



**WIPO | MADRID**

The International  
Trademark System

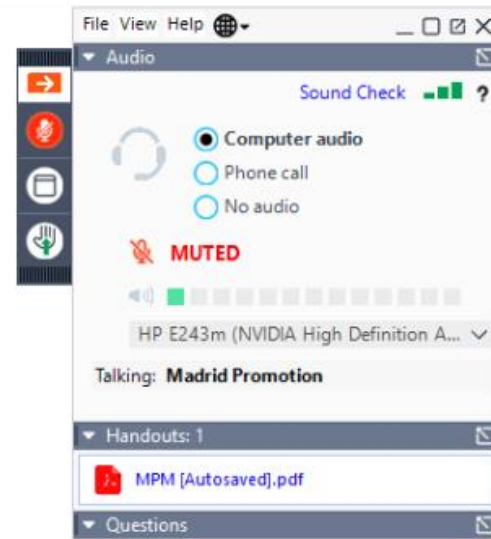
# Understanding the International Classification of Goods and Services

## Webinar on the Madrid System

**Geneva**  
**28 August 2019**

Anna Wakefield  
Examiner, Madrid Operations Section

# How to use GoToWebinar



# Structure of the Webinar

- Presentation: Understanding the International Classification of Goods and Services
  - ❖ International Classification System
  - ❖ WIPO examination practices
- Interactive questions during the webinar
- Questions & Answer session at the end
- Presentation slides available for download. Recording will be uploaded on the [Madrid Webinar page](#).
- Short survey to provide feedback

# The Importance of Classification

- Classification may be defined as the process in which ideas or objects are categorized or grouped according to established criteria
- Classification is an important part of the trademark registration process



# Question

- What is the name of International Classification of Goods and Services used by WIPO and many other contracting parties?
  - Locarno classification
  - Vienna classification
  - Nice classification
  - Madrid classification

# International Classification of Goods and Services

- The Nice Classification is an international classification system used to classify goods and services for the purposes of the registration of marks
- There is two parts which consist of 34 classes of goods and 11 classes of services – 45 classes in total

# The Nice Agreement

- In addition to the WIPO, over 150 national/regional Offices use the Nice Classification, including:
  - ❖ the African Intellectual Property Organization (OAPI),
  - ❖ the African Regional Intellectual Property Organization (ARIPO),
  - ❖ the Benelux Office for Intellectual Property (BOIP), and
  - ❖ the European Union Intellectual Property Office (EUIPO)
  - ❖ Brazil and Canada
- In January 2019, 85 Member States party to the Nice Agreement.
- Nice Classification is also used by Offices not party to the Nice Agreement.

# Revisions of the Nice Classification

- The Committee of Experts (CE) of the Nice Union carries out revisions of the NCL
- All countries of the Nice Union are members of the CE
- The CE decides and adopts all changes to the NCL. These are published as new editions every five years and new versions every year.



# Question

- Revisions to the Nice classification were made this year during what session number of the CE?
  - 3rd
  - 29th
  - 15th
  - 77th

# Revisions of the Nice Classification

- The last revision was the 29th session (Geneva, April 29 to May 3, 2019).
- Revisions made during the 29th session will enter into force on 1 January 2020 and be published online in a new version of the eleventh edition (NCL11-2020)
- The 30th Session will be held in Geneva in May of 2020.

# The Nice Classification

- The current version of the 11th edition entered into force on 1 January 2019, and is available online
- WIPO will apply the latest edition of the Nice Classification to all applications, regardless of the edition of the Nice Classification applied to the goods and services in the basic application or registration.

# Advantages of using the NCL system

- Trademark applications can be filed with reference to a single classification system
- Drafting of applications is simplified
- Translation work can be simplified if the alphabetical list is used

# Nice Classification Structure

- Class headings describe in very broad terms the nature or field of the goods or services contained in each of the 45 classes
- The explanatory notes describe in greater detail which goods or services do or do not fall in a particular class
- The most detailed level is the alphabetical list which contains around 10,000 indications of goods and 1,000 indications of services.
- The general remarks explain what criteria should be applied if the term cannot be found in the alphabetical list and cannot be classified in accordance with the explanatory notes

NICE HOME PAGE - HELP -  
GUIDANCE  
DOWNLOAD

**EDITION-VERSION**

11-2019

**OTHERS**

----

**CLASS INDEX**

**GOODS**

1 2 3 4 5 6 7 8 9 10  
11 12 13 14 15 16 17 18 19 20  
21 22 23 24 25 26 27 28 29 30  
31 32 33 34

**SERVICES**

35 36 37 38 39 40 41 42 43 44  
45

Pagination

**LANGUAGE**

English

Classes Alphabetical Class Headings General Remarks Modifications Search

## List of Goods and Services in Class Order

Please select a class from the class index.

GUIDANCE  
DOWNLOAD

EDITION-VERSION

11-2019

OTHERS

CLASS INDEX

GOODS

1 2 3 4 5 6 7 8 9 10

11 12 13 14 15 16 17 18 19 20

21 22 23 24 25 26 27 28 29 30

31 32 33 34

SERVICES

35 36 37 38 39 40 41 42 43 44

45

LANGUAGE

English

French

English/French

French/English

Other

LINKS TO TM OFFICES

SHOW

Explanatory Notes

ICLPUB version: 3.2.16

Classes **Alphabetical** Class Headings General Remarks Modifications Search

## **List of Classes with Explanatory Notes**

### **Class 1**

Chemicals for use in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; fire extinguishing and fire prevention compositions; tempering and soldering preparations; substances for tanning animal skins and hides; adhesives for use in industry; putties and other paste fillers; compost, manures, fertilizers; biological preparations for use in industry and science.

### **Class 2**

Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants, dyes; inks for printing, marking and engraving; raw natural resins; metals in foil and powder form for use in painting, decorating, printing and art.

### **Class 3**

Non-medicated cosmetics and toiletry preparations; non-medicated dentifrices; perfumery, essential oils; bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations.

### **Class 4**

Industrial oils and greases, wax; lubricants; dust absorbing, wetting and binding compositions; fuels and illuminants; candles and wicks for lighting.

### **Class 5**

Pharmaceuticals, medical and veterinary preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use, food for babies; dietary supplements for human beings and animals; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

### **Class 6**

Common metals and their alloys, ores; metal materials for building and construction; transportable buildings of metal; non-electric cables and wires of common metal; small items of metal hardware; metal containers for storage or transport; safes.

### **Class 7**

Machines, machine tools, power-operated tools; motors and engines, except for land vehicles; machine coupling and transmission components, except for land vehicles; agricultural implements, other than hand-operated hand tools; incubators for eggs; automatic vending machines.

### **Class 8**

Hand tools and implements, hand-operated; cutlery; side arms, except firearms; razors.

### **Class 9**

[Sitemap](#) [Warnings](#) | [RSS](#) | [Terms of use](#)

## **Class 16**

Paper and cardboard; printed matter; bookbinding material; photographs; stationery and office requisites, except furniture; adhesives for stationery or household purposes; drawing materials and materials for artists; paintbrushes; instructional and teaching materials; plastic sheets, films and bags for wrapping and packaging; printers' type, printing blocks.

### **Explanatory Note**

Class 16 includes mainly paper, cardboard and certain goods made of those materials, as well as office requisites.

This Class includes, in particular:

- paper knives and paper cutters;
- cases, covers and devices for holding or securing paper, for example, document files, money clips, holders for cheque books, paper-clips, passport holders, scrapbooks;
- certain office machines, for example, typewriters, duplicators, franking machines for office use, pencil sharpeners;
- painting articles for use by artists and interior and exterior painters, for example, artists' watercolour saucers, painters' easels and palettes, paint rollers and trays;
- certain disposable paper products, for example, bibs, handkerchiefs and table linen of paper;
- certain goods made of paper or cardboard not otherwise classified by function or purpose, for example, paper bags, envelopes and containers for packaging, statues, figurines and works of art of paper or cardboard, such as figurines of papier mâché, framed or unframed lithographs, paintings and watercolours.

This Class does not include, in particular:

- paints (Cl. 2);
- hand tools for artists, for example, spatulas, sculptors' chisels (Cl. 8);
- teaching apparatus, for example, audiovisual teaching apparatus, resuscitation mannequins (Cl. 9), and toy models (Cl. 28);
- certain goods made of paper or cardboard that are classified according to their function or purpose, for example, photographic paper (Cl. 1), abrasive paper (Cl. 3), paper blinds (Cl. 20), table cups and plates of paper (Cl. 21), bed linen of paper (Cl. 24), paper clothing (Cl. 25), cigarette paper (Cl. 34).



## General Remarks

The indications of goods or services appearing in the class headings are general indications relating to the fields to which, in principle, the goods or services belong. The Alphabetical List should therefore be consulted in order to ascertain the exact classification of each individual product or service.

## GOODS

If a product cannot be classified with the aid of the List of Classes, the Explanatory Notes and the Alphabetical List, the following remarks set forth the criteria to be applied:

- a. A finished product is in principle classified according to its function or purpose. If the function or purpose of a finished product is not mentioned in any class heading, the finished product is classified by analogy with other comparable finished products, indicated in the Alphabetical List. If none is found, other subsidiary criteria, such as that of the material of which the product is made or its mode of operation, are applied.
- b. A finished product which is a multipurpose composite object (e.g., clocks incorporating radios) may be classified in all classes that correspond to any of its functions or intended purposes. If those functions or purposes are not mentioned in any class heading, other criteria, indicated under (a), above, are to be applied.
- c. Raw materials, unworked or semi-worked, are in principle classified according to the material of which they consist.
- d. Goods intended to form part of another product are in principle classified in the same class as that product only in cases where the same type of goods cannot normally be used for another purpose. In all other cases, the criterion indicated under (a), above, applies.
- e. When a product, whether finished or not, is classified according to the material of which it is made, and it is made of different materials, the product is in principle classified according to the material which predominates.
- f. Cases adapted to the product they are intended to contain are in principle classified in the same class as the product.

## SERVICES

If a service cannot be classified with the aid of the List of Classes, the Explanatory Notes and the Alphabetical List, the following remarks set forth the criteria to be applied:

- a. Services are in principle classified according to the branches of activities specified in the headings of the service classes and in their Explanatory Notes or, if not specified, by analogy with other comparable services indicated in the Alphabetical List.
- b. Rental services are in principle classified in the same classes as the services provided by means of the rented objects (e.g., Rental of telephones, covered by Cl. 38). Leasing services are analogous to rental services and therefore should be classified in the same way. However, hire- or lease-purchase financing is classified in Cl. 36 as a financial service.
- c. Services that provide advice, information or consultation are in principle classified in the same classes as the services that correspond to the subject matter of the advice, information or consultation, e.g., transportation consultancy ( Cl. 39), business management consultancy ( Cl. 35), financial consultancy ( Cl. 36), beauty consultancy ( Cl. 44). The rendering of the advice, information or consultancy by electronic means (e.g., telephone, computer) does not affect the classification of these services.
- d. Services rendered in the framework of franchising are in principle classified in the same class as the particular services provided by the franchisor (e.g., business advice relating to franchising ( Cl. 35), financing services relating to franchising ( Cl. 36), legal services relating to franchising ( Cl. 45)).

# Classification of Goods Example

## ■ Leather jackets



## ■ Class heading

 **Class 25**

Clothing, footwear, headwear.

## ■ Explanatory note

### Explanatory Note

Class 25 includes mainly clothing, footwear and headwear for human beings.

## ■ Basic number

 250151 **clothing** of leather

## ■ General remarks

A finished product is in principle classified according to its function or purpose.

# Classification of Services Example

## ■ Rental of helicopters



## ■ Class heading

 **Class 39**

Transport; packaging and storage of goods; travel arrangement.

## ■ Basic number

 390102 aircraft rental

## ■ General remarks

- Rental services are in principle classified in the same classes as the services provided by the means of the rented objects.

# Classification Role of WIPO

- WIPO shall register the international applications “with the classifications and grouping that WIPO considers to be correct”.
- Different practices in the Member States
- WIPO accepts class headings, but not all the designated Contracting Parties will accept them

# International Application: G&S

**10**

## GOODS AND SERVICES

You can find indications that are pre-accepted by the International Bureau in the Madrid Goods & Services Manager (MGS) at [www.wipo.int/mgs/](http://www.wipo.int/mgs/). By using these indications you can avoid possible irregularities concerning the classification of goods and services and a delay in the recording of the international registration.

Please use font “*Courier New*” or “*Times New Roman*”, size 12 pt, or above.

Please make consistent use of a semicolon (;) to clearly specify the goods and services indications in your list, e.g.:  
09 Scientific, optical and electronic apparatus and instruments; screens for photoengraving; computers.  
35 Advertising; compilation of statistics; commercial information agencies.

(a) Indicate below the goods and services for which the international registration is sought:

Class

Goods and services

- G&S for which the mark is to be protected
- G&S must reflect the scope of the basic mark, i.e. they can be narrower, but not broader than those in the basic mark
- Indications should be grouped in the appropriate classes of the Nice Classification

# International Application Irregularities

## ■ Classification of G&S (Rule 12):

- Goods and services not properly classified
- Final responsibility for the classification and grouping of the G/S listed in the international application lies with WIPO

## ■ Indication of G&S (Rule 13):

- Too vague, linguistically incorrect, or incomprehensible for the purposes of classification
- If the term is not amended it is registered with a notation from WIPO

# WIPO Examination Guidelines

- WIPO has developed Examination Guidelines for classification of goods and services – latest version is available online.

# Question

## 10 GOODS AND SERVICES

You can find indications that are pre-accepted by the International Bureau in the Madrid Goods & Services Manager (MGS) at [www.wipo.int/mgs/](http://www.wipo.int/mgs/). By using these indications you can avoid possible irregularities concerning the classification of goods and services and a delay in the recording of the international registration.

Please use font “**Courier New**” or “**Times New Roman**”, size 12 pt, or above.

Please make consistent use of a semicolon (;) to clearly specify the goods and services indications in your list, e.g.:  
09 Scientific, optical and electronic apparatus and instruments; screens for photoengraving; computers.  
35 Advertising; compilation of statistics; commercial information agencies.

(a) Indicate below the goods and services for which the international registration is sought:

Class

Goods and services

9

All goods



# WIPO Guidelines Example

- 2.5.3. Claims for “all goods” or “all other services” in a given class
- WIPO does not accept the use of expressions such as “all goods in class X”, “all services in this class”, “all other goods in this class”







# WIPO Guidelines Example

- 2.5.2. Use of “and the like” or “etc.”
- “And the like” or “etc.” are sometimes used by applicants, with a view to extending the protection to goods or services of a similar nature as the ones already indicated in a class, though without specifying them.
- The International Bureau does not accept the use of the above-mentioned expressions which lack accuracy and do not allow for a clear identification of the goods and services for which protection is sought.

# Madrid Goods & Services Manager

- WIPO's online tool for facilitating national and international trademark filing
- This free tool indicates the goods and services accepted by WIPO and by participating Offices of Contracting Parties
- Over 100,000 English descriptions
- Compile your list in 20 languages, including the 3 official languages of the Madrid System
- Terms pre-approved by WIPO and participating Madrid System members (“check acceptance” feature)
- See [previous webinar](#) for more information on [MGS](#)

## MGS • Madrid Goods & Services Manager

[Import list](#) 
[Export list](#) 
[Print list](#) 
[Delete list](#) 
[Display preferences](#) 
[Translate into...](#) 

**Browse** | **Search**




NICE only

502 results in class(es)

9 36/41/42/46

- 9 computer software
- 9 software for computers
- 42 computer and computer software rental
- 9 application software for cloud computing
- 9 cloud computing software
- 9 computer firewall software
- 9 computer game software
- 9 computer game software, downloadable
- 9 computer game software,

9

Edit class 
Clear class 
Check acceptance by designated Contracting Party (dCP) 

**9** Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments;; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling the distribution or use of electricity; apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data;; recorded and downloadable media, computer software, blank digital or analogue recording and storage media; mechanisms for coin-operated apparatus; cash registers, calculating devices; computers and computer peripheral devices; diving suits, divers' masks, ear plugs for divers, nose clips for divers and swimmers, gloves for divers, breathing apparatus for underwater swimming, fire-extinguisher apparatus.

dCP Accepted by dCP
dCP Rejected by dCP
dCP Status unknown

AT AU BN BX BY CA CH CN CO DE DK EE EM FI GE GB IL IS IT JP KR LV MN MX NO NZ PT RS RU SE SG TR UA US VN

computer software

# Useful Online Resources

- WIPO's [Examination Guidelines Concerning the Classification of Goods and Services in International Applications](#)
- Consult our [Madrid Goods & Services Manager](#)
- [Madrid Goods & Services Manager Webinar](#)
- [Nice Classification](#)



# Q&A Session about the Madrid System

Anna Wakefield  
Examiner,  
Madrid Operations  
Section

Aileen Umali  
Coordinator,  
Madrid Operations  
Section

# Keep Updated on the Madrid System

- Visit the [Madrid Website](#)
- Access [Madrid Webinars](#) records and stay tuned for new topics
- Play our [Madrid “How-to” videos](#)
- Subscribe to [Madrid Notices](#)
- Contact us: [Contact Madrid](#)

