

CLIM/CE/29/2 ORIGINAL: ENGLISH DATE: MAY 31, 2019

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

## **Committee of Experts**

Twenty-Ninth Session Geneva, April 29 to May 3, 2019

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-ninth session in Geneva from April 29 to May 3, 2019. The following members of the Committee were represented at the session: Algeria, Australia, Austria, Azerbaijan, Belarus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Israel, Italy, Japan, Latvia, Lithuania, Mexico, Netherlands, New Zealand, North Macedonia, Norway, Poland, Republic of Korea, Republic of Moldova, Romania, Singapore, Slovakia, Spain, Sweden, Switzerland, Ukraine, United Kingdom and United States of America (34). The following States were represented by observers: Canada, Nigeria, Saudi Arabia and Thailand (4). Representatives of the following international intergovernmental organizations took part in the session in an observer capacity: Benelux Office for Intellectual Property (BOIP) and European Union (EU). Representatives of the following non-governmental organizations attended the session in an observer capacity: Intellectual Property Institute of Canada (IPIC), International Trademark Association (INTA) and Japan Patent Attorneys Association (JPAA). The list of participants appears as Annex I to this report.

2. The session was opened by Mr. Francis Gurry, Director General, WIPO, who welcomed the participants.

## OFFICERS

3. The Chair, Ms. Monique Choiniere (United States of America), and the Vice-Chairs, Ms. Chi Suan Kok (Singapore) and Mr. Sébastien Tinguely (Switzerland), were elected last year for two calendar years.

4. Ms. Alison Züger (WIPO) acted as Secretary of the session.

## ADOPTION OF THE AGENDA

5. The Committee unanimously adopted the 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.

## DECISIONS OF THE COMMITTEE

7. In accordance with the provisions of Article 3(7)(a) and (b) of the Nice Agreement, the decisions of the Committee concerning the adoption of amendments<sup>1</sup> to the Nice Classification (hereinafter referred to as "the Classification") required a four-fifth majority of the countries of the Nice Union represented and voting at the session. Decisions concerning the adoption of other changes to the Classification required a simple majority of the countries of the Nice Union represented and voting at the session.

## ENTRY INTO FORCE OF THE DECISIONS OF THE COMMITTEE

8. In accordance with Rule 7 of its Rules of Procedure, the Committee agreed that changes to the Classification that did not entail an amendment in the sense of Article 3(7)(b) of the Nice Agreement will enter into force on January 1, 2020, and will be incorporated in a new version of the Classification. Amendments will enter into force later on, at a date to be determined by the Committee.

9. The Committee noted that the International Bureau will prepare and publish online the new version of the Classification (NCL (11-2020)), in English and French, by the end of 2019. An early publication will be made available on the NCLPub site, and the list of goods and services in Excel format, in English and French, will be made available on the electronic forum by the end of June 2019.

<sup>&</sup>lt;sup>1</sup> Article 3(7)(b) of the Nice Agreement provides that "..."Amendment" shall mean any transfer of goods or services from one class to another or the creation of any new class."

10. 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 punctuation.

# CONSIDERATION OF PROPOSALS CARRIED FORWARD FROM THE $28^{\rm TH}$ SESSION AND PENDING APPROVAL

11. Discussions were based on project <u>CE292</u>, <u>Annex 1</u>, which contained a summary table of proposals for amendments and other changes to the Classification which were carried forward from the twenty-eighth session of the Committee and were still pending approval.

12. The Committee adopted a certain number of amendments and other changes to the Classification. The decisions of the Committee are available on the electronic forum, project  $\underline{CE290}$ .

# CONSIDERATION OF PROPOSALS FOR AMENDMENTS AND OTHER CHANGES TO NCL (11-2019)

## (a) VARIOUS PROPOSALS

13. Discussions were based on project <u>CE292</u>, <u>Annex 2</u>, which contained a summary table of proposals for amendments and other changes to the 2019 version of the Classification.

14. The Committee adopted an important number of amendments and other changes to the Classification. The decisions of the Committee are available on the electronic forum, project <u>CE290</u>.

15. The Committee further noted that the proposals that could not be discussed at this session due to lack of time will be listed in a separate working document on the electronic forum, project <u>CE302</u>, Annex 1, and will be discussed at the thirtieth session.

### (b) TYPICAL REGIONAL PRODUCTS

16. Discussions were based on project <u>CE292</u>, <u>Annex 3</u>, which contained a guideline and a joint proposal relating to food and beverages that are typical of certain countries or regions, submitted by France, Italy, Switzerland and the United Kingdom.

17. The Committee agreed on the following guideline:

Each proposed term in classes 29, 30, 31, 32 and 33 must be well-known and recognized world-wide, which means that it is defined in the Oxford or Larousse dictionaries.

18. The Committee adopted the proposal with slight modifications. The decisions of the Committee are available on the electronic forum, project <u>CE290</u>.

### (c) CLASS HEADINGS REVISION

19. Discussions were based on project <u>CE292</u>, <u>Annex 4</u>, which contained a joint proposal for changes to six class headings and their explanatory notes, submitted by Japan, Switzerland, the United States of America, the European Union Intellectual Property Office (EUIPO) and the International Bureau.

20. The Committee approved the proposal with slight modifications. The decisions of the Committee are available on the electronic forum, project <u>CE290</u>.

## (d) RESTRUCTURING OF CLASS 9

21. Discussions were based on project <u>CE292</u>, <u>Annex 5</u>, which contained a request for a group discussion on potential restructuring of Class 9, submitted by the United States of America.

22. The Chair invited the delegations to express their views on whether they would consider any proposal to re-structure Class 9. Over half of the delegations indicated that they would prefer no change. Of those that indicated that they would consider a change, the preference was for the option to transfer entries from Class 9 to different classes. Nevertheless, some delegations stressed that this option has only a limited short-term advantage and that introducing too many changes creates confusion for the users and an enormous amount of work for Offices.

### (e) **DISPENSERS**

23. Discussions were based on project <u>CE292</u>, <u>Annex 6</u>, which contained a proposal for modifications to the classification of dispensers, submitted by the United States of America.

24. The Committee noted that this proposal was postponed by the proposing Office and will be discussed at the thirtieth session.

# NEW REVISION PROCEDURE WITH NCLRMS (NICE CLASSIFICATION REVISION MANAGEMENT SOLUTION)

25. Discussions were based on project <u>CE292</u>, <u>Annex 7</u>, relating to the procedure for submitting proposals for modifications to the Nice Classification to the Secretariat, as well as information concerning the NCLRMS, submitted by the International Bureau.

26. The Committee noted that the full implementation of the NCLRMS had been delayed due to some technical issues, and would now be used for the revision process leading to the publication of NCL(12-2022). The Committee further noted that the International Bureau would introduce the following transitional changes to the revision process for the next cycle (NCL11-2021 revision process):

- (i) the e-forum will continue to be used
- (ii) the International Bureau will implement a unique Excel template for submitting proposals as an interim measure. This will be made available at a later stage and Offices will be notified, and
- (iii) there will be a defined start period for the submission of proposals from July 2019.

### **REPORT ON NCL-RELATED IT SYSTEMS**

27. Discussions were based on <u>presentations</u> made by the International Bureau regarding the progress of the NCLRMS project, as well updates concerning functional IT changes.

28. The Committee noted that following the recent completion of the design phase of the NCLRMS, the next stage of the project would be the implementation and testing phase towards the second half of 2019, with the target of NCLRMS being ready for consultation in the last

quarter of 2019. The International Bureau gave a presentation of the key features of the planned user interface of the NCLRMS, in particular, showing the two different methods for submitting proposals through the Excel template or by direct drafting through the user interface, how to comment and vote electronically on those proposals, and how to download related reports. The Committee further noted that a dynamic demonstration and training are foreseen for delegates at the next session.

29. Further updates were provided concerning the WIPO-wide change to HTTPS protocol meaning that Offices may have to update hyperlinks to their NCL publication platform, a new version of NCLPub in May 2019, the development of a WIPO Portal that may also impact user interfaces of NCL-related IT tools, as well as the preparation for future integration of some e-forum functionalities into NCLRMS.

## NEXT SESSION OF THE COMMITTEE OF EXPERTS

30. The Committee noted that its thirtieth session will be held in Geneva, in April or May 2020.

## **CLOSING OF THE SESSION**

31. The Chair closed the session.

32. The Committee of Experts unanimously adopted this report by electronic means on May 31, 2019.

[Annexes follow]

#### ANNEXE I/ANNEX I

### LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS

#### I. <u>ÉTATS MEMBRES/MEMBER STATES</u>

(dans l'ordre alphabétique des noms français des États) (in the alphabetical order of the names in French)

#### ALGÉRIE/ALGERIA

Mohamed CHERGOU (M.), chef, Service de la coopération et des relations avec les institutions internationales, Institut national algérien de la propriété industrielle (INAPI), Ministère de l'industrie et des mines, Alger

Abdelhakim GUETTAR (M.), examinateur, Institut national algérien de la propriété industrielle (INAPI), Ministère de l'industrie et des mines, Alger

#### ALLEMAGNE/GERMANY

Eberhard PREISSINGER (Mr.), Senior Trade Mark Examiner, Head of Classification and Documentation, German Patent and Trade Mark Office (DPMA), Federal Ministry of Justice and Consumer Protection, Munich

Martin SEBELE (Mr.), Head of Unit, Trade Marks and Designs Department, German Patent and Trade Mark Office (DPMA), Federal Ministry of Justice and Consumer Protection, Munich

#### AUSTRALIE/AUSTRALIA

Lachlan FREEMANTLE (Mr.), Assistant Director, Trade Marks and Designs Group, IP Australia, Canberra

#### AUTRICHE/AUSTRIA

Johann WIPLINGER (Mr.), Trade Mark Examiner, Legal Department, Austrian Patent Office, Vienna

#### AZERBAÏDJAN/AZERBAIJAN

Ramin HAJIYEV (Mr.), Head of Department, Trademarks, Industrial Designs and Geographical Indications Examination Department, Intellectual Property Agency of the Republic of Azerbaijan, Baku

#### **BÉLARUS/BELARUS**

Larysa YERMACHONAK (Ms.), Deputy Head, Trademarks Department, National Center of Intellectual Property (NCIP), Minsk

#### DANEMARK/DENMARK

Louise Yde FRANK (Ms.), Principal Legal Adviser, Trademarks and Designs, Danish Patent and Trademark Office, Ministry of Industry, Business and Financial Affairs, Taastrup

Carressa Brinchmann BOS (Ms.), Legal Adviser, Danish Patent and Trademark Office, Ministry of Industry, Business and Financial Affairs, Taastrup

#### **ESPAGNE/SPAIN**

Lourdes VELASCO GONZÁLEZ (Sra.), Jefa, Área de Examen, Departamento de Signos Distintivos, Oficina Española de Patentes y Marcas (OEPM), Ministerio de Industria, Comercio y Turismo, Madrid

#### ESTONIE/ESTONIA

Külli SOODEN (Ms.), Chief Examiner, Trademark Examination Division, Trademark Department, The Estonian Patent Office, Tallinn

Heli LAANEOTS (Ms.), Senior Examiner, Trademark Examination Division, Trademark Department, The Estonian Patent Office, Tallinn

#### ÉTATS-UNIS D'AMÉRIQUE/UNITED STATES OF AMERICA

Monique CHOINIERE (Ms.), Administrator, Trademark Classification Policy and Practice, United States Patent and Trademark Office (USPTO), Department of Commerce, Alexandria

Amy GEARIN (Ms.), Staff Attorney, Trademark Classification Policy and Practice, United States Patent and Trademark Office (USPTO), Department of Commerce, Washington

Rebecca POVARCHUK (Ms.), Staff Attorney, Trademark Classification Policy and Practice, United States Patent and Trademark Office (USPTO), Department of Commerce, Washington

#### FINLANDE/FINLAND

Julia FÖRSTER (Ms.), Assistant Administrative Officer, Patents and Trademarks, Trademarks, Finnish Patent and Registration Office, Helsinki

Susanna HYVÖNEN (Ms.), Assistant Administrative Officer, Patents and Trademarks, Trademarks, Finnish Patent and Registration Office, Helsinki

#### FRANCE

Kahina BOUNIF (Mme), responsable de pôle examen des marques, Direction de la propriété industrielle, Département des marques, dessins et modèles, Institut national de la propriété industrielle (INPI), Courbevoie

Laure ZERAH (Mme), juriste spécialisée en examen des marques, Direction de la propriété industrielle, Département des marques, dessins et modèles, Institut national de la propriété industrielle (INPI), Courbevoie

#### HONGRIE/HUNGARY

Lilla Fanni SZAKACS (Ms.), Trademark Examiner, International Trademark Section, Hungarian Intellectual Property Office (HIPO), Budapest

Rita KOVACS (Ms.), Legal Officer, National Trademark Section, Hungarian Intellectual Property Office (HIPO), Budapest

#### ISRAËL/ISRAEL

Rula COHAY (Ms.), Senior Trademark Examiner, Israel Patent Office, Ministry of Justice, Jerusalem

#### ITALIE/ITALY

Renata CERENZA (Ms.), Degree, Italian Patent and Trademark Office, Directorate General for the Fight against Counterfeiting (UIBM), Ministry of Economic Development, Rome

Bruna GIOIA (Ms.), Administrative Officer, Italian Patent and Trademark Office, Directorate General for the Fight against Counterfeiting (UIBM), Ministry of Economic Development, Rome

#### JAPON/JAPAN

Kazuyuki YAZAWA (Mr.), Director, International Trademark Classification Office, Trademark Division, Trademark and Customer Relations Department, Japan Patent Office (JPO), Ministry of Economy, Trade and Industry, Tokyo

Momo KATO (Ms.), Trademark Examiner, International Trademark Classification Office, Trademark Division, Trademark and Customer Relations Department, Japan Patent Office (JPO), Ministry of Economy, Trade and Industry, Tokyo

#### LETTONIE/LATVIA

Inese KLIŠĀNE (Ms.), Chief Expert, Department of Trademarks and Industrial Designs, Patent Office of the Republic of Latvia, Riga

#### LITUANIE/LITHUANIA

Asta DAPKĖ (Ms.), Examiner, Trademarks and Designs Division, State Patent Bureau of the Republic of Lithuania, Vilnius

#### MACÉDOINE DU NORD/NORTH MACEDONIA

Sashka LAZAREVSKA (Ms.), Advisor, Trademark Department, State Office of Industrial Property (SOIP), Skopje

Margarita MIRCHESKA-DESOVSKA (Ms.), Advisor, Trademark Department, State Office of Industrial Property (SOIP), Skopje

#### MEXIQUE/MEXICO

Eunice HERRERA CUADRA (Sra.), Subdirectora Divisional de Negociaciones y Legislación Internacional, Dirección Divisional de Relaciones Internacionales, Instituto Mexicano de la Propiedad Industrial (IMPI), Ciudad de México

Gloria Araceli OLEA HERNÁNDEZ (Sra.), Coordinadora Departamental de Examen de Marcas, Dirección Divisional de Marcas, Instituto Mexicano de la Propiedad Industrial (IMPI), Ciudad de México

#### NORVÈGE/NORWAY

Tora Helle CHRISTIANSEN (Ms.), Adviser, Design and Trademark Department, Norwegian Industrial Property Office (NIPO), Oslo

Synnøve HEIMDAHL (Ms.), Adviser, Design and Trademark Department, Norwegian Industrial Property Office (NIPO), Oslo

#### NOUVELLE-ZÉLANDE/NEW ZEALAND

Jeanette PALLISER (Ms.), Trade Marks Team Leader Acting, Intellectual Property Office of New Zealand (IPONZ), Ministry of Business, Innovation and Employment, Wellington

Gabrielle NOWAK (Ms.), Acting Principal Trade Mark Examiner, Intellectual Property Office of New Zealand (IPONZ), Ministry of Business, Innovation and Employment, Wellington

#### PAYS-BAS/NETHERLANDS

Willy NEYS (Mr.), Lawyer, Legal Affairs, Benelux Office for Intellectual Property (BOIP), The Hague

#### POLOGNE/POLAND

Anna SULKO (Ms.), Expert, Trademark Department, Patent Office of the Republic of Poland, Warsaw

### RÉPUBLIQUE DE CORÉE/REPUBLIC OF KOREA

CHO Moonsang (Mr.), Deputy Director, Trademark and Design Examination Bureau, Korean Intellectual Property Office (KIPO), Daejeon

MA Myunghoon (Mr.), Senior Researcher, WIPS Corporation, Seoul

#### RÉPUBLIQUE DE MOLDOVA/REPUBLIC OF MOLDOVA

Victoria PULBERE (Ms.), Head, National Trademarks Division, Trademarks and Industrial Designs Department, State Agency on Intellectual Property (AGEPI), Chisinau

#### RÉPUBLIQUE TCHÈQUE/CZECH REPUBLIC

Jitka STREITBERG (Ms.), Search Specialist, Patent Information Department, Industrial Property Office, Prague

#### ROUMANIE/ROMANIA

Mitrita HAHUE (Ms.), Head, Trademark Division, State Office for Inventions and Trademarks (OSIM), Bucharest

Liliana BADEA (Ms.), Expert, Trademark Division, State Office for Inventions and Trademarks (OSIM), Bucharest

#### ROYAUME-UNI/UNITED KINGDOM

Natalie MORGAN (Ms.), Manager, Trade Mark Classification and Designs Practice, UK Intellectual Property Office (UK IPO), Newport

Darrel HENDY (Mr.), Classification Examiner, Trade Marks and Designs Policy, UK Intellectual Property Office (UK IPO), Newport

#### SINGAPOUR/SINGAPORE

Shu Ping Daphne KOH (Ms.), Trade Mark Examiner, Registry of Trade Marks, Intellectual Property Office of Singapore (IPOS), Singapore

Chi Suan KOK (Ms.), Trade Mark Examiner, Registry of Trade Marks, Intellectual Property Office of Singapore (IPOS), Singapore

#### SLOVAQUIE/SLOVAKIA

Stanislava KOPRDOVÁ (Ms.), Head of Unit, Trademarks and Designs Department, Industrial Property Office of the Slovak Republic, Banská Bystrica

#### SUÈDE/SWEDEN

Malin NYSTRÖM (Ms.), Trademark Examiner, Design and Trademark Department, Swedish Patent and Registration Office (SPRO), Söderhamn

Andreas ÖSTLUND (Mr.), Trademark Examiner, Design and Trademark Department, Swedish Patent and Registration Office (SPRO), Söderhamn

#### SUISSE/SWITZERLAND

Christa HOFMANN (Mme), conseillère juridique, Section examen des marques, Division des marques, Institut fédéral de la propriété intellectuelle (IPI), Berne

Peter BENNINGER (M.), examinateur, Section examen des marques, Division des marques, Institut fédéral de la propriété intellectuelle (IPI), Berne

Sébastien TINGUELY (M.), juriste, Division des marques, Institut fédéral de la propriété intellectuelle (IPI), Berne

#### **UKRAINE**

Viktoriia GRYSHCHENKO (Ms.), Chief Expert, Patent Information Department, State Enterprise Ukrainian Intellectual Property Institute, Ministry of Economic Development and Trade of Ukraine, Kyiv

Liudmyla PUSHKAR (Ms.), Chief Expert, Sector of Development and Introduction of the International Classification of Goods and Services, State Enterprise Ukrainian Intellectual Property Institute, Ministry of Economic Development and Trade of Ukraine, Kyiv

### II. ÉTATS OBSERVATEURS/OBSERVER STATES

#### ARABIE SAOUDITE/SAUDI ARABIA

Abdulaziz Mohammed F. ALJTHALEEN (Mr.), Legal Counsel, Department of Law, Ministry of Energy, Industry and Mineral Resources, Riyadh

Abdulrahman ALSURAYKH (Mr.), Senior Project Manager, Saudi Authority for Intellectual Property (SAIP), Riyadh

#### CANADA

Kelly BARKER (Ms.), Manager, Trademarks Examination, Canadian Intellectual Property Office (CIPO), Gatineau

#### NIGÉRIA/NIGERIA

Temitope Adeniran OGUNBANJO (Mr.), Senior Assistant Registrar, Trademarks Registry, Federal Ministry of Industry, Trade and Investment, Abuja

### THAÏLANDE/THAILAND

Kasama CHAYCHOM (Ms.), Trademark Examiner, Department of Intellectual Property (DIP), Ministry of Commerce, Nonthaburi

Wichittra KRULAWONG (Ms.), Trademark Examiner, Department of Intellectual Property (DIP), Ministry of Commerce, Nonthaburi

### III. ORGANISATIONS INTERNATIONALES INTERGOUVERNEMENTALES/ INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

### OFFICE BENELUX DE LA PROPRIÉTÉ INTELLECTUELLE (OBPI)/BENELUX OFFICE FOR INTELLECTUAL PROPERTY (BOIP)

Willy NEYS (Mr.), Lawyer, Legal Affairs, Benelux Office for Intellectual Property (BOIP), The Hague

#### UNION EUROPÉENNE (UE)/EUROPEAN UNION (EU)

Thom CLARK (Mr.), Classification Expert, International Cooperation and Legal Affairs Department, European Union Intellectual Property Office (EUIPO), Alicante

Martin VUIJST (Mr.), Classification Expert, Boards of Appeal, European Union Intellectual Property Office (EUIPO), Alicante

Mona JARMER (Ms.), Classification Analyst, Digital Transformation Department, European Union Intellectual Property Office (EUIPO), Alicante

Dagmar KORCÁKOVÁ (Ms.), Trademark Assistant, Operations Department, European Union Intellectual Property Office (EUIPO), Alicante

## IV. ORGANISATIONS NON GOUVERNEMENTALES/NON-GOVERNMENTAL ORGANIZATIONS

Association internationale pour les marques (INTA)/International Trademark Association (INTA) Bruno MACHADO (Mr.), Representative, Geneva

Institut de la propriété intellectuelle du Canada (IPIC)/Intellectual Property Institute of Canada (IPIC)

Kimberley BAILLIE (Ms.), Member, Trademark Agent, Gowling WLG, Ottawa

#### Japan Patent Attorneys Association (JPAA)

Emi AOSHIMA (Ms.), Japan Patent Attorney, Trademark Department, Yuasa and Hara, Tokyo Motohiro KATSUMI (Mr.), Japan Patent Attorney, Trademark Department, Aoyama & Partners, Osaka

## V. BUREAU/OFFICERS

Présidente/Chair:	Monique CHOINIERE (Mme/Ms.) (États-Unis d'Amérique/United States of America)
Vice-présidents/Vice-Chairs:	Sébastien TINGUELY (M./Mr.) (Suisse/Switzerland) Chi Suan KOK (Mme/Ms.) (Singapour/Singapore)
Secrétaire/Secretary:	Alison ZÜGER (Mme/Ms.) (OMPI/WIPO)

#### VI. <u>SECRÉTARIAT DE L'ORGANISATION MONDIALE DE LA PROPRIÉTÉ</u> INTELLECTUELLE (OMPI)/SECRETARIAT OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Francis GURRY (M./Mr.), directeur général/Director General

Yoshiyuki TAKAGI (M./Mr.), sous-directeur général/Assistant Director General

Kunihiko FUSHIMI (M./Mr.), directeur, Division des classifications internationales et des normes, Secteur de l'infrastructure mondiale/Director, International Classifications and Standards Division, Global Infrastructure Sector

Patrick FIÉVET (M./Mr.), chef, Section des systèmes informatiques, Division des classifications internationales et des normes, Secteur de l'infrastructure mondiale/Head, IT Systems Section, International Classifications and Standards Division, Global Infrastructure Sector

Alison ZÜGER (Mme/Ms.), chef, Section des classifications pour les marques et les dessins et modèles, Division des classifications internationales et des normes, Secteur de l'infrastructure mondiale/Head, Mark and Design Classifications Section, International Classifications and Standards Division, Global Infrastructure Sector

Helen WHITTINGHAM (Mme/Ms.), administratrice aux classifications, Section des classifications pour les marques et les dessins et modèles, Division des classifications internationales et des normes, Secteur de l'infrastructure mondiale/Classifications Officer, Mark and Design Classifications Section, International Classifications and Standards Division, Global Infrastructure Sector

Consuelo CONDE YUBERO (Mme/Ms.), administratrice adjointe chargée des systèmes informatiques, Section des systèmes informatiques, Division des classifications internationales et des normes, Secteur de l'infrastructure mondiale/Associate Information Systems Officer, IT Systems Section, International Classifications and Standards Division, Global Infrastructure Sector

[L'annexe II suit/ Annex II follows]

# ANNEX II (see paragraph 5 of this report)

## AGENDA

		Paragraphs
		(Annexes)
1.	Opening of the session	2
2.	Adoption of the agenda See the present document.	5 (II)
3.	Consideration of proposals carried forward from the 28 <sup>th</sup> session and pending approval See project <u>CE292, Annex 1</u> .	11, 12
4.	Consideration of proposals for amendments and other changes to NCL (11-2019)	
	(a) Various proposals See project <u>CE292</u> , <u>Annex 2</u> .	13 - 15
	<ul> <li>(b) Typical regional products</li> <li>See project <u>CE292</u>, <u>Annex 3</u>.</li> </ul>	16 - 18
	<ul> <li>(c) Class Headings revision</li> <li>See project <u>CE292</u>, <u>Annex 4</u>.</li> </ul>	19, 20
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5.	New revision procedure with NCLRMS (Nice Classification Revision Management Solution) See project <u>CE292, Annex 7</u> .	25, 26
6.	Report on NCL-related IT systems	27 - 29
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8.	Closing of the session	31

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## **TECHNICAL ANNEXES**

[The Technical Annexes are available on the Electronic Forum, under Project <u>CE290</u> <u>https://www3.wipo.int/nef/public/nice</u>]

[End of Technical Annexes and of document]