

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

Committee of Experts

**Twenty-First Session
Geneva, November 22 to 26, 2010**

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

Document prepared by the International Bureau

1. The Annex to this document reproduces draft revised Rules of Procedure for the Committee of Experts of the Nice Union, prepared by the International Bureau for consideration at the twenty-first session of the Committee of Experts, in accordance with the decisions taken at the third session of the *ad hoc* Working Group, held in Geneva, on November 16, 2009 (see paragraphs 8(ii) and 9 of the Summary by the Chair, document CLIM/WG/3/3).
2. The changes to the Rules of Procedure proposed in the Annex to this document are indicated in track changes mode.
3. The Committee of Experts adopted the Rules of Procedure on September 10, 1973, and amended them on May 28, 1982, November 10, 1995, October 11, 2000, and, the most recent, on October 9, 2003.
4. *The Committee of Experts is invited to pronounce on the draft revised Rules of Procedure given in the Annex to this document.*

[Annex follows]

ANNEX

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

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

adopted by the Committee of Experts on September 10, 1973,
and amended on May 28, 1982, November 10, 1995, October 11, 2000,
~~and~~ October 9, 2003 [and November 22, 2010](#)

Rule 1: Application of the General Rules of Procedure

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

Rule 2: Representation and Expenses of Delegations and Representatives

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

Rule 3: Sessions

- (1) The Committee of Experts shall meet [in regular sessions](#) at least once every ~~five~~ [years](#) on convocation by the Director General.
- (2) The Committee of Experts shall meet in extraordinary session on convocation by the Director General at the request of one-fourth of the States members of the Committee of Experts.
- (3) Subcommittees and working groups established by the Committee of Experts shall meet at such times and at such places as may be determined by the Committee of Experts or by the Director General in consultation with the ~~Chairman~~ [Chair](#) of the subcommittee or working group concerned.

Rule 4: Subcommittees and Working Groups

- (1) When establishing any subcommittee or working group, the Committee of Experts shall determine its terms of reference and the frequency of its sessions.
- (2) The members of a subcommittee or working group established by the Committee of Experts shall be any member States of the Nice Union that have informed the ~~Director General in writing~~ [Committee of Experts or the International Bureau](#) of their wish to become members of such subcommittee or working group.
- (3) Observer status in a subcommittee or working group established by the Committee of Experts shall be afforded to
 - (i) any State ~~party to the Paris Convention for the Protection of Industrial Property~~ [member of WIPO](#) that has informed the Director General in writing of its wish to acquire such status in such subcommittee or working group,
 - (ii) the African Intellectual Property Organization, ~~and the Benelux Trademark Office~~ [the African Regional Intellectual Property Organization, the Benelux Organization for Intellectual Property and the European Community](#), and
 - (iii) any [other](#) intergovernmental organization which has a regional office for the purposes of registering marks or is specialized in the field of marks, of which

at least one of the member States is a country of the Nice Union, and has informed the Director General in writing of its wish to acquire such status in such subcommittee or working group, and

(iv) any international non-governmental organization specialized in the field of trademarks that has informed the Director General in writing of its wish to acquire such status in such subcommittee or working group

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

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

African Intellectual Property Organization

African Regional Intellectual Property Organization

Benelux ~~Trademark Office~~Organization for Intellectual Property

European Community.

Rule 6: Officers

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

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

(1) The Committee of Experts shall adopt amendments and other changes to the Classification at its regular yearly sessions. Amendments shall be adopted at the end of specified revision periods. The Committee of Experts shall determine the length of such periods and the date at which the amendments will enter into force. In accordance with Article 4(1) of the Nice Agreement³, such date could not be earlier than six months after the date of dispatch of the corresponding notification to the countries of the Nice Union by the International Bureau. Other changes, as

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

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

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

~~long as they do not entail an amendment, will enter into force on January 1 following their adoption, unless the Committee of Experts decided otherwise. Except in special cases, amendments to the Nice Classification shall be adopted at the end of specified revision periods; the length of each period shall be determined by the Committee of Experts.~~

- (2) The Committee of Experts shall be able to take certain decisions by electronic means. Such decisions include the adoption of the reports of its sessions and the adoption of changes to the Classification which do not entail an amendment.

Rule 8: Publication of the Report

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

[End of Annex and of document]