

# WIPO



CLIM/WG/3/3

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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**

**Third Session  
Geneva, November 16, 2009**

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 third session in Geneva on November 16, 2009.
2. The following members of the Nice Union were represented at the session: Austria, Australia, China, Denmark, Finland, France, Germany, Ireland, Italy, Japan, Luxembourg, Mexico, Netherlands, Norway, Poland, Russian Federation, Singapore, Spain, Sweden, Switzerland, Turkey, United Kingdom and United States of America (23). Viet Nam was represented as observer. Representatives of the following international intergovernmental organizations took part in the session in an observer capacity: Benelux Organisation for Intellectual Property (BOIP) and the Commission of the European Communities (CEC). A representative of the following international non-governmental organization (NGO) took part in the session in an observer capacity: 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. Antonios Farassopoulos, Head, International Classifications and WIPO Standards Service, 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. Mike Foley (United Kingdom) as Chair and Ms. Chrissie Norman (Australia) as Vice-Chair.

6. Mr. Antonios Farassopoulos (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 Items 4 and 5: Oral presentation by the Secretariat and discussion of document CLIM/WG/3/2

8. Following an oral presentation on a prototype of the electronic forum by the Secretariat, and a discussion on document CLIM/WG/3/2, Draft Revised Rules of Procedure of the Committee of Experts of the Nice Union, the Chair presented the following summary to the *ad hoc* Working Group:

Agenda Item 6: Summary by the Chair

- (i) The *ad hoc* Working Group confirmed its agreement to the introduction of an electronic forum to facilitate the submission and discussion of proposals for changes and amendments to the alphabetical list (as detailed in the Chairs' summary under paragraph 8 of document CLIM/WG/1/3 of the first *ad hoc* Working Group) with the additional facility to vote on proposals for new entries and deletions from the alphabetical list – see the consequential amendment to the rules of procedure at paragraph (ii) below.
- (ii) The *ad hoc* Working Group extensively discussed document CLIM/WG/3/2 setting out draft rules of procedure of the Committee of Experts of the Nice Union. In particular, comments were made regarding the need to ensure concordance in the provisions of the proposed Rules 3(3) and 7. With this in mind the *proposed* rules were agreed in principle, the main points being as follows:
  - (a) The Committee of Experts of the Nice Union will hold a meeting at least once every year.

- (b) The Committee of Experts shall be able to take decisions by electronic means. Such decisions include the adoption of the reports of its sessions and the adoption of additions to or deletions from the alphabetical list of the Nice Classification.
- (c) More complex decisions, in particular, those involving transfers or restructuring would be a matter for decision at the meeting of the Committee of Experts.
- (d) Noting that under the proposed *Rule 7: Adoption of Amendments and Other Changes to the Nice Classification* the Committee of Experts would have the discretion to set the date of coming into force of the changes, the provisions of Article 4 of the Agreement<sup>1</sup> *Notification, Entry Into Force and Publication of Changes* mean that, for amendments, this could be no earlier than six months after the date of dispatch of the corresponding notification to the countries members of the Nice Union.
- (e) A new edition of the Nice Classification will be published in electronic form every five years.
- (f) Decisions concerning the addition of new entries to the alphabetical list, or the deletion of existing entries will, unless decided otherwise by the Committee of Experts, come into force on 1 January of a given year, and will be published electronically by reference to the preceding edition, for example, 9.1 (9<sup>th</sup> Edition, Version 1).

9. The new Revised Draft of Rules of Procedure will be submitted to the Committee of Experts for discussion and approval at its next session, which will be held in Geneva, from November 22 to December 1, 2010.

Agenda Item 7: Closing of the Session

10. The Chair closed the session.

[Annexes follow]

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<sup>1</sup> Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks