

# Limitations of the list of G&S

Limitations can be requested:

- In an application – Rule 9(4)(a)(xiii)
- To be recorded in an IR – Rule 25(1)(a)(ii)
- In a subsequent designation – amendments to Rule 24(5)

# Limitations in an application

Rule 9(4)(a)(xiii), Form MM 2

## Main List

- Class 1: X; Y; Z
- Class 2: A; B; C

## Full Examination

## Limitation

Class 1: xr; yt  
Class 2: ar; br

Full Examination  
Rule 12 and 13

# Limitation

Rule 25(1), Form MM6

- Time sensitive
- For all or for some of the Designated Contracting Parties
- Additional examination of Nice Classification is not required

## Basic List

Class 1: x; y; z

Class 2: a; b; c

## Limitation

Check class numbers

No rule 12 & 13

examination

# Limitation in a subsequent designation

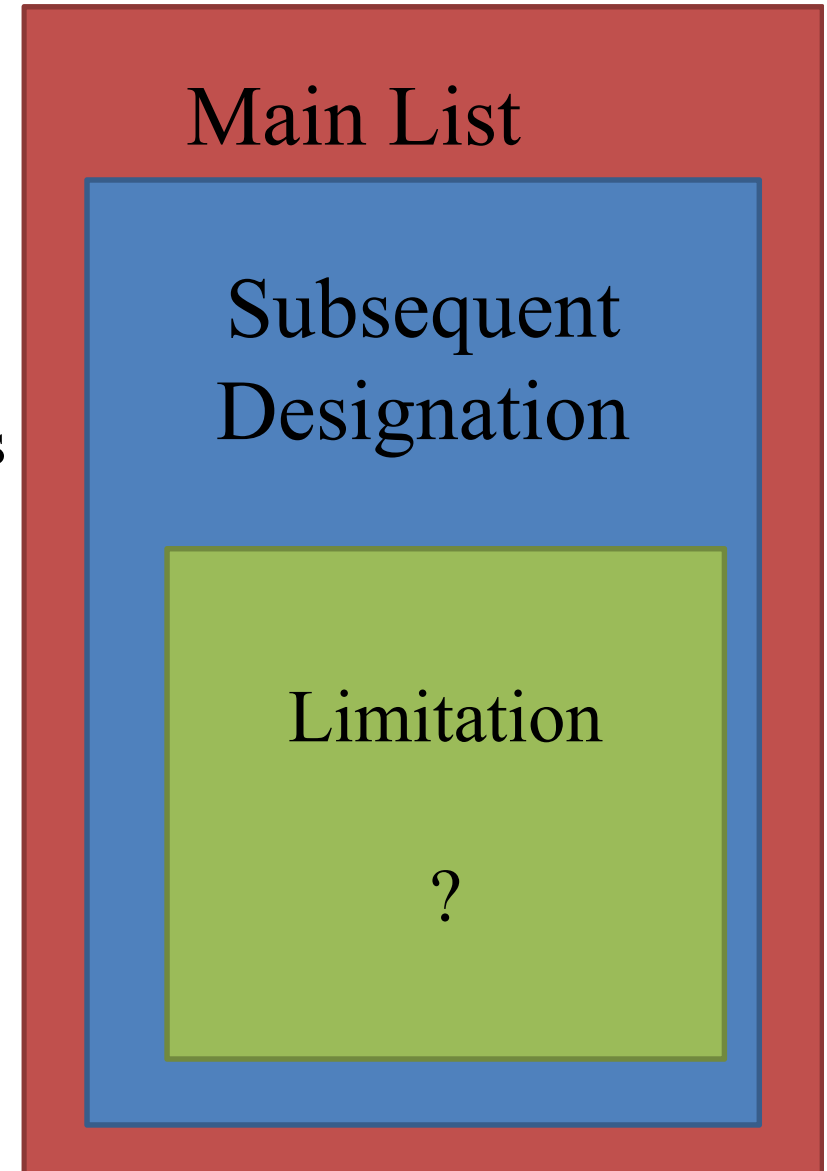
Amendments to Rule 24(5)(a), (c) and (d), Form MM4

- In line with the main list of the IR
- Main list - not reclassified

Types of limitations:

1. For all or for some Contracting Parties
2. Delete terms or classes or  
use *new terms*

- Verify with older Nice Classifications?
- Questions about *new terms* :
  - Should we examine these?
  - Based on which edition of Nice?



# Examples (I)

- ❑ International Registration from 1998 (Nice ed. 7)
  - Main list  
Class 42 - “Legal services”
- ❑ Subsequent designation in 2015
  - Limitation “IP services and consultancy; providing business management and legal consultancy in the field of IP”

List in IR from 1998 ‘Legal services’ class 42

Subsequent designation in 2015

Limitation:  
“IP services and consultancy; providing business management and legal consultancy in the field of IP”

# Examples (II)

- ❑ International Registration from 1993 (Nice 6 ed)  
Main list
  - Cl. 9 - “Nautical, life saving and teaching apparatus and instruments”
  - Cl. 28 - “Games and playing sporting articles not included in other classes”
  
- ❑ Subsequent designation in 2015  
Class 9 and 28
  - Limitation for class 9 “Swimming equipment; **swimming jackets** for children; ear plugs for swimming”
  - Limitation for class 28 “Swimming flippers and **floats**”

List in IR from 2008  
‘Swimming equipment’ class  
9

Subsequent designation  
in 2015

Limitation:  
‘Swimming jackets  
for children, floats  
for bathing and  
swimming, ear  
plugs for  
swimming’

# Implementation - facts

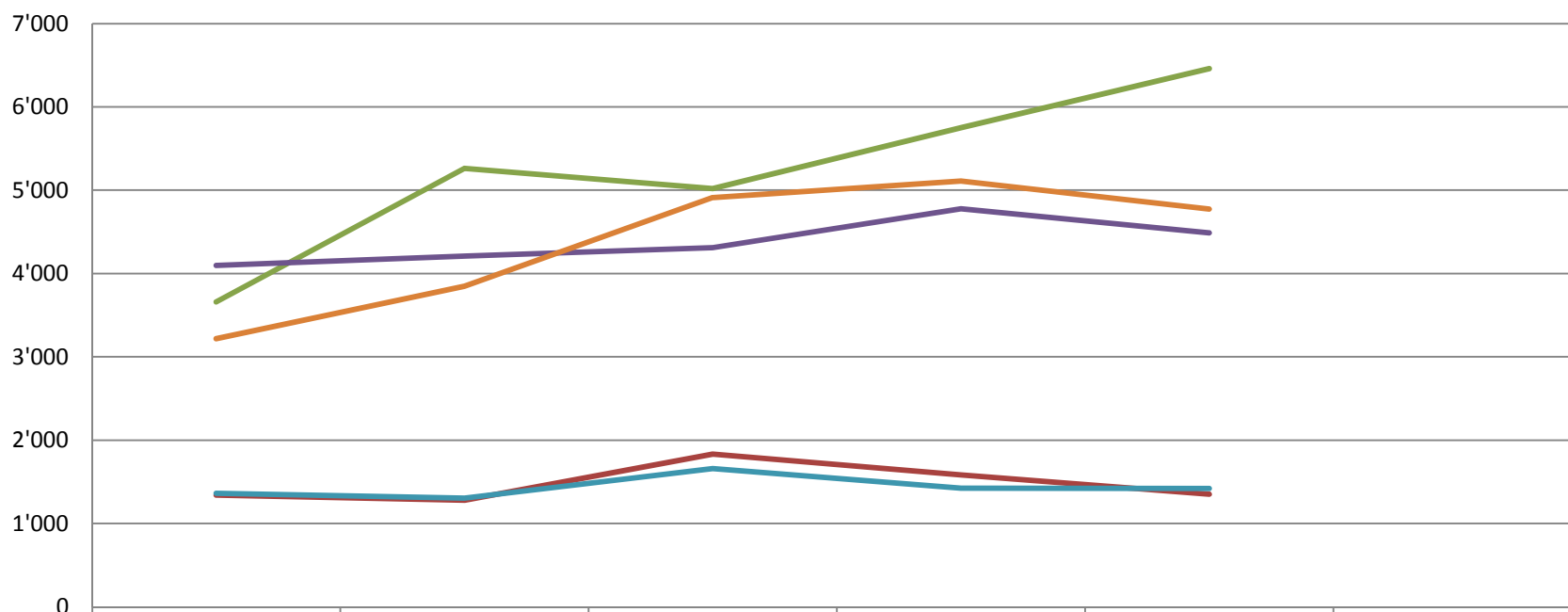
- Limitations in applications -10% of all applications in 2014
- Limitations in subsequent designations - over 20% of all subsequent designations
- Average number of words in main lists and limitations is increasing

# Irregularities

- In 2015 – 35% of all applications are irregular
  - 38% of those are related to rule 13
  - 7% related to rule 12
  - 27% have multiple errors
- This does not include any irregularities for lists of G&S in limitations in subsequent designations



# Evolution - Breakdown of Irregularity letters in the Madrid System



|               | 2010   | 2011   | 2012   | 2013   | 2014   | 2015 (to August) |
|---------------|--------|--------|--------|--------|--------|------------------|
| Total letters | 13'683 | 15'907 | 17'738 | 18'651 | 18'495 | 11'623           |
| — Rule 12     | 1'342  | 1'279  | 1'835  | 1'585  | 1'352  | 770              |
| — Rule 13     | 3'659  | 5'263  | 5'021  | 5'750  | 6'460  | 4'381            |
| — Fees        | 4'098  | 4'211  | 4'312  | 4'778  | 4'487  | 2'509            |
| — Other       | 1'364  | 1'307  | 1'660  | 1'426  | 1'422  | 847              |
| — Multiple    | 3'220  | 3'847  | 4'910  | 5'112  | 4'774  | 3'116            |

# Implementation - figures

- Currently the IB can process 900 applications weekly (inscribe)
- The work is supported by our database and guidelines based on the current version of the Nice classification
- Addition:
  - Examination in accordance with rule 12 and 13 for limitations in subsequent designations - 3200
  - Irregularities for those 3200 x 20% - 640

# Implementation – figures (II)

- Addition:
  - 3800 - 4000 additional G&S lists to process
    - increased complexity if the classification should be done based on different versions of the Nice classification
    - extra 4 weeks
    - minimum 4 examiners