

## **Special Union for the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Union)**

### **Committee of Experts**

**Twenty-Seventh Session  
Geneva, May 1 to 5, 2017**

#### **REPORT**

*adopted by the Committee of Experts*

#### **INTRODUCTION**

1. The Committee of Experts of the Nice Union (hereinafter referred to as “the Committee”) held its twenty-seventh session in Geneva from May 1 to 5, 2017. The following members of the Committee were represented at the session: Australia, Austria, Belarus, China, Czech Republic, Denmark, Estonia, Finland, France, Germany, Israel, Italy, Japan, Latvia, Lithuania, Mexico, Netherlands, New Zealand, Norway, Poland, Republic of Korea, Romania, Russian Federation, Serbia, Singapore, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and United States of America (33). The following States were represented by observers: Canada, Democratic Republic of the Congo, Saudi Arabia and Thailand (4). Representatives of the following international intergovernmental organizations took part in the session in an observer capacity: African Intellectual Property Organization (OAPI), Benelux Office for Intellectual Property (BOIP) and European Union (EU). Representatives of the following non-governmental organizations attended the session in an observer capacity: International Trademark Association (INTA) and Japan Patent Attorneys Association (JPAA). The list of participants appears as Annex I to this report.
2. The session was opened by Mr. Kunihiro Fushimi, Director, International Classifications and Standards Division, WIPO, who welcomed the participants on behalf of the Director General.

## OFFICERS

3. The Chair, Mr. Thom Clark (EUIPO), and the Vice-Chairs, Ms. Stéphanie Guillot (France) and Ms. Chrissie Norman (Australia), were elected last year for two calendar years. As Ms. Stéphanie Guillot and Ms. Chrissie Norman did not attend the session, the Committee appointed Ms. Kahina Bounif (France) and Mr. Lachlan Freemantle (Australia) to replace them.
4. Ms. Belkis Fava (WIPO) acted as Secretary of the session.

## ADOPTION OF THE AGENDA

5. The Committee unanimously adopted the agenda, which appears as Annex II to this report.

## DISCUSSIONS, CONCLUSIONS AND DECISIONS

6. As decided by the Governing Bodies of WIPO at their tenth series of meetings held from September 24 to October 2, 1979 (see document AB/X/32, paragraphs 51 and 52), the report of this session reflects only the conclusions of the Committee (decisions, recommendations, opinions, etc.) and does not, in particular, reflect the statements made by any participant, except where a reservation in relation to any specific conclusion of the Committee was expressed or repeated after the conclusion was reached.

## ENTRY INTO FORCE OF THE DECISIONS OF THE COMMITTEE OF EXPERTS

7. In accordance with Rule 7 of the Rules of Procedure, the Committee agreed that changes to the eleventh edition of the Nice Classification that do not entail an amendment in the sense of Article 3(7)(b) of the Nice Agreement<sup>1</sup> would enter into force on January 1, 2018 and be published online in a new version of the eleventh edition (NCL (11-2018)) by the end of 2017.
8. The Committee invited the International Bureau to take the opportunity of correcting any obvious typing or grammatical errors which it found in the text of the Classification and harmonizing, as far as possible, the use of punctuation.

## CONSIDERATION OF VARIOUS PROPOSALS FOR AMENDMENTS AND OTHER CHANGES TO NCL (11-2017)

9. Discussions were based on project [CE272](#), [Annex 1](#), which contained a summary table of proposals for modifications to NCL (11-2017).
10. The Committee adopted an important number of changes to the Classification. The decisions of the Committee are available on the electronic forum, project [CE270](#).

---

<sup>1</sup> Article 3(7)(b) of the Nice Agreement: "Decisions concerning the adoption of amendments to the Classification shall require a majority of four-fifths of the countries of the Special Union represented and voting. "Amendment" shall mean any transfer of goods or services from one class to another or the creation of any new class."

11. The Committee noted that the proposals that could not be discussed at this session due to lack of time will be listed in a separate working document on the electronic forum, project [CE282](#), Annex 1, and will be discussed at the twenty-eighth session.

## **CONSIDERATION OF PROPOSALS FOR AMENDMENTS AND OTHER CHANGES TO NCL (11-2017) RELATING TO:**

### **(a) CONFERENCES, CONGRESSES AND SYMPOSIUMS**

12. Discussions were based on project [CE272](#), [Annex 2](#), which contained a proposal on the classification of services relating to arranging and conducting conferences, congresses and symposiums, submitted by the United States of America.

13. The proposal did not obtain consensus and was therefore withdrawn by the proposing Office.

### **(b) DISPENSERS**

14. Discussions were based on project [CE272](#), [Annex 3](#), regarding a proposal relating to the classification of dispensers, submitted by the United States of America.

15. The proposal did not obtain consensus and was therefore withdrawn by the proposing Office.

### **(c) CLASS HEADINGS REVISION**

16. Discussions were based on project [CE272](#), [Annex 4](#), which contained a joint proposal for changes to nine class headings and their explanatory notes, submitted by Japan, Switzerland, the United States of America, EUIPO and the International Bureau.

17. The Committee approved the proposal with slight modifications. The decisions of the Committee are available on the electronic forum, project [CE270](#).

18. The delegations of Japan, Switzerland, the United States of America and the EUIPO, as well as the International Bureau, indicated that they wished to extend the revision work to other classes of the Classification.

### **(d) SPELLING AND TRANSLATION MATTERS**

19. Discussions were based on project [CE272](#), [Annex 5](#), relating to a proposal concerning spelling and translation matters, submitted by the International Bureau.

20. The Committee adopted a number of changes. The decisions of the Committee are available on the electronic forum, project [CE270](#).

## **FOLLOW-UP ON THE DISCUSSIONS CONCERNING THE CLASSIFICATION OF DESSERTS**

21. Due to the number and complexity of the proposals submitted to the Committee, it was not possible to discuss this item during the session.

22. The Committee noted that the International Bureau will prepare a brief summary on the status of this project, which will be posted on the electronic forum, project [SP001](#). If no new ideas or proposals are posted by the date of the next session of the Committee, the project will be considered as closed.

#### **FOLLOW-UP ON THE DISCUSSIONS CONCERNING THE ADDITION OF TYPICAL NATIONAL OR REGIONAL PRODUCTS TO THE ALPHABETICAL LIST**

23. Due to the number and complexity of the proposals submitted to the Committee, it was not possible to discuss this item during the session.

24. The Committee noted that the International Bureau will prepare a brief summary on the status of this project, which will be posted on the electronic forum, project [RP001](#). If no new ideas or proposals are posted by the date of the next session of the Committee, the project will be considered as closed.

#### **INFORMATION ON THE DEVELOPMENT OF A REVISION MANAGEMENT SYSTEM (RMS) AND ON THE ONLINE PUBLICATION OF THE NICE CLASSIFICATION (NCLPUB)**

25. Discussions were based on project [CE272, Annex 6](#), and on a [presentation](#) made by the International Bureau regarding the development of a Revision Management Solution (RMS) project and the introduction of some improvements to the online publication of the Classification (NCLPUB).

26. The Committee noted that the International Bureau was working on improving the online publication of the Classification. It further noted that the International Bureau has launched a project for the provision of an IT solution to assist the International Bureau and the national Offices in the management of the Nice, Vienna and Locarno Classifications data and revision process.

27. After the presentation made by the International Bureau, one delegation expressed concerns about the loss of certain search functionalities in the archive mode of NCLPUB. Another delegation asked the International Bureau whether it would be possible to promote further the use of the electronic forum. This delegation also enquired about the possibility to include online voting functions in the electronic forum in order to provide all member countries with the possibility of expressing their definitive choice. This would allow the International Bureau to shorten considerably the length of the Committee's sessions.

#### **AMENDMENTS TO RULE 7(1) OF THE RULES OF PROCEDURE OF THE COMMITTEE OF EXPERTS OF THE NICE UNION**

28. Discussions were based on project [CE272, Annex 7](#), related to the amendments to Rule 7(1) of the Rules of Procedure of the Committee of Experts of the Nice Union.

29. The Committee adopted amendments to Rule 7(1) of its Rules of Procedure as contained in Annex III to this report.

**LENGTH OF THE NEXT REVISION PERIOD FOR AMENDMENTS (ARTICLE 3(7)(b) OF THE NICE AGREEMENT) TO THE NICE CLASSIFICATION**

30. In accordance with Rule 7 of the Rules of Procedure, the Committee agreed that the next revision period for amendments to the Classification, i.e. for any transfer of goods or services from one class to another or for the creation of any new class, should be of five years.

**NEXT SESSION OF THE COMMITTEE OF EXPERTS**

31. The Committee noted that its twenty-eighth session would be held in Geneva, if possible, in April or May 2018.

**CLOSING OF THE SESSION**

32. The Chair closed the session.

33. *The Committee of Experts unanimously adopted this report by electronic means on June 2, 2017.*

[Annexes follow]

ANNEXE I/ANNEX I

LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS

I. ÉTATS MEMBRES/MEMBER STATES

(dans l'ordre alphabétique des noms français des États)  
(in the alphabetical order of the names in French)

ALLEMAGNE/GERMANY

Eberhard PREISSINGER, Senior Trade Mark Examiner, Head of Classification and Documentation, German Patent and Trade Mark Office (DPMA), Federal Ministry of Justice, Munich

Martin SEBELE, Classification Expert, German Patent and Trade Mark Office (DPMA), Federal Ministry of Justice, Munich

AUSTRALIE/AUSTRALIA

Lachlan FREEMANTLE, Assistant Director, Trade Marks and Designs Group, IP Australia, Canberra

AUTRICHE/AUSTRIA

Johann WIPLINGER, Trademark Examiner, Legal Department, Austrian Patent Office, Vienna

BÉLARUS/BELARUS

Natallia SINISHOVA (Mme), chef, Département des marques, Centre national de la propriété intellectuelle (NCIP), Minsk

CHINE/CHINA

ZHAO Yijing (Ms.), Chief, Guangzhou Division, Trademark Office, State Administration for Industry and Commerce (SAIC), Guangzhou

DANEMARK/DENMARK

Louise Yde FRANK (Ms.), Principal Legal Adviser, Trademarks and Designs, Danish Patent and Trademark Office, Ministry of Business and Growth, Taastrup

Christian HELTOE, Legal Expert, Danish Patent and Trademark Office, Ministry of Business and Growth, Taastrup

ESPAGNE/SPAIN

Lourdes VELASCO GONZÁLEZ (Sra.), Jefe, Área de Examen Signos Distintivos Nacionales II, Departamento de Signos Distintivos, Oficina Española de Patentes y Marcas (OEPM), Ministerio de Industria, Energía y Turismo, Madrid

ESTONIE/ESTONIA

Küllli SOODEN (Ms.), Chief Examiner, Trademark Examination Division, Trademark Department, The Estonian Patent Office, Tallinn

Heli LAANEOTS (Ms.), Senior Examiner, Trademark Examination Division, Trademark Department, The Estonian Patent Office, Tallinn

ÉTATS-UNIS D'AMÉRIQUE/UNITED STATES OF AMERICA

Monique CHOINIERE (Ms.), Administrator, Trademark Classification Policy and Practice, Office of the Commissioner for Trademarks, United States Patent and Trademark Office (USPTO), Department of Commerce, Alexandria

Mary MUNSON-OTT (Ms.), Staff Attorney, Trademark Classification Policy and Practice, Office of the Commissioner for Trademarks, United States Patent and Trademark Office (USPTO), Department of Commerce, Alexandria

FÉDÉRATION DE RUSSIE/RUSSIAN FEDERATION

Larisa BORODAY (Ms.), Deputy Head, Trademarks Examination Division, Federal Institute of Industrial Property (FIPS), Federal Service for Intellectual Property, Patents and Trademarks (ROSPATENT), Moscow

FINLANDE/FINLAND

Turkka VAAHTOLAMMI, Senior Legal Officer, Trademarks, Finnish Patent and Registration Office, Helsinki

FRANCE

Kahina BOUNIF (Mme), responsable de pôle, Examen des marques, Direction de la propriété industrielle, Département des marques, dessins et modèles, Institut national de la propriété industrielle (INPI), Courbevoie

Brice LAUGIER, juriste, Service de l'examen des marques, Direction de la propriété industrielle, Département des marques, dessins et modèles, Institut national de la propriété industrielle (INPI), Courbevoie

ISRAËL/ISRAEL

Rula KARDOUSH COHAY (Ms.), Senior Trademark Examiner, Israel Patent Office (IPO), Ministry of Justice, Jerusalem

ITALIE/ITALY

Bruna GIOIA (Ms.), Senior Examiner, Italian Patents and Trademarks Office, Directorate General for the Fight against Counterfeiting (UIBM), Ministry of Economic Development, Rome

JAPON/JAPAN

Koji TAKAHASHI, Director, International Trademark Classification Office, Trademark Division, Trademark and Customer Relations Department, Japan Patent Office (JPO), Ministry of Economy, Trade and Industry, Tokyo

Tsukina SHIMOYAMA (Ms.), Trademark Examiner, International Trademark Classification Office, Trademark Division, Trademark and Customer Relations Department, Japan Patent Office (JPO), Ministry of Economy, Trade and Industry, Tokyo

LETTONIE/LATVIA

Inese KLISANE (Ms.), Chief Examiner, Division of Examination, Trademark and Industrial Design Department, Patent Office of the Republic of Latvia, Riga

LITUANIE/LITHUANIA

Asta DAPKĖ (Ms.), Examiner, Trademarks and Designs Division, State Patent Bureau of the Republic of Lithuania, Vilnius

Sigita KIM-TAISAN (Ms.), Examiner, Trademarks and Designs Division, State Patent Bureau of the Republic of Lithuania, Vilnius

MEXIQUE/MEXICO

Gloria Araceli OLEA HERNÁNDEZ (Sra.), Coordinadora Departamental de Examen de Signos Distintivos, Dirección Divisional de Marcas, Instituto Mexicano de la Propiedad Industrial (IMPI), Ciudad de México

NORVÈGE/NORWAY

Synnøve HEIMDAHL (Ms.), Senior Executive Officer, Design and Trademark Department, Norwegian Industrial Property Office (NIPO), Oslo

Tora Helle CHRISTIANSEN (Ms.), Adviser, Design and Trademark Department, Norwegian Industrial Property Office (NIPO), Oslo

NOUVELLE-ZÉLANDE/NEW ZEALAND

Jeanette PALLISER (Ms.), Principal Trade Mark Examiner, Intellectual Property Office of New Zealand, Ministry of Business, Innovation and Employment, Wellington

PAYS-BAS/NETHERLANDS

Rémy KOHLSAAT, examinateur, Service de la classification des marques, Office Benelux de la propriété intellectuelle (OBPI), La Haye

POLOGNE/POLAND

Elzbieta PNIEWSKA-CABAN (Ms.), Trademark Expert, Trademark Department, Patent Office, Warsaw

RÉPUBLIQUE DE CORÉE/REPUBLIC OF KOREA

GIM Jeon-Sik, Deputy Director, Trademark Examination Policy Division, Korean Intellectual Property Office (KIPO), Daejeon

KIM Manho, Project Manager, Korean Intellectual Property Office (KIPO), Daejeon

RÉPUBLIQUE TCHÈQUE/CZECH REPUBLIC

Jitka STREITBERG (Ms.), Patent Information Department, Industrial Property Office, Prague

ROUMANIE/ROMANIA

Mitrita HAHUE (Ms.), Head, Trademark Division, State Office for Inventions and Trademarks (OSIM), Bucharest

Liliana BADEA (Ms.), Expert, Trademark Division, State Office for Inventions and Trademarks (OSIM), Bucharest

ROYAUME-UNI/UNITED KINGDOM

Natalie MORGAN (Ms.), Head, Trade Mark and Design Classification, UK Intellectual Property Office (UK IPO), Newport

Darrel HENDY, Classification Examiner, Trade Marks and Designs Policy, UK Intellectual Property Office (UK IPO), Newport

SERBIE/SERBIA

Danijela NOVAKOVIĆ (Ms.), Advisor, International Trademarks Division, Intellectual Property Office, Belgrade

SINGAPOUR/SINGAPORE

Ching Lee Jolie GWEE (Ms.), Trade Mark Examiner, Registry of Trade Marks, Intellectual Property Office of Singapore (IPOS), Singapore

Chi Suan KOK (Ms.), Trade Mark Examiner, Registry of Trade Marks, Intellectual Property Office of Singapore (IPOS), Singapore

SLOVAQUIE/SLOVAKIA

Stanislava KOPRDOVÁ (Ms.), Classification Expert, Trademark and Design Department, Industrial Property Office of the Slovak Republic, Banská Bystrica

SUÈDE/SWEDEN

Malin NYSTRÖM (Ms.), Trademark Examiner, Designs and Trademark Division, Swedish Patent and Registration Office (SPRO), Söderhamn

Monika NOWICKA (Ms.), Legal Adviser, Designs and Trademark Division, Swedish Patent and Registration Office (SPRO), Söderhamn

Andreas ÖSTLUND, Designs and Trademark Division, Swedish Patent and Registration Office (SPRO), Söderhamn

SUISSE/SWITZERLAND

Christa HOFMANN (Mme), cheffe, Section examen des marques, Division des marques, Institut fédéral de la propriété intellectuelle (IPI), Berne

Peter BENNINGER, examinateur, Section examen des marques, Division des marques, Institut fédéral de la propriété intellectuelle (IPI), Berne

Sébastien TINGUELY, juriste, Division des marques, Institut fédéral de la propriété intellectuelle (IPI), Berne

TURQUIE/TURKEY

Coşkun TUNCABOYU, Nice Classification Expert, Trademark Division, Turkish Patent and Trademark Office, Ankara

Murat DONERTAS, Trademark Examiner, Classification Section, Trademark Department, Turkish Patent and Trademark Office, Ankara

## UKRAINE

Viktoriiia GRYSHCENKO (Ms.), Chief Expert, Patent Information Division, State Enterprise “Ukrainian Intellectual Property Institute” (Ukrpatent), Ministry of Economic Development and Trade of Ukraine, Kyiv

Maryna VLASENKO (Ms.), Chief Expert, Sector of Development and Introduction of the International Classification of Goods and Services, State Enterprise “Ukrainian Intellectual Property Institute” (Ukrpatent), Ministry of Economic Development and Trade of Ukraine, Kyiv

## II. ÉTATS OBSERVATEURS/OBSERVER STATES

### ARABIE SAOUDITE/SAUDI ARABIA

Abdulaziz ALJTHALEEN, Counsel, Law Department, Ministry of Energy, Industry and Mineral Resources, Riyadh

### CANADA

Kimberley Anne BAILLIE (Ms.), Manager of Quality and Continuous Development, Trademarks Branch, Canadian Intellectual Property Office (CIPO), Industry Canada, Gatineau

### RÉPUBLIQUE DÉMOCRATIQUE DU CONGO/DEMOCRATIC REPUBLIC OF THE CONGO

Dénis TOKO DA NDJEKA, chargé d'études, Cabinet du ministre, Ministère des finances, Kinshasa

### THAÏLANDE/THAILAND

Thinet SAKTRAKUN, Trademark Examiner, Department of Intellectual Property (DIP), Ministry of Commerce, Nonthaburi

Teerapong WONGCHUMPOO, Trademark Examiner, Department of Intellectual Property (DIP), Ministry of Commerce, Nonthaburi

## III. ORGANISATIONS INTERNATIONALES INTERGOUVERNEMENTALES/ INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

### OFFICE BENELUX DE LA PROPRIÉTÉ INTELLECTUELLE (OBPI)/BENELUX OFFICE FOR INTELLECTUAL PROPERTY (BOIP)

Rémy KOHLSAAT, examinateur, Service de la classification des marques, Office Benelux de la propriété intellectuelle (OBPI), La Haye

ORGANISATION AFRICAINE DE LA PROPRIÉTÉ INTELLECTUELLE (OAPI)/AFRICAN INTELLECTUAL PROPERTY ORGANIZATION (OAPI)

Marie Bernadette NGO MBAGA (Mme), juriste, Service des signes distinctifs, Département de la protection de la propriété industrielle, Yaoundé

UNION EUROPÉENNE (UE)/EUROPEAN UNION (EU)

Thom CLARK, Classification Expert, Operations Department, European Union Intellectual Property Office (EUIPO), Alicante

Kelly-Marie BENNETT (Ms.), Legal Assistant, Legal Practice Service, European Union Intellectual Property Office (EUIPO), Alicante

Magnus JAENSSON, Terminology Management Expert, European Union Intellectual Property Office (EUIPO), Alicante

Martin VUIJST, Boards of Appeal, European Union Intellectual Property Office (EUIPO), Alicante

IV. ORGANISATIONS NON GOUVERNEMENTALES/NON-GOVERNMENTAL ORGANIZATIONS

Association internationale pour les marques (INTA)/International Trademark Association (INTA)  
Bruno MACHADO, Representative, Geneva

Japan Patent Attorneys Association (JPAA)  
Keiko HONDA (Ms.), Vice-President of Trademark Committee, Tokyo  
Sei SAITO, Member of Trademark Committee, Tokyo

V. BUREAU/OFFICERS

Président/Chair: Thom CLARK (EUIPO)

Vice-présidents/Vice-Chairs: Kahina BOUNIF (Mme/Ms.) (France)  
Lachlan FREEMANTLE (Australie/Australia)

Secrétaire/Secretary: Belkis FAVA (/Mme/Ms.) (OMPI/WIPO)

VI. SECRÉTARIAT DE L'ORGANISATION MONDIALE DE LA PROPRIÉTÉ  
INTELLECTUELLE (OMPI)/SECRETARIAT OF THE WORLD INTELLECTUAL  
PROPERTY ORGANIZATION (WIPO)

Secteur de l'infrastructure mondiale/Global Infrastructure Sector

Kunihiko FUSHIMI, directeur, Division des classifications internationales et des normes/Director, International Classifications and Standards Division

Patrick FIÉVET, chef, Section des systèmes informatiques, Division des classifications internationales et des normes/Head, IT Systems Section, International Classifications and Standards Division

Belkis FAVA (Mme/Ms.), chef, Section des classifications pour les marques et les dessins et modèles, Division des classifications internationales et des normes/Head, Mark and Design Classifications Section, International Classifications and Standards Division

Alison ZÜGER (Mme/Ms.), administratrice aux classifications, Section des classifications pour les marques et les dessins et modèles, Division des classifications internationales et des normes/Classifications Officer, Mark and Design Classifications Section, International Classifications and Standards Division

[L'annexe II suit/  
Annex II follows]

ANNEX II  
(see paragraph 5 of this report)

AGENDA

	<u>Paragraphs</u> (Annexes)
1. Opening of the session	2
2. Adoption of the agenda See the present document.	5 (II)
3. Consideration of various proposals for amendments and other changes to NCL (11-2017) See project <a href="#">CE272</a> , <a href="#">Annex 1</a> .	9 - 11
4. Consideration of proposals for amendments and other changes to NCL (11-2017) relating to:	
(a) conferences, congresses and symposiums See project <a href="#">CE272</a> , <a href="#">Annex 2</a> .	12, 13
(b) dispensers See project <a href="#">CE272</a> , <a href="#">Annex 3</a> .	14, 15
(c) Class Headings revision See project <a href="#">CE272</a> , <a href="#">Annex 4</a> .	16 - 18
(d) spelling and translation matters See project <a href="#">CE272</a> , <a href="#">Annex 5</a> .	19, 20
5. Follow-up on the discussions concerning the classification of desserts See project <a href="#">SP001</a> .	21, 22
6. Follow-up on the discussions concerning the addition of typical national or regional products to the Alphabetical List See project <a href="#">RP001</a> .	23, 24
7. Information on the development of a Revision Management System (RMS) and on the online publication of the Nice Classification (NCLPUB) See project <a href="#">CE272</a> , <a href="#">Annex 6</a> .	25 - 27
8. Amendments to Rule 7(1) of the Rules of Procedure of the Committee of Experts of the Nice Union See project <a href="#">CE272</a> , <a href="#">Annex 7</a> .	28, 29 (III)
9. Length of the next revision period for amendments (Article 3(7)(b) of the <a href="#">Nice Agreement</a> ) to the Nice Classification	30
10. Next session of the Committee of Experts	31
11. Closing of the session	32

[Annex III follows]

## ANNEX III

## RULES OF PROCEDURE OF THE COMMITTEE OF EXPERTS OF THE NICE UNION

(Article 3(4) of the Nice Agreement (Geneva Act))

adopted by the Committee of Experts on September 10, 1973,  
and amended on May 28, 1982, November 10, 1995, October 11, 2000,  
October 9, 2003, ~~and~~ November 22, 2010 and May 3, 2017

*Rule 1: Application of the General Rules of Procedure*

The Rules of Procedure of the Committee of Experts of the Nice Union (hereinafter referred to as the "Committee of Experts") and of the subcommittees and working groups established by it shall consist of the General Rules of Procedure of WIPO, supplemented and amended by the provisions of Articles 3 and 4 of the Nice Agreement (Geneva Act) and by the provisions set forth hereinafter.

*Rule 2: Representation and Expenses of Delegations and Representatives*

- (1) Each delegate may represent one State only.
- (2) The expenses of each delegation or representative shall be borne by the Government or the Organization which has appointed it.

*Rule 3: Sessions*

- (1) The Committee of Experts shall meet in regular sessions once a year on convocation by the Director General.
- (2) The Committee of Experts shall meet in extraordinary session on convocation by the Director General, on his own initiative or at the request of one-fourth of the States members of the Committee of Experts.
- (3) Subcommittees and working groups established by the Committee of Experts shall meet at such times and at such places as may be determined by the Committee of Experts or by the Director General in consultation with the Chair of the subcommittee or working group concerned.

*Rule 4: Subcommittees and Working Groups*

- (1) When establishing any subcommittee or working group, the Committee of Experts shall determine its terms of reference and the frequency of its sessions.
- (2) The members of a subcommittee or working group established by the Committee of Experts shall be any member States of the Nice Union that have informed the Committee of Experts or the International Bureau of their wish to become members of such subcommittee or working group.
- (3) Observer status in a subcommittee or working group established by the Committee of Experts shall be afforded to
  - (i) any State member of WIPO that has informed the Director General in writing of its wish to acquire such status in such subcommittee or working group,
  - (ii) the African Intellectual Property Organization, the African Regional Intellectual Property Organization, the Benelux Organisation for Intellectual Property and the European Community, and

- (iii) any other intergovernmental organization which has a regional office for the purposes of registering marks or is specialized in the field of marks, of which at least one of the member States is a country of the Nice Union, and has informed the Director General in writing of its wish to acquire such status in such subcommittee or working group, and
- (iv) any international non-governmental organization specialized in the field of trademarks that has informed the Director General in writing of its wish to acquire such status in such subcommittee or working group.

*Rule 5: Status of Certain Intergovernmental Organizations in the Committee of Experts*

Article 3(2)(b)<sup>1</sup> of the Nice Agreement (Geneva Act) shall apply to the following intergovernmental organizations:

African Intellectual Property Organization  
African Regional Intellectual Property Organization  
Benelux Organisation for Intellectual Property  
European Community.

*Rule 6: Officers*

- (1) The Committee of Experts shall elect a Chair and two Vice-Chairs for two calendar years.
- (2) Any subcommittee or working group established by the Committee of Experts shall elect a Chair and one Vice-Chair.
- (3) Any outgoing Chair or Acting Chair may be immediately re-elected to the office which he has held.
- (4) Where the Chair or Acting Chair is the only member of the delegation of a member State, he may vote in his capacity of delegate.
- (5) Representatives of the intergovernmental organizations referred to in Rule 5 may be elected as officers of the Committee of Experts or of any subcommittee or working group established by the Committee of Experts.

*Rule 7: Adoption of Amendments and Other Changes to the Nice Classification<sup>2</sup>*

- (1) The Committee of Experts shall adopt amendments and other changes to the Classification at its regular yearly sessions. Amendments shall ~~be adopted~~ **enter into force** at the end of specified revision periods. The Committee of Experts shall determine the length of such periods and the date at which the amendments will enter into force. In accordance with

---

<sup>1</sup> Article 3(2)(b) of the Nice Agreement: The Director General shall invite intergovernmental organizations specialized in the field of marks, of which at least one of the member countries is a country of the Special Union, to be represented by observers at meetings of the Committee of Experts.

<sup>2</sup> Article 3(7)(b) of the Nice Agreement: "Amendment" shall mean any transfer of goods or services from one class to another or the creation of any new class.

Article 4(1) of the Nice Agreement<sup>3</sup>, such date could not be earlier than six months after the date of dispatch of the corresponding notification to the countries of the Nice Union by the International Bureau. Other changes, as long as they do not entail an amendment, will enter into force on January 1, but not earlier than six months after the date of their adoption, unless the Committee of Experts decided otherwise.

- (2) The Committee of Experts shall be able to take certain decisions by electronic means. Such decisions include the adoption of the reports of its sessions and, without prejudice to Rule 7(1), the adoption of changes to the Classification which do not entail an amendment.

*Rule 8: Publication of the Report*

The report on the work of each session of the Committee of Experts, or a summary drawn up by the International Bureau, shall be published in the review *WIPO Magazine* or on the WIPO Web site on the Internet.

[End of Annex III and of document]

---

<sup>3</sup> Article 4(1) of the Nice Agreement: Changes decided upon by the Committee of Experts and recommendations of the Committee of Experts shall be notified to the competent Offices of the countries of the Special Union by the International Bureau. Amendments shall enter into force six months after the date of dispatch of the notification. Any other change shall enter into force on a date to be specified by the Committee of Experts at the time the change is adopted.

## TECHNICAL ANNEXES

[The Technical Annexes are available on the Electronic Forum, under Project [CE270](#)  
<https://www3.wipo.int/nef/public/nice>]

[End of Technical Annexes and of document]