

# WIPO



CLIM/GTP/27/8

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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-Seventh Session  
Geneva, October 6 to 10, 2008**

REPORT

*adopted by the Preparatory Working Group*

INTRODUCTION

1. The Preparatory Working Group of the Committee of Experts of the Nice Union (hereinafter referred to as “the Preparatory Working Group”) held its twenty-seventh session in Geneva from October 6 to 10, 2008.
2. The following current members of the Working Group were represented at the session: Australia, Austria, China, Denmark, Finland, France, Germany, Hungary, Ireland, Japan, Latvia, Luxembourg, Mexico, Netherlands, Norway, Portugal, Republic of Korea, Romania, Russian Federation, Singapore, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, United Kingdom and United States of America (27). The following States were represented by observers: Argentina, Bosnia and Herzegovina, Brazil, Congo, Cuba, Estonia, Greece, Italy, Libyan Arab Jamahiriya, Lithuania, Mauritius, Poland, Qatar, Republic of Moldova, Sudan, Thailand, Turkey, Ukraine and Uruguay (19). Representatives of the following international intergovernmental organizations (IGOs) took part in the session in an observer capacity: Benelux Organisation for Intellectual Property (BOIP) and the Commission of the European Communities (CEC). Representatives of the following international non-governmental organizations (NGOs) attended the session in an observer capacity: European Communities Trade Mark Association (ECTA) and International Trademark Association (INTA).

3. The list of participants appears in Annex I to this report.

Agenda Item 1: Opening of the Session

4. The session was opened by Mr. Marcus Höpperger, Acting Director, Law and International Classifications Division, Sector of Trademarks, Industrial Designs and Geographical Indications, WIPO, who welcomed the participants on behalf of the Director General.

Agenda Item 2: Election of a Chair and one Vice-Chair

5. The Preparatory Working Group unanimously elected Mr. Mike Foley (United Kingdom) as Chair and Mr. Gabriel Alberto Corres Benignos (Mexico) as Vice-Chair.
6. Mr. Marcus Höpperger (WIPO) acted as Secretary of the session.

Agenda Item 3: Adoption of the Agenda

7. The Chair pointed out that the agenda should be amended so as to include as item 4 the adoption of the draft report of the twenty-sixth session of the Preparatory Working Group (document CLIM/GTP/26/7 Prov.).
8. The Working Group unanimously adopted the agenda as amended, which is reproduced in Annex II to this report.
9. As decided by the Governing Bodies of WIPO at their tenth series of meetings, held from September 24 to October 2, 1979 (see paragraphs 51 and 52 of document AB/X/32), the report on this session reflects only the conclusions of the Working Group (decisions, recommendations, opinions, etc.) and does not, in particular, reproduce the statements made by any participant, except where a reservation in relation to any specific conclusion of the Working Group was expressed or repeated after the conclusion was reached.

Agenda Item 4: Adoption of the draft report of the twenty-sixth session of the Preparatory Working Group of the Committee of Experts of the Nice Union (document CLIM/GTP/26/7 Prov.)

10. The Preparatory Working Group considered and unanimously adopted the draft report of its twenty-sixth session, held in Geneva from November 26 to 30, 2007.

Agenda Item 5: Consideration of proposals concerning “amusement apparatus or apparatus for games” (documents CLIM/GTP/27/4 and CLIM/GTP/27/5)

11. Discussions were based on document CLIM/GTP/27/4 containing proposals on amusement apparatus or apparatus for games submitted by the Delegation of Japan, according to the recommendation made by the Preparatory Working Group at its twenty-sixth session, and on document CLIM/GTP/27/5 containing summary tables of those proposals.

12. The Working Group approved the proposals which are shown in Annex III to this report.

Agenda Item 6: Consideration of proposals for changes to the ninth edition of the Nice Classification (documents CLIM/GTP/27/2, CLIM/GTP/27/3, CLIM/GTP/27/6 and CLIM/GTP/27/7)

13. Discussions were based on documents CLIM/GTP/26/2 and CLIM/GTP/26/3 containing the original proposals for changes to the Nice Classification submitted for the twenty-sixth session of the Preparatory Working Group, and on document CLIM/GTP/27/6 containing summary tables of the proposals which could not be examined by the Preparatory Working Group at that session.

14. The Preparatory Working Group approved a number of changes, which are shown in Annex IV to this report. As no agreement was reached on the proposals made by the Benelux Organisation for Intellectual Property (BOIP) concerning “enzymes for human consumption” and “enzymatic preparations for human consumption” (BX-27-002 and BX-27-003, page 2 of Annex IV), the representative of BOIP agreed to withdraw those proposals and to prepare for the next session of the Preparatory Working Group a more detailed study on the classification of nutritional supplements in general. The Delegations of Australia, the United States of America and the International Bureau agreed to participate in the preparation of the study. Moreover, no agreement was reached on a proposal by the Delegation of China concerning the transfer of “cutlery”, “tableware” and other related products from Class 8 to Class 21 (CN-27-008 to 011, pages 24 and 25, Annex IV). The Delegation of China agreed to withdraw its proposals and to submit a more complete proposal for the next session of the Preparatory Working Group, which would also include the necessary modifications to the corresponding class headings and explanatory notes. The Preparatory Working Group further agreed to postpone the examination of the proposals from the Delegation of the United States of America concerning “babies’ and toddlers’ diapers or napkins” (US-27-198 to 200, pages 26 and 27, document CLIM/GTP/27/6) until a final decision would be taken on the proposal by the Delegation of Germany to classify all kinds of diapers or napkins in Class 5, as products for hygienic or sanitary purposes (DE-27-011 to 016, pages 27 to 30, Annex V).

15. Further discussion was based on documents CLIM/GTP/27/2 and CLIM/GTP/27/3 containing additional original proposals for changes to the Nice Classification submitted for this session of the Preparatory Working Group, and on document CLIM/GTP/27/7 containing summary tables of those proposals.

16. The Preparatory Working Group approved a number of changes, which are shown in Annex V to this report.

Agenda Item 7: Next session of the Working Group

17. The Working Group noted that its next (twenty-eighth) session would be held in Geneva from November 16 to 20, 2009, back to back with the third session of the *ad hoc* Working Group of the Committee of Experts of the Nice Union.

Agenda Item 8: Closing of the Session

18. The Chair closed the session.

*19. The Working Group unanimously adopted this report at its twenty-eighth session on November 16, 2009.*

[Annexes follow]