



WIPO | MADRID

The International
Trademark System

CLASSIFICATION OF GOODS AND SERVICES

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Classification is a balancing act

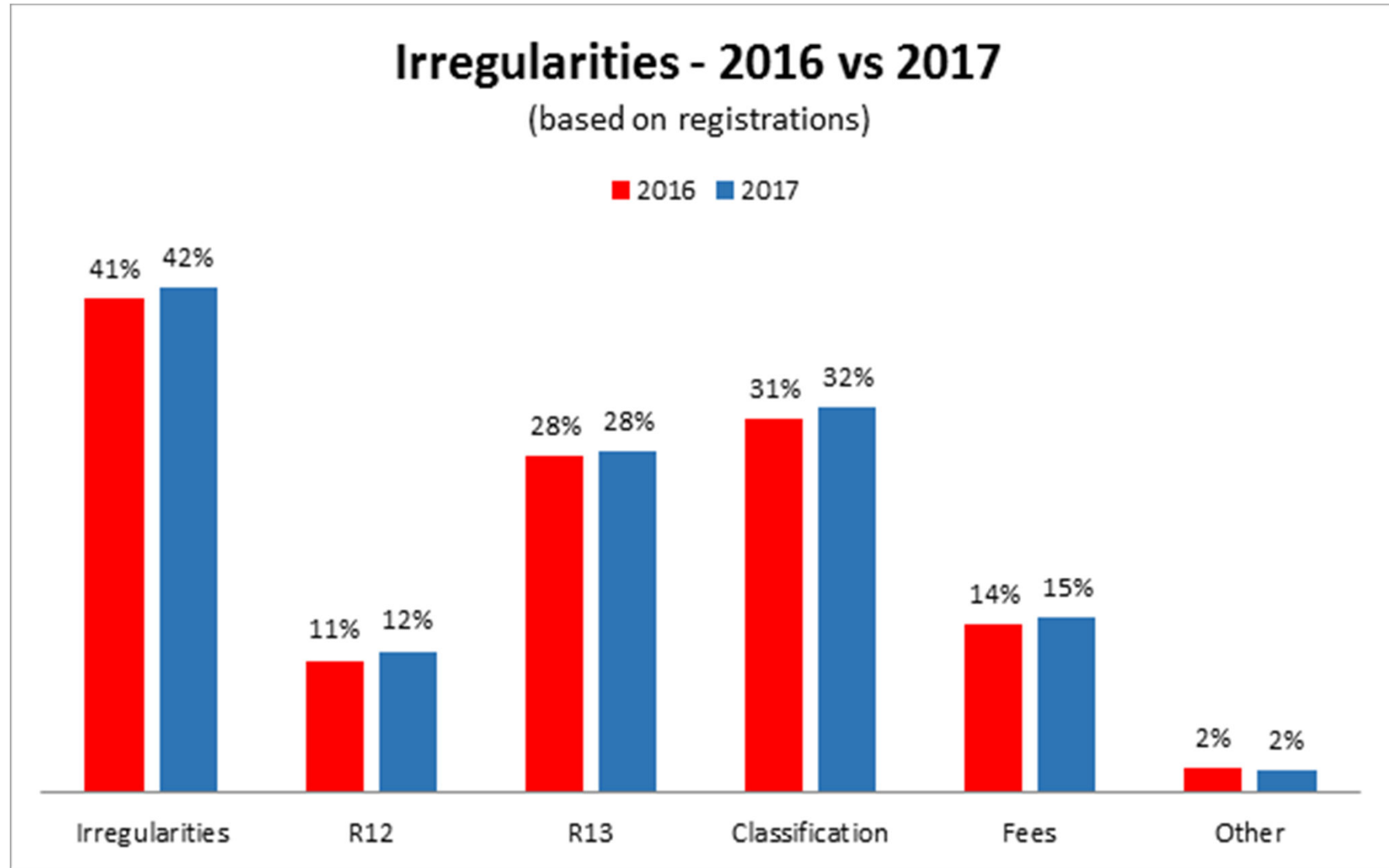
- Terminology that describe the products/services precisely enough – not too narrow and not too broad
- Avoid irregularities from the IB and refusals in Designated states



Facts affecting the classification

- Nice Classification changes every year
- New products and services on the market
- Languages, translation, terminology
- Case Law
- Different practices of the IP Offices

IRREGULARITIES



MADRID GOODS AND SERVICES DATABASE

Madrid Goods & Services

- Initially a project in 2009

- Aim:
 - Develop and deploy a database of acceptable indications of goods and services
 - Cooperating with interested Contracting parties on the translation of the database

- Check acceptance information – added later

Madrid Goods & Services Manager



- Database with a collection of acceptable terms for goods and services
- Highest volume in English
- Fully aligned with the Nice 11th edition
- “Check acceptance features” for 34 Member states and Canada

MGS - languages

- Acceptable terms in the three working languages
 - English
 - French
 - Spanish

- 15 additional languages
- In the pipeline
 - Vietnamese, Khmer, Georgian, Thai, Indonesian

Chào mừng tiếng Việt
được sử dụng trong MGS!



MGS • Công cụ quản lý hàng hóa và dịch vụ Madrid

WIPO MADRID
The International Trademark System

Trợ giúp | Các câu hỏi thường gặp | Miễn trừ trách nhiệm | Hệ thống Madrid | Bảng phân loại Ni-xơ | Chủ thích | Liên hệ với chúng tôi

WORLD INTELLECTUAL PROPERTY ORGANIZATION

MGS • Công cụ quản lý hàng hóa và dịch vụ Madrid

Chỉ có ở Bảng phân loại Ni-xơ

1018 các kết quả trong nhóm (các nhóm)

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20	21	22	24	25	26	27
28	29	30	31	32	35	36	37	39	40	41	42	43
44	45											

Ni 3 Bộ mỹ phẩm
Ni 28 Bộ mỹ phẩm đồ chơi
Ni 3 Mỹ phẩm
Ni 3 Bút chì mỹ phẩm
Ni 3 Kem mỹ phẩm
Ni 21 Dụng cụ mỹ phẩm
Ni 21 Que trộn mỹ phẩm
Ni 42 Nghiên cứu mỹ phẩm
Ni 3 Chất nhuộm màu mỹ phẩm
Ni 3 Đồ trang điểm (mỹ phẩm)

3

Thêm...

- 030167 Amoniác [chất kiềm dễ bay hơi] [chất tẩy rửa]
- 030064 Bộ mỹ phẩm
- 030198 Chất làm bóng răng giả
- 030234 Chế phẩm collagen dùng cho mục đích mỹ phẩm
- 030238 Chế phẩm làm sạch dùng cho mục đích vệ sinh cá nhân, không chứa thuốc
- 030078 Chế phẩm tẩy trang
- 030118 Dầu dùng cho nước hoa và nước thơm
- 030109 Gel (gốc dầu mỏ) dùng cho mục đích mỹ phẩm
- 030203 Hỗn hợp thơm làm từ cánh hoa khô và hương liệu [chất thơm]

Các thuật ngữ: 9 - Các từ: 74

IPAS and MGS

- IPAS is a back office system used by several Madrid members states
- English, French and Spanish version of MGS will be made available in IPAS
- Other languages could be added later

2018 EXAMINATION GUIDELINES

Background

- Introduced in the Roundtable of the Working Group for the Legal Development of the Madrid System in June 2016. (1st version)
- Contracting Parties of the Madrid System and users' organizations were given opportunities to send their comments
- Updated version was introduced in the Roundtable in June 2017. (2nd version)

Background

- Same procedure was repeated after the Roundtable meeting in June 2017

- 25 actual feedbacks / comments received from Member States and other Organizations
 - 19 Member States (AU, BX, CH, CO, DE, EM, HU, JP, MD, ME, MG, MX, NZ, PH, PT, RU, SE, SG and US)
 - IP Office of El Salvador (observer)
 - 4 Organizations (ECTA, INTA, JIPA and JPAA)

Background

- 11 Team meetings (IB) held from December 2017 until April 2018 on the possibility of taking into consideration the comments / feedbacks received
- Sent to the International Classifications and Standards Division for further comments
- The 2018 Examination Guidelines is the 3rd version
- Also made available in French and Spanish. Next plan is to have the Examination Guidelines available in Chinese, Arabic and Russian

Sections commented on

Contracting Parties	Guideline Section Heading																				
	1	2	2.1	2.2	2.3	2.4	2.5	2.5.1	2.5.2	2.5.3	2.5.4	2.6	2.7	3	3.1	3.2	3.3	3.4	3.5	3.6	OC
AU						x															x
BX				x	x	x	x					x									
CH						x															x
CO				x	x								x	x							x
DE					x		x						x								x
EM				x	x	x		x			x	x	x								x
HU				x																	x
JP									x							x				x	x
MD													x								x
ME												x									
MG				x	x	x	x							x							x
MX											x		x	x							x
NZ					x	x					x	x									
PH													x								x
PT						x					x	x									
RU													x								x
SE													x								
SG				x				x													
US				x		x								x							x

Other Organizations	Guideline Section Heading																				
	1	2	2.1	2.2	2.3	2.4	2.5	2.5.1	2.5.2	2.5.3	2.5.4	2.6	2.7	3	3.1	3.2	3.3	3.4	3.5	3.6	OC
ECTA				x	x	x		x					x		x	x					x
INTA								x				x									x
JIPA													x								
JPAA													x								x

Sections commented on

- 2.2. General principles for the control of the indications of goods and services listed in an international application – *8 feedbacks*
- 2.3. Class headings – *7 feedbacks*
- 2.4. Indications that can be classified in more than one class – *9 feedbacks*
- 2.5. Use of certain expressions in the list of goods and services – *3 feedbacks*

Sections commented on

- 2.5.1. Use of “namely”, “in particular” or “i.e.” to specify products or services – *4 feedbacks*
- 2.5.2. Use of “and the like” or “etc.” – *1 feedback*
- 2.5.4. Reference to other classes within the list – *4 feedbacks*
- 2.6. Classification of specific goods and services – *6 feedbacks*
- 2.7. Use of proprietary names – *11 feedbacks*

Sections commented on

- 3. Formatting the list of goods and services – 4 *feedbacks*
- 3.1. Punctuation – 1 *feedback*
- 3.2. Use of capital letters and special characters – 2 *feedbacks*
- 3.6. Use of brackets – 1 *feedback*
- Other comments – 16 *feedbacks*

Substantial changes

■ 2.5.4. Reference to other classes within the list

- **Practice change** – such references are not accepted

Indications of goods and services which are based upon a reference to what is contained in another class are not accepted by the International Bureau for the purposes of classification.

For example, the expressions *computer software for services in Class 36* or *installation services in relation to the goods mentioned in Class 11 above* are not accepted.

Accordingly, when reference is made to other classes in the list of goods and services, the International Bureau will raise an irregularity under Rule 13 of the Common Regulations.

Other changes

■ 2.2. General principles

- Expanded explanation about classification principles of services

International Bureau will not accept indications such as *providing a website featuring business information* in Class 35 as it is unclear in respect of the nature of service and the branch of activity in which the service is provided.

On the contrary, the International Bureau will accept the indication *providing business information via a website* in Class 35.

Likewise, the International Bureau will accept the indication *providing financial information via a website* in Class 36, but will not accept *providing a website featuring financial information* in class 36.

Other changes

■ 2.2. Class headings

- Clarification regarding the effect of changes to the Class Headings vis-à-vis prior registrations

Once a mark is registered by the International Bureau, changes to a particular Class Heading will not have an impact on international registrations that list an older version of that Class Heading (i.e., changes would not be applied retroactively to international registrations).

Other changes

■ 2.4. Indications that can be classified in more than one class

- Examples added to illustrate better the examination policy

3. Function:

When a particular product may be classified in more than one class according to its function and any of the applicable classes has been indicated, the International Bureau will accept this indication.

For example, the term *robots* would be accepted in

- Class 7, which includes *industrial robots*
- Class 10, which includes *surgical robots*
- Class 28, which includes *toy robots*

Other changes

■ 3.7. Use of brackets

■ Square brackets

Nice Classification includes certain typical national or regional products followed by a definition or explanation of the product in square brackets, e.g. *huqin [Chinese violins]* NCL 150081, *randseis [Japanese school satchels]* NCL 180127, *kimchi [fermented vegetable dish]* NCL 290162.

To the same extent, the International Bureau also accepts the use of typical national or regional products in square brackets provided that they are preceded by a definition or explanation of the product in English, French or Spanish, *rice crackers [senbei]* in Class 30.

Thank you very much

