

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

Committee of Experts

**Twenty-Third Session
Geneva, April 22 to 26, 2013**

REPORT

adopted by the Committee of Experts

INTRODUCTION

1. The Committee of Experts of the Nice Union (hereinafter referred to as “the Committee”) held its twenty-third session in Geneva from April 22 to 26, 2013. The following members of the Committee were represented at the session: Austria, China, Denmark, Estonia, France, Germany, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Mexico, Netherlands, Norway, Republic of Korea, Romania, Russian Federation, Serbia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and United States of America (27). The following States were represented by observers: Brazil and Nigeria (2). Representatives of the following international intergovernmental organizations took part in the session in an observer capacity: African Intellectual Property Organization (OAPI), Benelux Office for Intellectual Property (BOIP) and European Union (EU). A representative of the following international non-governmental organization (NGO) attended the session in an observer capacity: International Trademark Association (INTA). The list of participants appears as Annex I to this report.

2. The session was opened by Mr. Antonios Farassopoulos, Director, International Classifications and Standards Division, WIPO, who welcomed the participants on behalf of the Director General.

OFFICERS

3. The Chair, Mr. Alexander Pfister (Switzerland), and the Vice-Chairs, Mrs. Yang Jianyu (China) and Mrs. Mary Munson-Ott (United States of America), were elected last year for two calendar years. As Mrs. Munson-Ott did not attend the session, the Committee appointed Mrs. Monique Miller (United States of America) to replace her.
4. Mr. Antonios Farassopoulos (WIPO) acted as Secretary of the session.

ADOPTION OF THE AGENDA

5. The Committee unanimously adopted the amended agenda, which appears as Annex II to this report.

DISCUSSIONS, CONCLUSIONS AND DECISIONS

6. As decided by the Governing Bodies of WIPO at their tenth series of meetings held from September 24 to October 2, 1979 (see document AB/X/32, paragraphs 51 and 52), the report of this session reflects only the conclusions of the Committee (decisions, recommendations, opinions, etc.) and does not, in particular, reflect the statements made by any participant, except where a reservation in relation to any specific conclusion of the Committee was expressed or repeated after the conclusion was reached.

ENTRY INTO FORCE OF THE DECISIONS OF THE COMMITTEE OF EXPERTS

7. In accordance with Rule 7 of the Revised Rules of Procedure, the Committee agreed that changes to the tenth edition of the Nice Classification, version 2013, that do not entail an amendment in the sense of Article 3(7)(b) of the Nice Agreement¹, would enter into force on January 1, 2014, and be published online in a new version of the tenth edition (NCL (10-2014)).

CONSIDERATION OF PROPOSALS FOR MODIFICATIONS TO NCL (10-2013)

8. Discussions were based on project [CE232](#).
9. The Committee adopted a certain number of amendments and other changes, as contained in Annex III to this report.

CONSIDERATION OF PROPOSALS FOR MODIFICATIONS TO NCL (10-2013), RELATING TO TRANSLATION AND SPELLING MATTERS, SUBMITTED BY THE INTERNATIONAL BUREAU

10. Discussions were based on project [CE233](#), which contained a summary table of proposals for modifications to NCL (10-2013), relating to translation and spelling matters, submitted by the International Bureau.

¹ Article 3(7)(b) of the Nice Agreement: "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."

11. The Committee adopted a certain number of changes, as contained in Annex IV to this report.

CONSIDERATION OF A STUDY REGARDING ELECTRICALLY HEATED CLOTHING, SUBMITTED BY THE UNITED STATES OF AMERICA

12. Discussions were based on project CE234, [Annex 1](#), which contained a study regarding electrically heated clothing, submitted by the United States of America.

13. After a brief presentation made by the delegation of the United States of America, the Chair invited the other delegations to express their views on the proposal, which aimed at classifying all electrically heated clothing in Class 11 instead of Class 9, whether or not they were for life-saving purposes.

14. While a considerable number of delegations expressed their support to the proposal, some delegations were of the opinion that electrically heated clothing should be classified together with normal clothing in Class 25.

15. Although the proposal received strong support, it failed to obtain the required four-fifths majority of the countries represented and voting in the session.

CONSIDERATION OF A PROPOSAL CONCERNING MEDICATED TOILETRIES, MEDICATED COSMETIC PREPARATIONS AND MEDICATED SOAP, SUBMITTED BY THE UNITED STATES OF AMERICA

16. Discussions were based on project CE234, [Annex 2](#), which contained a proposal concerning medicated toiletries, medicated cosmetic preparations and medicated soap, submitted by the United States of America.

17. After a brief presentation made by the delegation of the United States of America, the Chair invited the other delegations to express their views on the proposal, which consisted in transferring medicated soap and disinfectant soap from Class 3 to Class 5, adding certain goods related thereto and amending the class headings and the explanatory notes accordingly.

18. The Committee adopted a certain number of amendments and other changes, as contained in Annex V to this report. As all adopted proposals entail an amendment in the sense of Article 3(7)(b) of the Nice Agreement, they will enter into force with the 11th edition of the Nice Classification at a later date to be fixed by the Committee.

CONSIDERATION OF MATTERS RELATING TO THE NEW ELECTRONIC PUBLICATION OF THE NICE CLASSIFICATION (NICEPUB)

19. Discussions were based on project CE235, [Annex 1](#) and [Annex 2](#), concerning the contents of the new electronic publication of the Nice Classification (NicePub). The International Bureau made a presentation on NicePub.

20. The Committee agreed to the following:

- (i) future editions and versions of the Nice Classification will be published without serial numbers. The basic (six-digit) numbers will be maintained;
- (ii) the List of Goods and Services by Alphabetical Order (Alphabetical tab) will be kept in addition to the List of Goods and Services by Class Order (Classes tab);
- (iii) a downloadable PDF version of the List of Goods and Services will be produced only for the list in alphabetical order;
- (iv) in the Classes tab, the master entries, followed by a slash and their synonym(s) (if any), will be sorted alphabetically within the corresponding classes, the whole master entries being considered as sort expressions;
- (v) in the Alphabetical tab, the master entries and the synonyms will appear separately, alphabetically ordered under the corresponding letter of the alphabet according to a sort word to be determined by the International Bureau. Sort words will be marked in bold.

21. By request of the Committee, the International Bureau will make available, by July 1st, the complete list of goods and services of the tenth edition of the Nice Classification, version 2014, in Excel format, indicating the entries that were changed, added or deleted according to the decisions taken by the Committee at this session. Each entry, whether master or synonym, will appear separately, with its corresponding basic number and class number.

NEXT SESSION OF THE COMMITTEE OF EXPERTS

22. The Committee noted that its twenty-fourth session would be held in Geneva at the end of April or beginning of May 2014.

CLOSING OF THE SESSION

23. The Chair closed the session.

24. The Committee of Experts unanimously adopted this report by electronic means on May 28, 2013.

[Annexes follow]