

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)**

AD HOC WORKING GROUP

**Second session
Geneva, October 6, 2008**

SUMMARY BY THE CHAIR

INTRODUCTION

1. The *ad hoc* Working Group of the Committee of Experts of the Nice Union (hereinafter referred to as “the *ad hoc* Working Group”) held its second session in Geneva on October 6, 2008.
2. The following members of the Nice Union were represented at the session: Austria, Australia, China, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Mexico, Netherlands, Norway, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Singapore, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom and United States of America (33). The following States were represented by observers: Brazil, Congo, Libyan Arab Jamahiriya, Qatar, Sudan, Thailand (6). 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) took part in 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 summary.

Agenda Item 1: Opening of the Session

4. The session was opened by Mr. Ernesto Rubio, Assistant Director General, who welcomed the participants on behalf of the Director General.

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

5. The *ad hoc* Working Group unanimously elected Mr. Chan Louis (Singapore) as Chair and Mrs. Jessie Roberts (United States of America) as Vice-Chair.

6. Mr. Marcus Höpferger (WIPO) acted as Secretary of the session.

Agenda Item 3: Adoption of the Agenda

7. The *ad hoc* Working Group unanimously adopted the agenda, which is reproduced in Annex II to this summary.

Agenda Item 4: Draft electronic form for the submission of proposals for changes and amendments to the Nice Classification

8. The *ad hoc* Working Group discussed the possible contents of an electronic form for the submission of proposals for changes and amendments to the Nice Classification, based on an informal model prepared by the Secretariat.

9. The Chair concluded that the *ad hoc* Working Group agreed that proposals for changes and amendments to the Nice Classification should be presented in a format following the model prepared by the Secretariat, subject to adding one field allowing for the indication of related proposals.

Agenda Items 5 and 6: Establishment of a Nice Classification electronic forum. Discussion

10. The Secretariat presented a rough model for a Nice Classification electronic forum, based on standard web-based conference software.

11. The Chair noted wide-spread support within the *ad hoc* Working Group for the development of an online Nice Classification electronic forum for the presentation and discussion of proposals for changes and amendments to the Nice Classification. The following points, which were made by several delegations, should be taken into consideration in the development of such an electronic forum: the translation of explanations accompanying proposals; the admission for participation in the e-forum; the creation of a data-export function; the possibility of editing a proposal, once it has been published on the e-forum; a schedule for the publication of proposals and comments thereon; rules concerning decision making on the e-forum, if any.

12. In conclusion, the Chair noted that the Secretariat was asked to further work on a prototype for an e-forum and to present it at the next session of the *ad hoc* Working Group.

Agenda Item 7: Draft revised rules of procedure of the Committee of Experts of the Nice Union

13. Discussion was based on document CLIM/WG/2/2.

14. The Chair noted that a number of delegations had not had sufficient time to study the proposal and, thus, wished to reserve their position on the draft revised Rules of Procedures for the Committee of Experts under the Nice Union.

15. The Delegation of Japan stated that it was opposed to shortening the revision period of the Classification to under five years and to the entry into force of certain changes on a yearly basis. The Delegation explained that ordinances and explanatory notes concerning the entry into force of new editions of the Classification had to be prepared in its country, and the yearly elaboration of those materials presented too heavy a workload. Changes that were adopted on a yearly basis should, according to the Delegation, enter into force once every five years.

16. The Representative of the INTA suggested adding a provision to the Rules of Procedures similar to Article 3(2)(c) of the Nice Agreement that would give the Director General of the World Intellectual Property Organization the mandate to invite certain non-governmental organizations (NGOs) to participate in subcommittees and working groups established by the Committee of Experts.

Agenda Item 8: Summary by the Chair

17. The Chair announced that the Summary by the Chair (document CLIM/WG/2/3) would be made available by the Secretariat on WIPO's website.

Agenda Item 9: Closing of the Session

18. The Chair closed the session.

[Annexes follow]