

WIPO



CLIM/GTP/23/2

English only

DATE: January 17, 2003

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-Third Session
Geneva, March 31 to April 4, 2003**

ADDITIONAL PROPOSALS FOR CHANGES TO THE EIGHTH EDITION
OF THE NICE CLASSIFICATION

Document prepared by the International Bureau

1. At its twenty-second session held in Geneva from April 8 to 12, 2002, the Preparatory Working Group of the Committee of Experts of the Nice Union invited member States of the said Union and intergovernmental organizations (see paragraph 12 of document CLIM/GTP/22/5) to submit additional proposals for changes to the alphabetical list of goods and services of the eighth edition of the Nice Classification.

2. Annexes to this document contain additional proposals that were submitted by Germany (Annex I), Japan (Annex II), the Russian Federation (Annex III), the United Kingdom (Annex IV) and the United States of America (Annex V).

3. The Preparatory Working Group is invited to consider the above-mentioned proposals and decide thereon.

[Annexes follow]

E

ANNEX I

Deutsches Patent- und Markenamt

München, den 7. November 2002

Telefon: (0 89) 21 95 - 4480

Deutsches Patent- und Markenamt · 81534 München

M. Jean-Paul Hoebreck
 Head of International Trademark and
 Industrial Design Classification Section - WIPO
 34, chemin des Colombettes

Ihr Zeichen: C.NCL 16

CH-1211 Genf (Schweiz)

Bitte Aktenzeichen und Anmelder/Inhaber bei allen Eingaben und Zahlungen angeben

Zutreffendes ist angekreuzt und/oder ausgefüllt

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

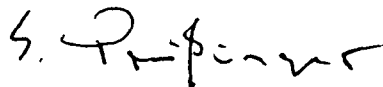
Dear Sir,

the German Patent- and Trademark Office would like to submit to the Preparatory Working Group (meeting from march 31 until april 4th 2003) again some proposals, which have been withdrawn by Mr. Paetzold in the last meeting. In the meantime the German Office has reconsidered these proposals and found that they could be useful. It is the following proposals:

DE-1-007	Cl. 38	Providing channels for teleshopping services
DE-1-010	Cl. 38	Hotline services for internet users
DE-1-011	Cl. 38	SMS services
DE-1-012	Cl. 38	Providing internet chatrooms
DE-1-013	Cl. 38	E-mail services
DE-1-016	Cl. 41	Arranging of games in the internet

Looking forward to meeting you in the working group.

Yours



Dr. E. Preißinger

Responsible for Classification and Documentation

A 9112
01/2000
4 95

Annahmestelle und
Nachbriefkasten
nur
Zweibrückenstraße 12

Dienstgebäude
Zweibrückenstraße 12 (Hauptgebäude)
Zweibrückenstraße 5-7 (Breiterhof)
Cincinnatistraße 64

Hausadresse (für Fracht)
Deutsches Patent- und Markenamt
Cincinnatistraße 64
81549 München

Telefon (089) 2195-0
Telefax (089) 2195-2221

Bank: Landeszentralbank München 700 010 54
(BLZ 700 000 00)

Internet-Adresse <http://www.dpma.de>

Schnellbahnschluß im
Münchner Verkehrs- und
Tarifverbund (MVV)

Zweibrückenstraße 12 (Hauptgebäude),
Zweibrückenstraße 5-7 (Breiterhof)
S1 - SB Isartor

Cincinnatistraße 64
S2 Fasangarten Bus 98 oder 99

[Annex II follows]

ANNEX II



JAPAN PATENT OFFICE
MINISTRY OF ECONOMY, TRADE AND INDUSTRY
GOVERNMENT OF JAPAN

3-4-3 Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, JAPAN
Phone: 81-3-3581-1898 Fax: 81-3-3581-0762

October 25, 2002

Mr. Jean-Paul Hoebreck
Director
International Registrations Department
World Intellectual Property Organization
34, chemin des Colombettes,
1211 Genève 20
SUISSE

Dear Mr. Jean-Paul Hoebreck

In reply to your report of the Twenty-Second Session of the Preparatory Working Group (CLIM/GTP/22/5) of April 12, 2002 I have pleasure in sending you herewith the Japanese new proposals for changes to the eighth edition of the Nice Classification.

I have enclosed the Japanese Proposal List.

Sincerely yours,

Seiji Yamada
Director
Trademark Division
Japan Patent Office

Japanese Proposal

Category

Prop No.	Class	Indication	Remarks/Observations
	5	Dental bleaching gels for medical purposes	New indication

Justification for a new indication

US-1-004 (dental bleaching gels) is adopted in Class 3. However, for the purpose of clearly separating this product and the product for medical use used by dentists, we propose changing the indication "dental bleaching gels" to the above indication.

Japanese Proposal

Category 3

Prop. No	Class	Proposal	Remarks/Observations
BX-1-006	3	Change "Neutralizing odors on clothing or textiles (Preparations for-)" to "Neutralizing odors on clothing or textiles for laundry use (Preparations for-)"	
US-1-004	3	Change "Dental bleaching gels" to "Dental bleaching gels, not for medical purposes"	c.f New Japanese indication

Justification of transfer

1. Reason for proposal (BX-1-006)

BX-1-006 (Neutralizing odors on clothing or textiles) is adopted in Class 3. However, there are many types of neutralizing odors. In accordance with the explanatory note to Class 5 (sanitary preparation for personal hygiene, other than toiletries; and deodorants other than for personal use;), products other than those for laundry use are thought of as contained in Class 5. To prevent confusion with Class 5 we propose amendment to the general explanatory note of Class 3 to the effect that it contains the expression "for laundry use."

2. Reason for proposal (US-1-004)

Please refer to the new Japanese proposal.

ANNEX III

РОССИЙСКОЕ
АГЕНТСТВО ПО ПАТЕНТАМ
И ТОВАРНЫМ ЗНАКАМ
(РОСПАТЕНТ)



RUSSIAN
AGENCY FOR PATENTS
AND TRADEMARKS
(ROSPATENT)

123995, Москва, Бережковская наб., 30, корп. 1
Телефон 240-60-15. Телекс 114818 ПДЧ. Факс 243-33-37

30-1, Berezhkovskaya nab., 123995, Moscow, Russia
Phone: (095) 240-6462, 240-6179 Fax: (095) 243-3337

Dr. Kamil IDRIS
Director General
World Intellectual Property Organization
34, chemin des Colombettes
1211 Geneva, SWITZERLAND

Your ref. _____ Date _____
Our ref. 45/14-287 Date 07.08.2002

Dear Dr. IDRIS,

Within the framework of the 22-th session of the Preparatory Working Group of the Nice Union for International Classification of Goods and Services for the Purpose of the Registration of Marks please find enclosed the proposals concerning improvements in the 8-th edition of ICGS.

Sincerely yours

A handwritten signature in black ink, appearing to read 'A. Korhagin'.

A. KORHAGIN
Director General

Proposals concerning improvements in the 8-th edition of ICGS

Category A

- new recommendations regarding goods and services;
- recommendations regarding deletion of some goods.

Category B

- changes in the class headings and notes.

Classes	Category A	
21	Disposable plates, [paper or plastic]	
21	Disposable covers [plastic] (by analogy with # 210318 – paper or plastic glasses)	
29	Curd	
32	Kvass – a drink based on rye or barley bread or rye meal with malt, sugar and water by analogy with # 320027 orchard	
32	Soft fizzy drinks	
33	Alcoholic fizzy drinks	
40	Restoration of works of art, relics of the past* (by analogy – restoration of furniture # 370060 *Except for building facilities	
44	Maintaining reservoirs artificial (by analogy: lawn maintenance # 440148	
30	To be deleted # 300005 – starch products for food Grounds: starch (3300065) food – floury white powder extracted from plants; is used, in particular, in confections). As an independent goods, it is present in ICGS. Products that contemplate the use of starch refer to different classes; therefore, a common notion - for all foods - is advisable to be deleted from ICGS.	
Classes	Category B	
29	Class heading	Addition: following the words “... preserved fruits,...” to add “frozen, ...” and hereinafter as in the text.

ANNEX IV



INVESTOR IN PEOPLE

Jean-Paul Hoebreck
International Classifications Division
World Intellectual Property Organisation
34 chemin des Colombettes
1211 GENÈVE 20
SUISSE - SWITZERLAND

**The Patent Office
Trade Marks Registry**

Cardiff Road
Newport
South Wales
NP10 8QQ

Switchboard: 01633 8140
Minicom: 0645 22225
Website: www.patent.gov.uk

Our ref TMR
Your ref
Telephone (00 44 1633) 811193
Facsimile (00 44 1633) 8114122
E mail charles.hamilton@patent.gov.uk

14th August 2002

Dear Jean-Paul

**PREPARATORY WORKING GROUP:
TWENTY-THIRD SESSION
GENEVA, MARCH 31 TO APRIL 4, 2003**

I have pleasure in enclosing proposals to revise the 8th edition of the International Classification, to be discussed at the 23rd meeting of the Preparatory Working Group, due to next meet on March 31st, 2003.

I have restricted the United Kingdom proposals to two items which have been causing our office problems and if any further explanation is required, please let me know.

Yours sincerely

**CHARLES HAMILTON
FOR THE REGISTRAR, THE COMPTROLLER GENERAL
THE PATENT OFFICE OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND**



**23rd MEETING OF THE PREPARATORY WORKING GROUP
Changes in the text to the Explanatory Notes**

Proposal to modify part of the text of the explanatory notes of Class 35

The following explanatory notes appear in the 8th edition of the International Classification under Class 35:

Includes, in particular:

- the bringing together, for the benefit of others, of a variety of goods (excluding the transport thereof), enabling customers to conveniently view and purchase those goods;

Does not include, in particular:

- activity of an enterprise the primary function of which is the sale of goods, i.e. of a so-called commercial enterprise;

Reason for modification of the text

The origins of “the bringing together etc” are well known: this phrase was added to the 7th edition in 1997 in order to reflect that retailing as a service is in Class 35. The note which excludes activities of an enterprise whose primary function is the sale of goods first appeared in 1983 and is intended to serve as a warning that the sale of goods cannot be a service. Neither of these explanatory notes are clear. For example, the “bringing together etc” does not mention retailing at all and needs to be expanded in order to put these activities into context. Furthermore, the reference under “Does not include, in particular” to “a so-called commercial enterprise” is not capable of clear definition and may include within its scope such enterprises as retail stores whose primary function is to bring together goods for the purpose of sales. Both explanatory notes cause problems because the users of the International Classification find them difficult to interpret and they appear contradictory. It is therefore proposed that these notes should be modified as follows:

Includes, in particular:

- the bringing together, for the benefit of others, of a variety of goods (excluding the transport thereof), enabling customers to conveniently view and purchase those goods; such services may be provided by retail stores, through mail order catalogues or by means of electronic media, e.g. through web sites or television shopping programmes.

Does not include, in particular:

- goods: although this class includes the services of enterprises whose primary function is to facilitate the sale of products, Class 35 is a service class and therefore cannot include any goods (consult the alphabetical list of goods).



INVESTOR IN PEOPLE

23rd MEETING OF THE PREPARATORY WORKING GROUP

Existing indications to be deleted

CI.	SERIAL No. (E)	INDICATION OF SERVICES (English version)	BASIC No.	INDICATION OF SERVICES (French version)	SERIAL No.(F)
37	V 0013	Vehicle service stations	370083	stations-service	S 0038

Reason for deletion:

The term “service station” is defined as “an establishment beside a road selling petrol and oil and typically having the facilities to carry out maintenance”. In the context of Class 37 this item cannot include the sale of goods and therefore the only service which is within its scope is the maintenance of vehicles. The present entry causes considerable confusion and since there is already in the International Classification an existing entry for “vehicle maintenance” - V 0008 (Fr “véhicules (entretien de-) - V 0008), it is proposed that this item should be deleted.

An Executive Agency of the Department of Trade and Industry

[Annex V follows]

ANNEX V

From: <Eleanor.Meltzer@USPTO.GOV>
To: <arlette.groppi@wipo.int>
Date: 9/10/02 7:57PM
Subject: Proposals of the United States for the 23rd Session of the Preparatory Working Group (Nice Agreement)

Dear Ms. Groppi:

I have the pleasure of transmitting herewith the proposals of the United States of America for consideration at the twenty-third session of the Preparatory Working Group for the Nice Agreement (March 31 - April 4, 2003).

This electronic-mail transmission serves as the formal submission of the United States of America of its proposals for the twenty-third session of the Preparatory Working Group for the Nice Agreement.

Best regards,

Eleanor K. Meltzer
Attorney-Advisor
Office of International Relations
Tel: (703) 306-2960
Fax: (703) 305-8885

**PROPOSALS BY THE UNITED STATES OF AMERICA FOR THE 23ND
SESSION OF THE PREPARATORY WORKING GROUP**

The following are proposals by the United States of America for consideration at the twenty-third session of the Preparatory Working Group for the Nice Agreement (March 31 – April 4, 2003)

Most of the U.S. proposals concern the classification of goods made from precious metals. The classification of such goods has caused confusion since some, but not all, goods that can be made of precious metal are specifically included in the alphabetical list for Class 14 of the Nice Agreement. However, the Nice Agreement is silent as to whether goods that are made of precious metal but are not specifically listed in Class 14 should also be classified in Class 14 or whether they should be classified in the class that is appropriate for the same goods when not made of precious metal. The proposals by the United States attempt to simplify this area of classification by making it clear that all goods that are made of precious metal are classified in the same class as are those goods when not made of precious metal. These proposals remove all specific goods from Class 14 that have been included in that Class in the alphabetical list when made of precious metal. Further, entries for those goods in classes other than Class 14 have had the language “not made of precious metal” deleted from their entries. Only items that are classified by their material compositions have been left in Class 14 and in corresponding classes of material composition. An example of such an item is statuettes. Statuettes are classified in Class 14 when they are made of precious metal. They are also classified in Class 6 when made of common metal, Class 21 when made of porcelain, terra-cotta or glass, Class 19 when made of stone, concrete or marble and Class 20 when made of wood, wax, plaster or plastic. Other goods that are presently in the alphabetical list and are treated in a similar manner are boxes [for general use], busts, figurines [statuettes], statues and works of art. These remain as they currently exist in the list.

Other than this extensive proposal, the other proposal made by the U.S. for the 23rd meeting of the Preparatory Working Group is the transfer of hosting computer sites [web sites] (420200) from Class 42 to Class 38. Hosting a computer site is a necessary service provided to entities who wish to have a site on the global computer network but do not have the resources to support a computer server of their own. Since the hosting of the site is the first step necessary in establishing a means of communication on the global communication network, it is more appropriate to classify this service in Class 38 than in Class 42.

PRECIOUS METAL-RELATED PROPOSALS

Deletions in Class 14:

Ashtrays, of precious metal, for smokers	140131
Badges of precious metal	140152
Baskets of precious metal, for household purposes	140139
Boxes of precious metal for needles	140130
Boxes of precious metal for sweetmeats	140115
Buckles of precious metal	140116
Cabarets [trays] of precious metal	140124
Candelabra [candlesticks] of precious metal	140026
Candle extinguishers of precious metal	140038
Candle rings of precious metal	140112
Candlesticks of precious metal	140026
Chain mesh purses of precious metal	140121
Cigar boxes, of precious metal	140134
Cigar cases, of precious metal	140132
Cigar holders of precious metal	140136
Cigarette cases, of precious metal	140133
Cigarette holders of precious metal	140137
Coffee services of precious metal	140153
Coffeepots, non-electric, of precious metal	140054
Cruet stands of precious metal, for oil and vinegar	140156
Cruets of precious metal	140161
Cups of precious metal	140101
Dishes of precious metal	140090
Egg cups of precious metal	140061
Epergnes of precious metal	140099
Flasks of precious metal	140149
Goblets of precious metal	140041
Gold and silver ware, other than cutlery, forks and spoons	140065
Harness fittings of precious metal	140155
Hat ornaments [of precious metal]	140117
Household containers of precious metal	140054
Household utensils of precious metal	140053
Jugs of precious metal	140140
Kitchen containers of precious metal	140141
Match boxes of precious metal	140105
Match holders of precious metal	140078
Napkin holders of precious metal	140092
Napkin rings of precious metal	140084
Needle cases of precious metal	140129

Needles of precious metal	140081
Nutcrackers of precious metal	140128
Objects of imitation gold	140020
Oil cruets of precious metal	140156
Pepper pots of precious metal	140076
Plated articles [precious metal plating]	140036
Powder compacts of precious metal	140080
Purses of precious metal	140056
Sacred vessels of precious metal	140086
Sacred vessels of precious metal	140086
Salad bowls of precious metal	140087
Salt cellars of precious metal	140088
Salt shakers of precious metal	140088
Saucers of precious metal	140093
Services [tableware] of precious metal	140089
Shoe ornaments [of precious metal]	140119
Silver and gold ware, other than cutlery, forks and spoons	140065
Silver plate [plates, dishes]	140108
Snuff boxes of precious metal	140100
Soup bowls of precious metal	140094
Strainers of precious metal	140071
Sugar bowls of precious metal	140098
Table plates of precious metal	140110
Tankards of precious metal	140154
Tea caddies of precious metal	140114
Tea infusers of precious metal	140120
Tea services of precious metal	140091
Tea strainers of precious metal	140148
Teapots of precious metal	140102
Threads of precious metal [jewellery, jewelry(Am.)]	140040
Tobacco jars of precious metal	140079
Toothpick holders of precious metal	140142
Towel holders of precious metal	140092
Trays of precious metal, for household purposes	140138
Urns of precious metal	140103
Vases of precious metal	140077

Amend

CL	BASIC	FROM	TO
06	060429	Money clips of common metal	Money clips of metal
08	080215	Nutcrackers, not of precious metal	Nutcrackers
18	180090	Chain mesh purses, not of precious metal	Chain mesh purses
18	180099	Harness fittings, not of precious metal	Harness fittings
21	210244	Boxes, not of metal, for sweetmeats	Boxes for sweetmeats
21	210266	Baskets, for domestic use, not of precious metal	Baskets for domestic use
21	210058	Cabarets [trays] not of precious metal	Cabarets [trays]
21	210245	Candelabra [candlesticks], not of precious metal	Candelabra [candlesticks]
21	210295	Candle extinguishers, not of precious metal	Candle extinguishers
21	210242	Candle rings, not of precious metal	Candle rings
21	210245	Candlesticks, not of precious metal	Candlesticks
21	210244	Candy boxes, not of precious metal	Candy boxes
21	210255	Coffee services, not of precious metal	Coffee services
21	210287	Coffeepots, non-electric, not of precious metal	Coffeepots, non-electric
21	210199	Containers for household or kitchen use [except in precious metal]	Containers for household or kitchen use
21	210272	Kitchen containers, not of precious metal	Kitchen containers
21	210292	Cruet stands for oil and vinegar, not of precious metal	Cruet stands for oil and vinegar
21	210057	Cruets, not of precious metal	Cruets
21	210220	Cups, not of precious metal	Cups
21	210208	Dishes, not of precious metal	Dishes*
21	210165	Egg cups, not of precious metal	Egg cups
21	210219	Epergnes, not of precious metal	Epergnes
21	210289	Flasks, not of precious metal	Flasks
21	210232	Goblets, not of precious metal	Goblets
21	210159	Utensils for household purposes, not of precious metal	Utensils for household purposes
21	210273	Kitchen utensils, not of precious metal	Kitchen utensils
21	210210	Napkin holders, not of precious metal	Napkin holders
21	210200	Napkin rings, not of precious metal	Napkin rings
21	210292	Oil cruets, not of precious metal	Oil cruets
21	210185	Pepper pots, not of precious metal	Pepper pots
21	210195	Powder compacts, not of precious metal	Powder compacts
21	210202	Sacred vessels, not of precious metal	Sacred vessels
21	210203	Salad bowls, not of precious metal	Salad bowls
21	210204	Salt cellars, not of precious metal	Salt cellars
21	210204	Salt shakers, not of precious metal	Salt shakers
21	210212	Saucers, not of precious metal	Saucers
21	210207	Services [tableware], not of precious metal	Services [dishes]

21	210214	Soup bowls, not of precious metal	Soup bowls
21	210174	Strainers, not of precious metal	Strainers
21	210218	Sugar bowls, not of precious metal	Sugar bowls
21	210235	Table plates, not of precious metal	Table plates
21	210291	Tankards, not of precious metal	Tankards
21	210240	Tea balls, not of precious metal	Tea balls
21	210038	Tea caddies, not of precious metal	Tea caddies
21	210209	Tea services, not of precious metal	Tea services
21	210248	Tea infusers, not of precious metal	Tea infusers
21	210288	Tea strainers, not of precious metal	Tea strainers
21	210222	Teapots, not of precious metal	Teapots
21	210275	Toothpick holders, not of precious metal	Toothpick holders
21	210267	Trays for domestic purposes, not of precious metal	Trays for domestic purposes
21	210226	Urns, not of precious metal	Urns*
21	210190	Vases, not of precious metal	Vases
21	210271	Jugs, not of precious metal	Jugs
21	210232	Mugs, not of precious metal	Mugs
21	210271	Pitchers, not of precious metal	Pitchers
21	210271	Pots, not of precious metal	Pots
21	210291	Tableware [other than knives, forks and spoons] not of precious metal	Tableware [other than knives, forks and spoons]
26	260092	Boxes, not of precious metal, for needles	Boxes for needles
26	260091	Needle cases, not of precious metal	Needle cases
26	260016	Hat ornaments [not of precious metal]	Hat ornaments
26	260035	Shoe ornaments [not of precious metal]	Shoe ornaments
26	260035	Shoe ornaments [not of precious metal]	Shoe ornaments
26	260101	Badges for wear, not of precious metal	Badges for wear
34	340036	Ashtrays, not of precious metal, for smokers	Ashtrays for smokers
34	34015	Cigar boxes, not of precious metal	Cigar boxes
34	340015	Cigar cases, not of precious metal	Cigar cases
34	340016	Cigarette cases, not of precious metal	Cigarette cases
34	340017	Cigar holders, not of precious metal	Cigar holders
34	340022	Cigarette holders, not of precious metal	Cigarette holders
34	340035	Match boxes, not of precious metal	Match boxes
34	340031	Match holders, not of precious metal	Match holders
34	340034	Snuff boxes, not of precious metal	Snuff boxes
34	340032	Tobacco jars, not of precious metal	Tobacco jars

Other deletions

CL	BASIC #	GOODS
18	180064	Purses, not of precious metal
26	260029	Thread of metal for embroidery

Transfer proposal not related to precious metal proposals

Service	Basic #	Transfer from	Transfer to
Hosting computer sites [web sites]	420200	42	38