

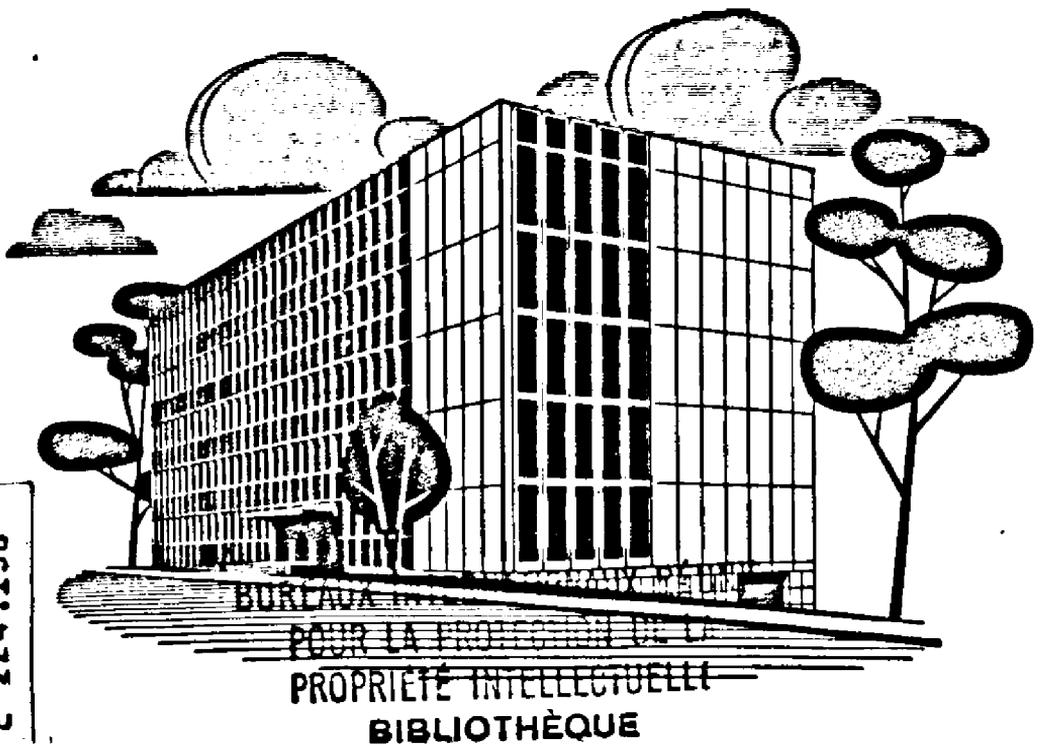
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BIRPI

**UNITED INTERNATIONAL BUREAUX FOR
THE PROTECTION OF INTELLECTUAL PROPERTY**

NICE

**NICE AGREEMENT
CONCERNING THE INTERNATIONAL
CLASSIFICATION OF GOODS AND
SERVICES TO WHICH TRADEMARKS
ARE APPLIED**



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GENEVA
September 1966

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NICE AGREEMENT
CONCERNING
THE INTERNATIONAL
CLASSIFICATION OF GOODS
AND SERVICES TO WHICH
TRADEMARKS ARE APPLIED

OF JUNE 15, 1957

Article 1

(1) The countries to which this Agreement applies form a Special Union.

(2) They adopt, for the purpose of the registration of marks, a single classification of goods and services.

(3) This classification consists of:

(a) a list of classes;

(b) an alphabetical list of goods and services with an indication of the classes into which they fall.

(4) The list of classes and the alphabetical list of goods are those which were published in 1935 by the International Bureau for the Protection of Industrial Property.

(5) The list of classes and the alphabetical list of goods and services may be modified or supplemented by the Committee of Experts set up under Article 3 of this Agreement, in accordance with the procedure laid down in that Article.

(6) The classification shall be established in the French language and, at the request of any contracting country, an official translation into the language of that country may be published by the International Bureau in agreement with the national Administration concerned. Each translation of the list of goods and services shall mention against each of the goods or services, in addition to its number according to the alphabetical listing in the language concerned, the number which it bears in the list established in the French language.

Article 2

(1) Subject to the requirements prescribed by this Agreement, the effect of the international classification shall be that attributed to it by each contracting country. In particular, the international classification shall not bind the contracting countries in respect of either the evaluation of the extent of the protection afforded to any given mark, or the recognition of service marks.

(2) Each of the contracting countries reserves the right to apply the international classification of goods and services as a principal or as a subsidiary system.

(3) The Administrations of the contracting countries shall include in the official documents and publications concerning the registrations of marks the numbers of the classes of the international classification to which the goods or services for which the mark is registered belong.

(4) The fact that a term is included in the alphabetical list of goods and services in no way affects any rights which might exist in such a term.

Article 3

(1) A Committee of Experts charged with deciding all modifications and additions to be made in the international classification of goods and services shall be set up at the International Bureau. Each of the contracting countries shall be represented on the Committee of Experts, which shall be organized according to Regula-

tions adopted by a majority of the countries represented. The International Bureau shall be represented on the Committee.

(2) Proposals for modification or addition shall be addressed by the Administrations of the contracting countries to the International Bureau, which shall transmit them to the members of the Committee of Experts not later than two months before that session of the Committee at which the said proposals are to be considered.

(3) Decisions of the Committee concerning modifications in the classification shall be made with the unanimous consent of the contracting countries. "Modification" means any transfer of goods from one class to another or the creation of any new class entailing such transfer.

(4) Decisions of the Committee concerning additions to the classification shall be made by a simple majority of the contracting countries.

(5) Each expert shall have the right to submit his opinion in writing or to delegate his powers to the expert of another country.

(6) If a country does not appoint an expert to represent it, or if the expert appointed does not submit his opinion within a period to be prescribed by the Regulations, the country concerned shall be considered to have accepted the decision of the Committee.

Article 4

(1) Every modification and addition decided by the Committee of Experts shall be notified to the Administrations of the contracting countries by the International Bureau. The decisions shall come into force, in so far as additions are concerned, as soon as the notification is received, and, as far as modifications are concerned, within a period of six months to be reckoned from the date of dispatch of the notification.

(2) The International Bureau, as the depositary of the classification of goods and services, shall incorporate

therein the modifications and additions which have entered into force. Announcements of these modifications and additions shall be published in the two periodicals *La Propriété industrielle* and *Les Marques internationales*.

Article 5

(1) The expenses which the International Bureau incurs in carrying out this Agreement shall be borne in common by the contracting countries in accordance with the provisions of Article 13(8), (9), and (10), of the Paris Convention for the Protection of Industrial Property. Until a further decision is made, these expenses may not exceed the sum of 40,000 gold francs per annum.

(2) The expenses referred to in paragraph (1) of Article 5 shall not include expenses relating to the work of diplomatic conferences, or those due to special work or publications carried out in accordance with the decisions of a conference. These expenses, the annual total of which may not exceed 10,000 gold francs, shall be borne in common by the contracting countries as provided by the terms of paragraph (1) above.

(3) The totals of the expenses provided for in paragraphs (1) and (2) above may, if necessary, be increased by decision of the contracting countries or of one of the conferences referred to in Article 8; such decisions shall be deemed valid if they are supported by four-fifths of the contracting countries.

Article 6

(1) This Agreement shall be ratified and the instruments of ratification deposited at Paris not later than December 31, 1961. These ratifications, with their dates and any statements accompanying them, shall be notified by the Government of the French Republic to the Governments of the other contracting countries.

(2) Countries of the Union for the Protection of Industrial Property which have not signed this Agreement in accordance with Article 11(2) shall be allowed to accede to it, at their request, in accordance with the

provisions of Article 16 of the Paris Convention for the Protection of Industrial Property.

(3) Countries which have not deposited an instrument of ratification within the period prescribed by paragraph (1) of this Article shall be allowed to accede to the Agreement in accordance with Article 16 of the Paris Convention for the Protection of Industrial Property.

Article 7

This Agreement shall come into force between those countries which have ratified or acceded to it one month from the date on which the instruments of ratification have been deposited or the accessions notified by not less than ten countries. The Agreement shall have the same force and duration as the Paris Convention for the Protection of Industrial Property.

Article 8

(1) This Agreement shall be submitted to periodical revisions with a view to the introduction of desired improvements.

(2) Every revision shall be considered at a conference which shall be held in one of the contracting countries, between the delegates of the said countries.

(3) The Administration of the country in which the conference is to be held shall prepare the work of the conference, with the assistance of the International Bureau.

(4) The Director of the International Bureau shall attend the meetings of the conferences and take part in the discussions, but without the right to vote.

Article 9

(1) Each contracting country shall be entitled to denounce this Agreement by means of a written notification addressed to the Government of the Swiss Confederation.

(2) This denunciation, which shall be communicated by the Government of the Swiss Confederation to all other contracting countries, shall have effect only in respect of the denouncing country and only twelve months after receipt of the notification addressed to the Government of the Swiss Confederation, the Agreement remaining in force for the other contracting countries.

Article 10

The provisions of Article 16*bis* of the Paris Convention for the Protection of Industrial Property shall apply to this Agreement.

Article 11

(1) This Agreement shall be signed in a single copy, which shall be deposited in the archives of the Ministry of Foreign Affairs of the French Republic. A certified copy shall be transmitted through diplomatic channels to each of the Governments of the contracting countries.

(2) This Agreement shall remain open for signature by the member countries of the Union for the Protection of Industrial Property until December 31, 1958, or until it comes into force, whichever date is the earlier.

MEMBER STATES OF THE NICE UNION

(October 1, 1966)

Australia	Morocco
Belgium	Netherlands
Czechoslovakia	Norway
Denmark	Poland
France	Portugal
Germany (Fed. Rep.) ¹	Spain
Israel	Sweden
Italy	Switzerland
Lebanon	United Kingdom
Monaco	Yugoslavia

¹ Member States disagree on the question of whether East Germany or the German Democratic Republic is to be considered as a party to this Agreement.