

WIPO



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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)

COMMITTEE OF EXPERTS

Eighteenth Session
Geneva, October 2 to 13, 2000

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 eighteenth session in Geneva from October 2 to 11, 2000. The following members of the Committee were represented at the session: Algeria, Austria, Belgium, China, Croatia, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Japan, Latvia, Lebanon, Lithuania, Luxembourg, Netherlands, Norway, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Trinidad and Tobago, Turkey, United Kingdom, United Republic of Tanzania, United States of America (33). Brazil, Mexico, Mozambique, Sao Tome and Principe and the Benelux Trademark Office (BBM) were represented by observers.
2. The list of participants appears as Annex I to this report.
3. The session was opened by Mr. Bruno Machado, Director, International Registrations Department, WIPO, who welcomed the participants on behalf of the Director General.

OFFICERS

4. The Committee unanimously elected Mrs. Rachel Guérin-Lainez (France) as Chair and Ms. Mira Rajh (Slovenia) and Mrs. Marija Borošak (Croatia) as Vice-Chairs.
5. Mr. Jean-Paul Hoebreck (WIPO) acted as Secretary of the session.

ADOPTION OF THE AGENDA

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

CONCLUSIONS, DISCUSSIONS AND DECISIONS

7. 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.

ADOPTION OF AMENDMENTS AND OTHER CHANGES TO THE NICE CLASSIFICATION

8. Discussions were based on paragraphs 1 to 11 of document CLIM/CE/18/2, which set forth in detail the factual background to what is reflected in paragraphs 9 to 11 below.
9. The Committee noted that:
 - six countries of the Nice Union (Algeria, Israel, Lebanon, Morocco, Tunisia and Yugoslavia), of which two, Algeria and Lebanon, participated in the session, were still bound by the original Nice Agreement (1957) or the Stockholm Act (1967) of the Agreement, whereas the other 56 members of the Nice Union were bound by the Geneva Act (1977) of the Agreement;
 - Article 3 of the original Nice Agreement and the Stockholm Act, on the one hand, and Article 7 of the Geneva Act, on the other hand, laid down different rules for decisions by the Committee on amendments and other changes to the Nice Classification and defined “amendment” in different ways;
 - the four countries mentioned above that were not represented at the session had been informed of their right to submit their opinions in writing or to delegate their powers to experts of other countries, and none of them had exercised that right.

10. The Committee recognized that, in view of the required unanimity of the six countries still bound by the original Nice Agreement or the Stockholm Act, it would be sufficient for one of the countries that were not represented at the session to oppose the adoption of an amendment accepted by the Committee for a situation to arise in which two different texts of the Classification would coexist.

11. In order to avoid the undesirable coexistence of two different texts of the eighth edition of the Classification, the Committee agreed to proceed as proposed by the International Bureau (see paragraph 10 of document CLIM/CE/18/2). However, since the amendments adopted by the Committee were adopted without any modification as to substance (see paragraph 29 below), the Committee did not need to resort to the agreed procedure.

12. The Committee agreed with the proposal by the International Bureau (see paragraph 11 of document CLIM/CE/18/2) that the procedure referred to in the preceding paragraph should not be included in the Rules of Procedure of the Committee, since it was expected that by the nineteenth session of the Committee all of the six States would have become party to the Geneva Act of the Nice Agreement.

ENTRY INTO FORCE OF AMENDMENTS AND OTHER CHANGES TO THE SEVENTH EDITION OF THE NICE CLASSIFICATION

13. Discussions were based on paragraph 12 of document CLIM/CE/18/2.

14. The Committee agreed that amendments and other changes to the seventh edition of the Nice Classification should enter into force on January 1, 2002, which meant that, in accordance with Article 4(1) of the Nice Agreement, the notifications containing the decisions of the Committee should be sent by the International Bureau at the latest on July 1, 2001.

15. The Committee noted that the International Bureau would prepare and publish the new (eighth) edition of the Nice Classification, in English and in French, in October 2001, and, with the help of a database management system relating to the Nice, Vienna and Locarno Classifications, would be in a position to offer, in November 2001, translation and publication aids to national offices intending to prepare translations of the new edition.

16. In reply to an enquiry from the Delegation of Germany, the International Bureau said that it would offer the possibility of including any translations prepared and sent by national offices in the NIVILO:CLASS CD-ROM, which contained the authentic versions (in English and French) of the Nice, Vienna and Locarno Classifications.

LENGTH OF THE NEXT REVISION PERIOD AND FREQUENCY OF SESSIONS OF THE PREPARATORY WORKING GROUP

17. Discussions were based on paragraphs 14 to 16 of document CLIM/CE/18/2.

18. The Committee agreed that the next revision period would be three years, without prejudice to the possibility of deciding, at the next session, to extend it to five years.

19. The Committee could, if the length of the revision period were to be extended to five years, agree to request the International Bureau to issue a circular containing the amendments and other changes approved by the Committee, without having to publish a new edition of the Classification before the end of the two-year extension.

20. The Committee noted that the International Bureau intended to continue to allow members of the Nice Union and the observers in the Committee or in the Preparatory Working Group to benefit from the classification reports drawn up by the International Bureau under the WIPO Classification Service for Marks by informing those members and observers of the advice of the International Bureau when a report was drawn up for a new product or service. The Committee recommended that the users of the Nice Classification follow, whenever possible, the advice of the International Bureau so as to ensure that classification practices remained as consistent as possible until, following decisions by the Committee, those new products or services had been formally covered by the Alphabetical List of the Classification.

21. In accordance with the proposal by the International Bureau (see paragraph 16 of document CLIM/CE/18/2), and notwithstanding Rule 4(1) of the Rules of Procedure of the Committee (see Annex III to this report), the Committee agreed to entrust the International Bureau with the task of convening the Preparatory Working Group at the time the International Bureau deemed appropriate.

ABBREVIATION RELATING TO THE EXPRESSION “NICE CLASSIFICATION” AND INDICATION OF ITS VARIOUS EDITIONS

22. Discussions were based on paragraph 17 of document CLIM/CE/18/2.

23. The Committee agreed to recommend to offices that, in future, when “including 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” (Article 2(3) of the Nice Agreement), they insert before those numbers the abbreviation “NCL,” followed by an Arabic figure in parentheses representing the edition of the Classification according to which the marks have been classified (for example “NCL(7)”).

MODIFICATION OF THE RULES OF PROCEDURE OF THE COMMITTEE OF EXPERTS

24. Discussions were based on paragraphs 18 and 19 of document CLIM/CE/18/2.

25. In accordance with the proposal made by the International Bureau, the Committee agreed to modify Rule 8, as contained in the Rules of Procedure reproduced in Annex III to this report.

CONSIDERATION OF AMENDMENTS AND OTHER CHANGES TO THE SEVENTH EDITION OF THE NICE CLASSIFICATION APPROVED BY THE PREPARATORY WORKING GROUP AT ITS SIXTEENTH TO TWENTIETH SESSIONS

Restructuring of Class 42

26. Discussions were based on document CLIM/CE/18/3, which contained amendments and other changes resulting from the revision of Class 42 with the creation of Classes 43 to 45, deletion of existing indications and transfer of indications to Classes 35, 40 and 41.

27. The Committee adopted the amendments and other changes arising from the restructuring of Class 42 as they appear in Annex IV to this report.

Revision of the Alphabetical List of Goods and Services, the Class Headings, the Explanatory Notes and the General Remarks

28. Discussions were based on document CLIM/CE/18/4, which contains:

(a) amendments and other changes arising from the revision of the Alphabetical List of Goods and Services, divided into the following three categories:

Category 1: New indications;

Category 2: Indications to be deleted;

Category 3: Existing indications to be changed or transferred;

(b) changes relating to the Class Headings, the Explanatory Notes and the General Remarks.

29. The Committee adopted the amendments and other changes to the seventh edition of the Nice Classification, as appearing in Annex V to this report, in which those amendments that were adopted have been identified by the letters "AP" in the left-hand margin.

30. This report was unanimously adopted by the Committee at its closing meeting on October 11, 2000.

[Annexes follow]