

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

### **Committee of Experts**

**Twenty-Ninth Session  
Geneva, April 29 to May 3, 2019**

#### **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-ninth session in Geneva from April 29 to May 3, 2019. The following members of the Committee were represented at the session: Algeria, Australia, Austria, Azerbaijan, Belarus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Israel, Italy, Japan, Latvia, Lithuania, Mexico, Netherlands, New Zealand, North Macedonia, Norway, Poland, Republic of Korea, Republic of Moldova, Romania, Singapore, Slovakia, Spain, Sweden, Switzerland, Ukraine, United Kingdom and United States of America (34). The following States were represented by observers: Canada, Nigeria, Saudi Arabia and Thailand (4). Representatives of the following international intergovernmental organizations took part in the session in an observer capacity: Benelux Office for Intellectual Property (BOIP) and European Union (EU). Representatives of the following non-governmental organizations attended the session in an observer capacity: Intellectual Property Institute of Canada (IPIC), 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. Francis Gurry, Director General, WIPO, who welcomed the participants.

## OFFICERS

3. The Chair, Ms. Monique Choiniere (United States of America), and the Vice-Chairs, Ms. Chi Suan Kok (Singapore) and Mr. Sébastien Tinguely (Switzerland), were elected last year for two calendar years.
4. Ms. Alison Züger (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.

## DECISIONS OF THE COMMITTEE

7. In accordance with the provisions of Article 3(7)(a) and (b) of the Nice Agreement, the decisions of the Committee concerning the adoption of amendments<sup>1</sup> to the Nice Classification (hereinafter referred to as “the Classification”) required a four-fifth majority of the countries of the Nice Union represented and voting at the session. Decisions concerning the adoption of other changes to the Classification required a simple majority of the countries of the Nice Union represented and voting at the session.

## ENTRY INTO FORCE OF THE DECISIONS OF THE COMMITTEE

8. In accordance with Rule 7 of its Rules of Procedure, the Committee agreed that changes to the Classification that did not entail an amendment in the sense of Article 3(7)(b) of the Nice Agreement will enter into force on January 1, 2020, and will be incorporated in a new version of the Classification. Amendments will enter into force later on, at a date to be determined by the Committee.
9. The Committee noted that the International Bureau will prepare and publish online the new version of the Classification (NCL (11-2020)), in English and French, by the end of 2019. An early publication will be made available on the NCLPub site, and the list of goods and services in Excel format, in English and French, will be made available on the electronic forum by the end of June 2019.

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<sup>1</sup> Article 3(7)(b) of the Nice Agreement provides that “...“Amendment” shall mean any transfer of goods or services from one class to another or the creation of any new class.”

10. 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 PROPOSALS CARRIED FORWARD FROM THE 28<sup>TH</sup> SESSION AND PENDING APPROVAL**

11. Discussions were based on project [CE292](#), [Annex 1](#), which contained a summary table of proposals for amendments and other changes to the Classification which were carried forward from the twenty-eighth session of the Committee and were still pending approval.

12. The Committee adopted a certain number of amendments and other changes to the Classification. The decisions of the Committee are available on the electronic forum, project [CE290](#).

## **CONSIDERATION OF PROPOSALS FOR AMENDMENTS AND OTHER CHANGES TO NCL (11-2019)**

### **(a) VARIOUS PROPOSALS**

13. Discussions were based on project [CE292](#), [Annex 2](#), which contained a summary table of proposals for amendments and other changes to the 2019 version of the Classification.

14. The Committee adopted an important number of amendments and other changes to the Classification. The decisions of the Committee are available on the electronic forum, project [CE290](#).

15. The Committee further 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 [CE302](#), Annex 1, and will be discussed at the thirtieth session.

### **(b) TYPICAL REGIONAL PRODUCTS**

16. Discussions were based on project [CE292](#), [Annex 3](#), which contained a guideline and a joint proposal relating to food and beverages that are typical of certain countries or regions, submitted by France, Italy, Switzerland and the United Kingdom.

17. The Committee agreed on the following guideline:

Each proposed term in classes 29, 30, 31, 32 and 33 must be well-known and recognized world-wide, which means that it is defined in the Oxford or Larousse dictionaries.

18. The Committee adopted the proposal with slight modifications. The decisions of the Committee are available on the electronic forum, project [CE290](#).

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

19. Discussions were based on project [CE292](#), [Annex 4](#), which contained a joint proposal for changes to six class headings and their explanatory notes, submitted by Japan, Switzerland, the United States of America, the European Union Intellectual Property Office (EUIPO) and the International Bureau.

20. The Committee approved the proposal with slight modifications. The decisions of the Committee are available on the electronic forum, project [CE290](#).

**(d) RESTRUCTURING OF CLASS 9**

21. Discussions were based on project [CE292](#), [Annex 5](#), which contained a request for a group discussion on potential restructuring of Class 9, submitted by the United States of America.

22. The Chair invited the delegations to express their views on whether they would consider any proposal to re-structure Class 9. Over half of the delegations indicated that they would prefer no change. Of those that indicated that they would consider a change, the preference was for the option to transfer entries from Class 9 to different classes. Nevertheless, some delegations stressed that this option has only a limited short-term advantage and that introducing too many changes creates confusion for the users and an enormous amount of work for Offices.

**(e) DISPENSERS**

23. Discussions were based on project [CE292](#), [Annex 6](#), which contained a proposal for modifications to the classification of dispensers, submitted by the United States of America.

24. The Committee noted that this proposal was postponed by the proposing Office and will be discussed at the thirtieth session.

**NEW REVISION PROCEDURE WITH NCLRMS (NICE CLASSIFICATION REVISION MANAGEMENT SOLUTION)**

25. Discussions were based on project [CE292](#), [Annex 7](#), relating to the procedure for submitting proposals for modifications to the Nice Classification to the Secretariat, as well as information concerning the NCLRMS, submitted by the International Bureau.

26. The Committee noted that the full implementation of the NCLRMS had been delayed due to some technical issues, and would now be used for the revision process leading to the publication of NCL(12-2022). The Committee further noted that the International Bureau would introduce the following transitional changes to the revision process for the next cycle (NCL11-2021 revision process):

- (i) the e-forum will continue to be used
- (ii) the International Bureau will implement a unique Excel template for submitting proposals as an interim measure. This will be made available at a later stage and Offices will be notified, and
- (iii) there will be a defined start period for the submission of proposals from July 2019.

**REPORT ON NCL-RELATED IT SYSTEMS**

27. Discussions were based on [presentations](#) made by the International Bureau regarding the progress of the NCLRMS project, as well updates concerning functional IT changes.

28. The Committee noted that following the recent completion of the design phase of the NCLRMS, the next stage of the project would be the implementation and testing phase towards the second half of 2019, with the target of NCLRMS being ready for consultation in the last

quarter of 2019. The International Bureau gave a presentation of the key features of the planned user interface of the NCLRMS, in particular, showing the two different methods for submitting proposals through the Excel template or by direct drafting through the user interface, how to comment and vote electronically on those proposals, and how to download related reports. The Committee further noted that a dynamic demonstration and training are foreseen for delegates at the next session.

29. Further updates were provided concerning the WIPO-wide change to HTTPS protocol meaning that Offices may have to update hyperlinks to their NCL publication platform, a new version of NCLPub in May 2019, the development of a WIPO Portal that may also impact user interfaces of NCL-related IT tools, as well as the preparation for future integration of some e-forum functionalities into NCLRMS.

#### **NEXT SESSION OF THE COMMITTEE OF EXPERTS**

30. The Committee noted that its thirtieth session will be held in Geneva, in April or May 2020.

#### **CLOSING OF THE SESSION**

31. The Chair closed the session.

32. *The Committee of Experts unanimously adopted this report by electronic means on May 31, 2019.*

[Annexes follow]