Agreement, which was drafted and adopted at the same time as the Temporary Working Group was drawing up its revision proposals, states that the International Classification is to be in English and French, both texts being equally authentic.

12. The Committee of Experts adopted the English and French texts at its thirteenth session in November/December 1980.

13. Amendments, additions and other changes adopted by the Committee of Experts have been systematically notified by the International Bureau to the Offices of contracting countries and published in the monthly reviews "Industrial Property" and "La Propriété industrielle," pursuant to Article 4 of the Nice Agreement.



#### EDITIONS OF THE INTERNATIONAL CLASSIFICATION

14. A first edition of the International Classification was published by BIRPI in 1963. Two supplements were subsequently added to it which contained amendments, additions and other changes decided upon by the Committee of Experts at its sessions in May 1965 and April 1967.

15. A second edition was published in 1971 which incorporated the amendments, additions and other changes decided upon by the Committee of Experts at the two sessions mentioned above and at a session in July 1970: it too was completed with two supplements, which contained the amendments, additions and other changes decided upon by the Committee of Experts at its sessions in September 1973 and June 1974.

16. This volume contains the English text of the Classification as adopted by the Committee of Experts at its session in November/December 1980. It replaces all earlier editions and their supplements.

17. Another volume contains the same text in French.

#### OFFICIAL TRANSLATIONS

18. Pursuant to the provisions of the Nice Agreement, official translations of the International Classification as published in 1971 have been published in Dutch, German, Italian, Portuguese and Spanish. These translations will shortly be replaced by editions containing translations of the text of the Classification as appearing in this volume, which was adopted by the Committee of Experts in 1980.

\* \* \* \* \*

This publication, and the corresponding French edition, may be ordered from the World Intellectual Property Organization (WIPO), 34, chemin des Colombettes, 1211 Geneva 20 (Switzerland) for the price of 75 Swiss francs (1981 price).

## COUNTRIES AND ORGANIZATION USING THE INTERNATIONAL CLASSIFICATION

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In addition to the 32 countries party to the Nice Agreement (see the note at the foot of page (ix)), the following countries and organization also use the International Classification:

Bahrain	Hong Kong	Philippines
Bangladesh	Iceland	Romania
Bulgaria	India	Rwanda
Burundi	Iraq	Samoa
Chile	Jamaica	Seychelles
Colombia	Jordan	Sierra Leone
Costa Rica	Kenya	Singapore
Cuba	Libya	South Africa
Cyprus	Malawi	Sudan
Egypt	Malta	Zaire
Ghana	New Zealand	Zambia
Haiti	Pakistan	African Intellectual Property Organization
Honduras		(OAPI) <sup>1</sup>

Note: Information obtained from the WIPO Industrial Property Statistics (1978) and from a survey conducted by the International Bureau of WIPO in 1971.

<sup>1</sup> The following countries are members of the African Intellectual Property Organization (OAPI) (April 1981): Benin (also party to the Nice Agreement), Cameroon, Central African Republic, Chad, Congo, Gabon, Ivory Coast, Mauritania, Niger, Senegal, Togo, Upper Volta.

NICE AGREEMENT  
CONCERNING THE INTERNATIONAL CLASSIFICATION OF GOODS AND SERVICES  
FOR THE PURPOSES OF THE REGISTRATION OF MARKS<sup>1</sup>  
OF JUNE 15, 1957,  
AS REVISED AT STOCKHOLM ON JULY 14, 1967,  
AND AT GENEVA ON MAY 13, 1977

Article 1

Establishment of a Special Union;  
Adoption of an International Classification;  
Definition and Languages of the Classification

- (1) The countries to which this Agreement applies constitute a Special Union and adopt a common classification of goods and services for the purposes of the registration of marks (hereinafter designated as "the Classification").
- (2) The Classification consists of:
  - (i) a list of classes, together with, as the case may be, explanatory notes;
  - (ii) an alphabetical list of goods and services (hereinafter designated as "the alphabetical list") with an indication of the class into which each of the goods or services falls.
- (3) The Classification comprises:
  - (i) the classification published in 1971 by the International Bureau of Intellectual Property (hereinafter designated as "the International Bureau") referred to in the Convention Establishing the World Intellectual Property Organization, it being understood, however, that the explanatory notes to the list of classes included in that publication shall be regarded as provisional and as recommendations until such time as explanatory notes to the list of classes are established by the Committee of Experts referred to in Article 3;
  - (ii) the amendments and additions which have entered into force, pursuant to Article 4(1) of the Nice Agreement of June 15, 1957, and of the Stockholm Act of July 14, 1967, of that Agreement, prior to the entry into force of the present Act;
  - (iii) any changes to be made in accordance with Article 3 of this Act and which enter into force pursuant to Article 4(1) of this Act.

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<sup>1</sup> As at February 1, 1981, the following States were party to this Agreement: Algeria, Australia, Austria, Belgium, Benin, Czechoslovakia, Denmark, Finland, France, German Democratic Republic, Germany (Federal Republic of), Hungary, Ireland, Israel, Italy, Lebanon, Liechtenstein, Luxembourg, Monaco, Morocco, Netherlands, Norway, Poland, Portugal, Soviet Union, Spain, Sweden, Switzerland, Tunisia, United Kingdom, United States of America and Yugoslavia (32).

(4) The Classification shall be in the English and French languages, both texts being equally authentic.

(5)(a) The classification referred to in paragraph (3)(i), together with those amendments and additions referred to in paragraph (3)(ii) which have entered into force prior to the date this Act is opened for signature, is contained in one authentic copy, in the French language, deposited with the Director General of the World Intellectual Property Organization (hereinafter designated respectively "the Director General" and "the Organization"). Those amendments and additions referred to in paragraph (3)(ii) which enter into force after the date this Act is opened for signature shall also be deposited in one authentic copy, in the French language, with the Director General.

(b) The English version of the texts referred to in subparagraph (a) shall be established by the Committee of Experts referred to in Article 3 promptly after the entry into force of this Act. Its authentic copy shall be deposited with the Director General.

(c) The changes referred to in paragraph (3)(iii) shall be deposited in one authentic copy, in the English and French languages, with the Director General.

(6) Official texts of the Classification, in Arabic, German, Italian, Portuguese, Russian, Spanish and in such other languages as the Assembly referred to in Article 5 may designate, shall be established by the Director General, after consultation with the interested Governments and either on the basis of a translation submitted by those Governments or by any other means which do not entail financial implications for the budget of the Special Union or for the Organization.

(7) The alphabetical list shall mention, opposite each indication of goods or services, a serial number that is specific to the language in which the said list is established, together with:

- (i) in the case of the alphabetical list established in English, the serial number mentioned in respect of the same indication in the alphabetical list established in French, and vice versa;
- (ii) in the case of any alphabetical list established pursuant to paragraph (6), the serial number mentioned in respect of the same indication in the alphabetical list established in English or in the alphabetical list established in French.

## Article 2

### Legal Effect and Use of the Classification

(1) Subject to the requirements prescribed by this Agreement, the effect of the Classification shall be that attributed to it by each country of the Special Union. In particular, the Classification shall not bind the countries of the Special Union in respect of either the evaluation of the extent of the protection afforded to any given mark or the recognition of service marks.

(2) Each of the countries of the Special Union reserves the right to use the Classification either as a principal or as a subsidiary system.

(3) The competent Offices of the countries of the Special Union shall include in the official documents and publications relating to registrations of marks the numbers of the classes of the Classification to which the goods or services for which the mark is registered belong.

(4) The fact that a term is included in the alphabetical list in no way affects any rights which might subsist in such a term.

Article 3

Committee of Experts

(1) A Committee of Experts shall be set up in which each country of the Special Union shall be represented.

(2)(a) The Director General may, and, if requested by the Committee of Experts, shall, invite countries outside the Special Union which are members of the Organization or party to the Paris Convention for the Protection of Industrial Property to be represented by observers at meetings of the Committee of Experts.

(b) 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.

(c) The Director General may, and, if requested by the Committee of Experts, shall, invite representatives of other intergovernmental organizations and international non-governmental organizations to participate in discussions of interest to them.

(3) The Committee of Experts shall:

- (i) decide on changes in the Classification;
- (ii) address recommendations to the countries of the Special Union for the purpose of facilitating the use of the Classification and promoting its uniform application;
- (iii) take all other measures which, without entailing financial implications for the budget of the Special Union or for the Organization, contribute towards facilitating the application of the Classification by developing countries;
- (iv) have the right to establish subcommittees and working groups.

(4) The Committee of Experts shall adopt its own rules of procedure. The latter shall provide for the possibility of participation in meetings of the subcommittees and working groups of the Committee of Experts by those intergovernmental organizations referred to in paragraph (2)(b) which can make a substantial contribution to the development of the Classification.

(5) Proposals for changes in the Classification may be made by the competent Office of any country of the Special Union, the International Bureau, any intergovernmental organization represented in the Committee of Experts pursuant to paragraph (2)(b) and any country or organization specially invited by the Committee of Experts to submit such proposals. The proposals shall be communicated to the International Bureau, which shall submit them to the members of the Committee of Experts and to the observers not later than two months before the session of the Committee of Experts at which the said proposals are to be considered.

(6) Each country of the Special Union shall have one vote.

(7)(a) Subject to subparagraph (b), the decisions of the Committee of Experts shall require a simple majority of the countries of the Special Union represented and voting.

(b) 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.

(c) The rules of procedure referred to in paragraph (4) shall provide that, except in special cases, amendments to the Classification shall be adopted at the end of specified periods; the length of each period shall be determined by the Committee of Experts.

(8) Abstentions shall not be considered as votes.

#### Article 4

##### Notification, Entry into Force and Publication of Changes

(1) 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.

(2) The International Bureau shall incorporate in the Classification the changes which have entered into force. Announcements of those changes shall be published in such periodicals as may be designated by the Assembly referred to in Article 5.

#### Article 5

##### Assembly of the Special Union

(1)(a) The Special Union shall have an Assembly consisting of those countries which have ratified or acceded to this Act.

(b) The Government of each country shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(c) The expenses of each delegation shall be borne by the Government which has appointed it.

(2)(a) Subject to the provisions of Articles 3 and 4, the Assembly shall:

- (i) deal with all matters concerning the maintenance and development of the Special Union and the implementation of this Agreement;
- (ii) give directions to the International Bureau concerning the preparation for conferences of revision, due account being taken of any comments made by those countries of the Special Union which have not ratified or acceded to this Act;
- (iii) review and approve the reports and activities of the Director General of the Organization (hereinafter designated as "the Director General") concerning the Special Union, and give him all necessary instructions concerning matters within the competence of the Special Union;
- (iv) determine the program and adopt the triennial budget of the Special Union, and approve its final accounts;
- (v) adopt the financial regulations of the Special Union;
- (vi) establish, in addition to the Committee of Experts referred to in Article 3, such other committees of experts and working groups as it may deem necessary to achieve the objectives of the Special Union;

- (vii) determine which countries not members of the Special Union and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;
  - (viii) adopt amendments to Articles 5 to 8;
  - (ix) take any other appropriate action designed to further the objectives of the Special Union;
  - (x) perform such other functions as are appropriate under this Agreement.
- (b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.
- (3) (a) Each country member of the Assembly shall have one vote.
- (b) One-half of the countries members of the Assembly shall constitute a quorum.
- (c) Notwithstanding the provisions of subparagraph (b), if, in any session, the number of countries represented is less than one-half but equal to or more than one-third of the countries members of the Assembly, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.
- (d) Subject to the provisions of Article 8(2), the decisions of the Assembly shall require two-thirds of the votes cast.
- (e) Abstentions shall not be considered as votes.
- (f) A delegate may represent, and vote in the name of, one country only.
- (g) Countries of the Special Union not members of the Assembly shall be admitted to the meetings of the latter as observers.
- (4) (a) The Assembly shall meet once in every third calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.
- (b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of one-fourth of the countries members of the Assembly.
- (c) The agenda of each session shall be prepared by the Director General.
- (5) The Assembly shall adopt its own rules of procedure.

#### Article 6

##### International Bureau

- (1) (a) Administrative tasks concerning the Special Union shall be performed by the International Bureau.
- (b) In particular, the International Bureau shall prepare the meetings and provide the secretariat of the Assembly, the Committee of Experts, and such other committees of experts and working groups as may have been established by the Assembly or the Committee of Experts.

(c) The Director General shall be the chief executive of the Special Union and shall represent the Special Union.

(2) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the Committee of Experts, and such other committees of experts or working groups as may have been established by the Assembly or the Committee of Experts. The Director General, or a staff member designated by him, shall be ex officio secretary of those bodies.

(3)(a) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for the conferences of revision of the provisions of the Agreement other than Articles 5 to 8.

(b) The International Bureau may consult with intergovernmental and international non-governmental organizations concerning preparations for conferences of revision.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at those conferences.

(4) The International Bureau shall carry out any other tasks assigned to it.

#### Article 7

##### Finances

(1)(a) The Special Union shall have a budget.

(b) The budget of the Special Union shall include the income and expenses proper to the Special Union, its contribution to the budget of expenses common to the Unions, and, where applicable, the sum made available to the budget of the Conference of the Organization.

(c) Expenses not attributable exclusively to the Special Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Special Union in such common expenses shall be in proportion to the interest the Special Union has in them.

(2) The budget of the Special Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) The budget of the Special Union shall be financed from the following sources:

- (i) contributions of the countries of the Special Union;
- (ii) fees and charges due for services rendered by the International Bureau in relation to the Special Union;
- (iii) sale of, or royalties on, the publications of the International Bureau concerning the Special Union;
- (iv) gifts, bequests, and subventions;
- (v) rents, interests, and other miscellaneous income.

(4)(a) For the purpose of establishing its contribution referred to in paragraph (3)(i), each country of the Special Union shall belong to the same class as it belongs to in the Paris Union for the Protection of Industrial Property, and shall pay its annual contributions on the basis of the same number of units as is fixed for that class in that Union.

(b) The annual contribution of each country of the Special Union shall be an amount in the same proportion to the total sum to be contributed to the budget of the Special Union by all countries as the number of its units is to the total of the units of all contributing countries.



(c) Contributions shall become due on the first of January of each year.

(d) A country which is in arrears in the payment of its contributions may not exercise its right to vote in any organ of the Special Union if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. However, any organ of the Special Union may allow such a country to continue to exercise its right to vote in that organ if, and as long as, it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(e) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

(5) The amount of the fees and charges due for services rendered by the International Bureau in relation to the Special Union shall be established, and shall be reported to the Assembly, by the Director General.

(6)(a) The Special Union shall have a working capital fund which shall be constituted by a single payment made by each country of the Special Union. If the fund becomes insufficient, the Assembly shall decide to increase it.

(b) The amount of the initial payment of each country to the said fund or of its participation in the increase thereof shall be a proportion of the contribution of that country for the year in which the fund is established or the decision to increase it is made.

(c) The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(7)(a) In the headquarters agreement concluded with the country on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such country shall grant advances. The amount of those advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such country and the Organization.

(b) The country referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(8) The auditing of the accounts shall be effected by one or more of the countries of the Special Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

## Article 8

### Amendment of Articles 5 to 8

(1) Proposals for the amendment of Articles 5, 6, 7, and the present Article, may be initiated by any country member of the Assembly, or by the Director General. Such proposals shall be communicated by the Director General to the member countries of the Assembly at least six months in advance of their consideration by the Assembly.

(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 5, and to the present paragraph, shall require four-fifths of the votes cast.

(3) Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the countries members of the Assembly at the time it adopted the amendment. Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Assembly at the time the amendment enters into force, or which become members thereof at a subsequent date, provided that any amendment increasing the financial obligations of countries of the Special Union shall bind only those countries which have notified their acceptance of such amendment.

Article 9

Ratification and Accession; Entry into Force

- (1) Any country of the Special Union which has signed this Act may ratify it, and, if it has not signed it, may accede to it.
- (2) Any country outside the Special Union which is party to the Paris Convention for the Protection of Industrial Property may accede to this Act and thereby become a country of the Special Union.
- (3) Instruments of ratification and accession shall be deposited with the Director General.
- (4)(a) This Act shall enter into force three months after both of the following conditions are fulfilled:
  - (i) six or more countries have deposited their instruments of ratification or accession;
  - (ii) at least three of the said countries are countries which, on the date this Act is opened for signature, are countries of the Special Union.
- (b) The entry into force referred to in subparagraph (a) shall apply to those countries which, at least three months before the said entry into force, have deposited instruments of ratification or accession.
- (c) With respect to any country not covered by subparagraph (b), this Act shall enter into force three months after the date on which its ratification or accession was notified by the Director General, unless a subsequent date has been indicated in the instrument of ratification or accession. In the latter case, this Act shall enter into force with respect to that country on the date thus indicated.
- (5) Ratification or accession shall automatically entail acceptance of all the clauses and admission to all the advantages of this Act.
- (6) After the entry into force of this Act, no country may ratify or accede to an earlier Act of this Agreement.

Article 10

Duration

This Agreement shall have the same duration as the Paris Convention for the Protection of Industrial Property.

Article 11

Revision

- (1) This Agreement may be revised from time to time by a conference of the countries of the Special Union.
- (2) The convocation of any revision conference shall be decided upon by the Assembly.
- (3) Articles 5 to 8 may be amended either by a revision conference or according to Article 8.

Article 12

Denunciation

(1) Any country may denounce this Act by notification addressed to the Director General. Such denunciation shall constitute also denunciation of the earlier Act or Acts of this Agreement which the country denouncing this Act may have ratified or acceded to, and shall affect only the country making it, the Agreement remaining in full force and effect as regards the other countries of the Special Union.

(2) Denunciation shall take effect one year after the day on which the Director General has received the notification.

(3) The right of denunciation provided by this Article shall not be exercised by any country before the expiration of five years from the date upon which it becomes a country of the Special Union.

Article 13

Reference to Article 24 of the Paris Convention

The provisions of Article 24 of the Stockholm Act of 1967 of the Paris Convention for the Protection of Industrial Property shall apply to this Agreement, provided that, if those provisions are amended in the future, the latest amendment shall apply to this Agreement with respect to those countries of the Special Union which are bound by such amendment.

Article 14

Signature; Languages; Depositary Functions;  
Notifications

(1)(a) This Act shall be signed in a single original in the English and French languages, both texts being equally authentic, and shall be deposited with the Director General.

(b) Official texts of this Act shall be established by the Director General, after consultation with the interested Governments and within two months from the date of signature of this Act, in the two other languages, Russian and Spanish, in which, together with the languages referred to in subparagraph (a), authentic texts of the Convention Establishing the World Intellectual Property Organization were signed.

(c) Official texts of this Act shall be established by the Director General, after consultation with the interested Governments, in the Arabic, German, Italian and Portuguese languages, and such other languages as the Assembly may designate.

(2) This Act shall remain open for signature until December 31, 1977.

(3)(a) The Director General shall transmit two copies, certified by him, of the signed text of this Act to the Governments of all countries of the Special Union and, on request, to the Government of any other country.

(b) The Director General shall transmit two copies, certified by him, of any amendment to this Act to the Governments of all countries of the Special Union and, on request, to the Government of any other country.

(4) The Director General shall register this Act with the Secretariat of the United Nations.

(5) The Director General shall notify the Governments of all countries party to the Paris Convention for the Protection of Industrial Property of:

- (i) signatures under paragraph (1);
- (ii) deposits of instruments of ratification or accession under Article 9(3);
- (iii) the date of entry into force of this Act under Article 9(4)(a);
- (iv) acceptances of amendments to this Act under Article 8(3);
- (v) the dates on which such amendments enter into force;
- (vi) denunciations received under Article 12.

MADRID AGREEMENT  
CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS<sup>1</sup>  
OF APRIL 14, 1891,  
AS REVISED AT STOCKHOLM ON JULY 14, 1967  
(EXTRACTS)

Article 3  
[Contents of Application for International Registration]

(2) The applicant must indicate the goods or services in respect of which protection of the mark is claimed and also, if possible, the corresponding class or classes according to the classification established by the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks. If the applicant does not give such indication, the International Bureau shall classify the goods or services in the appropriate classes of the said classification. The indication of classes given by the applicant shall be subject to control by the International Bureau, which shall exercise the said control in association with the national Office. In the event of disagreement between the national Office and the International Bureau, the opinion of the latter shall prevail.

Article 4  
[Effects of International Registration]

(1) From the date of the registration so effected at the International Bureau in accordance with the provisions of Articles 3 and 3ter, the protection of the mark in each of the contracting countries concerned shall be the same as if the mark had been filed therein direct. The indication of classes of goods or services provided for in Article 3 shall not bind the contracting countries with regard to the determination of the scope of the protection of the mark.

Article 5  
[Refusal by National Offices]

(1) In countries where the legislation so authorizes, Offices notified by the International Bureau of the registration of a mark or of a request for extension of protection made in accordance with Article 3ter shall have the right to declare that protection cannot be granted to such mark in their

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<sup>1</sup> As at February 19, 1981, the following States were party to this Agreement: Algeria, Austria, the Benelux countries (Belgium, Luxembourg and the Netherlands), Czechoslovakia, Democratic People's Republic of Korea, Egypt, France (including its overseas departments and territories), German Democratic Republic, Germany (Federal Republic of), Hungary, Italy, Liechtenstein, Monaco, Morocco, Portugal (including the Azores and Madeira), Romania, San Marino, Socialist Republic of Viet Nam\*, Soviet Union, Spain, Switzerland, Tunisia and Yugoslavia (25).

\* The situation of Viet Nam in respect of the Madrid Agreement is under consideration.

territory. Any such refusal can be based only on the grounds which would apply, under the Paris Convention for the Protection of Industrial Property, in the case of a mark filed for national registration. However, protection may not be refused, even partially, by reason only that national legislation would not permit registration except in a limited number of classes or for a limited number of goods or services.

Article 7  
[Renewal of International Registration]

(2) Renewal may not include any change in relation to the previous registration in its latest form.

(3) The first renewal effected under the provisions of the Nice Act of June 15, 1957, or of this Act, shall include an indication of the classes of the International Classification to which the registration relates.

Article 8  
[National Fee. International Fee. Division of Excess Receipts,  
Supplementary Fees, and Complementary Fees]

(2) Registration of a mark at the International Bureau shall be subject to the advance payment of an international fee which shall include:

(a) a basic fee;

(b) a supplementary fee for each class of the International Classification, beyond three, into which the goods or services to which the mark is applied will fall;

(c) a complementary fee for any request for extension of protection under Article 3ter.

(3) However, the supplementary fee specified in paragraph (2)(b) may, without prejudice to the date of registration, be paid within a period fixed by the Regulations if the number of classes of goods or services has been fixed or disputed by the International Bureau. If, upon expiration of the said period, the supplementary fee has not been paid or the list of goods or services has not been reduced to the required extent by the applicant, the application for international registration shall be deemed to have been abandoned.

Article 9  
[Changes in National Registers also Affecting International Registration.  
Reduction of List of Goods and Services Mentioned in International  
Registration. Additions to that List. Substitutions in that List]

(1) The Office of the country of the person in whose name the international registration stands shall likewise notify the International Bureau of all annulments, cancellations, renunciations, transfers, and other changes made in the entry of the mark in the national register, if such changes also affect the international registration.

(2) The Bureau shall record those changes in the International Register, shall notify them in turn to the Offices of the contracting countries, and shall publish them in its journal.

(3) A similar procedure shall be followed when the person in whose name the international registration stands requests a reduction of the list of goods or services to which the registration applies.

(4) Such transactions may be subject to a fee, which shall be fixed by the Regulations.

(5) The subsequent addition of new goods or services to the said list can be obtained only by filing a new application as prescribed in Article 3.

(6) The substitution of one of the goods or services for another shall be treated as an addition.

Article 10  
[Assembly of the Special Union]

(1) (a) The Special Union shall have an Assembly consisting of those countries which have ratified or acceded to this Act.

(2) (a) The Assembly shall:

(iii) modify the Regulations, including the fixation of the amounts of the fees referred to in Article 8(2) and other fees relating to international registration.





TRADEMARK REGISTRATION TREATY (TRT)<sup>1</sup>

done at Vienna on June 12, 1973

entered into force on August 7, 1980

(EXTRACTS)

Article 2  
Abbreviated Expressions

For the purposes of this Treaty and the Regulations and unless expressly stated otherwise:

(xxiii) "International Classification" means the classification established under the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks.

Article 5  
The International Application

(1)(a) [Mandatory Contents] The international application shall contain, as specified in this Treaty and the Regulations:

(iv) a list of goods and/or services in which the terms are grouped under the applicable classes of the International Classification and in which each term is comprehensible, permits classification in one class only of that Classification, and, as far as possible, is one that appears in the alphabetical list of goods and/or services of the said Classification.

Article 7  
International Registration or Declining  
of the International Application

(4) [Classification Causing Increase in Fees]  
(a) Where the International Bureau finds that, by classifying any of the terms appearing in the list of goods and/or services in or also in a class or classes of the International Classification in which such term was not classified in the international application as filed, the amount of the fees required is higher than if that term had not been so classified, the invitation referred to in paragraph (2)(a) or (3)(a) shall contain appropriate explanations and shall indicate that the applicant may limit the list of goods and/or services.

Article 18  
Fees

(3) [Individual State Fees]  
(c) The amounts of the individual State fees may vary only according to the number of classes to which the goods and/or services listed in respect of that State belong under the International Classification and according to whether the mark is or is not a collective mark or a certification mark.

Article 19  
Certain National Requirements

(2) [Number of Classes and of Goods and/or Services]  
No designated State may refuse or cancel the effects provided for in Article 11 merely on the grounds that its national law allows the registration of marks only in respect of a limited number of classes or a limited number of goods and/or services.

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<sup>1</sup> As at February 1, 1981, the following States were party to this Agreement: Congo, Gabon, Soviet Union, Togo, Upper Volta (5).

