

WIPO



CLIM/CE/20/9

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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

**Twentieth Session
Geneva, October 10 to 14, 2005**

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 twentieth session in Geneva from October 10 to 13, 2005. The following members of the Committee were represented at the session: Austria, China, Croatia, Denmark, Finland, France, Germany, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Mexico, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States of America (30). Brazil, Ghana, Namibia, Sudan, the Benelux Trademark Office (BBM) and the Commission of the European Communities (CEC) were represented by observers.
2. The list of participants appears as Annex I to this report.
3. The session was opened by Mr. Jean-Luc Perrin, Senior Director, International Registrations Administration Department, Sector of Trademarks, Industrial Designs and Geographical Indications, WIPO, who welcomed the participants on behalf of the Director General.

OFFICERS

4. The Committee unanimously elected Mr. Charles Hamilton (United Kingdom) as Chair, and Mr. Rémy Kohlsaet (Netherlands) and Mrs. Raluca Ardeleanu (Romania) 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 paragraphs 51 and 52 of document AB/X/32), 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 EIGHTH EDITION OF THE NICE CLASSIFICATION

8. Discussions were based on paragraphs 1 to 12 of document CLIM/CE/20/2, which provided in detail the factual background. The outcome of those discussions is summarized in paragraphs 9 to 12 below.

9. The Committee noted that:

- six countries of the Nice Union (Algeria, Israel, Lebanon, Morocco, Serbia and Montenegro and Tunisia) were still bound by the original Nice Agreement (1957) or the Stockholm Act (1967) of the Agreement, whereas the other 71 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.

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 Classification, while urging the said six countries to join the Geneva Act (1977) of the Agreement, the Committee agreed to proceed as proposed by the International Bureau (see paragraphs 8 to 12 of document CLIM/CE/20/2). Since the amendments agreed by the Committee were adopted without any modification as to substance (see paragraphs 17 to 30 of this report), the Committee decided not to resort to the agreed procedure.

12. The Committee agreed with the proposal by the International Bureau (see paragraph 11 of document CLIM/CE/20/2) 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 twenty-first session of the Committee all of the six States would have become party to the Geneva Act of the Nice Agreement.

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

13. Discussions were based on paragraphs 13 to 15 of document CLIM/CE/20/2.

14. The Committee agreed, in accordance with the majority view, that the next revision period should last for five years, which is the same period as was agreed for the previous revisions.

15. The Committee also agreed to entrust the International Bureau, and notwithstanding Rule 4(1) of the Rules of Procedure of the Committee of Experts, with the task of convening the Preparatory Working Group at a time the International Bureau deemed appropriate. In accordance with the said Rule, the Committee further agreed that the Working Group would work for four and a half consecutive days without producing a report at the end of the working session. The report would be prepared by the International Bureau and sent for adoption to the countries members of the Working Group, preferably through electronic mail, within a month's time after the end of the session.

16. The Committee decided that it would hold its next session at the end of the five-year revision period as usual. Nevertheless, if the proposals for changes to the Nice Classification submitted to the Working Group were numerous, the International Bureau would convene, on the recommendation of the Working Group, an extra session of the Committee in the middle of the revision period. The changes adopted by the Committee during such session would enter into force after the end of the five-year revision period.

ENTRY INTO FORCE OF THE DECISIONS OF THE COMMITTEE OF EXPERTS

17. Discussions were based on paragraph 16 of document CLIM/CE/20/2.

18. The Committee agreed that amendments and other changes to the eighth edition of the Nice Classification should enter into force on January 1, 2007, which meant that, in accordance with Article 4(1) of the Nice Agreement, the notification of the decisions of the Committee of Experts should be sent by the International Bureau on July 1, 2006.

19. The Committee noted that the International Bureau would prepare and publish the new (ninth) edition of the Nice Classification, in English and in French, in autumn 2006.

20. The Committee invited the International Bureau to take the opportunity of correcting any obvious typing or grammatical errors which it found in the text of the Classification and harmonizing, as far as possible, the use of square brackets in the alphabetical list.

CONSIDERATION OF AMENDMENTS AND OTHER CHANGES TO THE EIGHTH EDITION OF THE NICE CLASSIFICATION APPROVED BY THE PREPARATORY WORKING GROUP AT ITS TWENTY-FIFTH SESSION

Classification of “motors and engines; couplings and transmission components” in classes 7 and 12

21. Discussions were based on document CLIM/CE/20/3.

22. The Committee agreed to reject this proposal.

Classification of existing indications of goods “made of precious metal” and “not made of precious metal”

23. Discussions were based on document CLIM/CE/20/4.

24. The Committee adopted a certain number of amendments and other changes, as contained in Annex III to this report.

Transfer of the class heading “legal services” and related indications from class 42 to class 45

25. Discussions were based on document CLIM/CE/20/5.

26. The Committee adopted the amendments and other changes, as contained in Annex IV to this report.

CONSIDERATION OF ADDITIONAL AMENDMENTS AND OTHER CHANGES TO
THE EIGHTH EDITION OF THE NICE CLASSIFICATION

Amendments and other changes approved by the Preparatory Working Group at its twenty-fourth and twenty-fifth sessions

27. Discussions were based on document CLIM/CE/20/6.

28. The Committee adopted the amendments and other changes, as contained in Annex V to this report.

Amendments and other changes rejected by the Preparatory Working Group at its twenty-fourth and twenty-fifth sessions

29. Discussions were based on document CLIM/CE/20/7.

30. The Committee adopted the amendments and other changes, as contained in Annex VI to this report.

CONSIDERATION OF A PROPOSAL FOR THE REVISION OF THE CLASSIFICATION
OF INDICATIONS RELATING TO “ANIMAL WASHES” IN CLASSES 3 AND 5,
REJECTED BY THE PREPARATORY WORKING GROUP AT ITS TWENTY-FIFTH
SESSION

31. Discussions were based on document CLIM/CE/20/8.

32. The Committee examined the proposal made by the Benelux Trademark Office (BBM), which was rejected by the Preparatory Working Group at its twenty-fifth session.

33. The Committee agreed to also reject this proposal.

34. The Committee noted that, in the Annexes III to VI referred above, those amendments constituted by the transfer of goods or services from one class to another in accordance with Article 3(7)(b) of the Nice Agreement (Geneva Act) or Article 3(3) of the original Nice Agreement or of the Stockholm Act have been identified by the letters “AM”.

35. This report was unanimously adopted by the Committee at its closing meeting on October 13, 2005.

[Annexes follow]