

No. 8008

**AUSTRIA, BELGIUM, DENMARK, SPAIN,
FEDERAL REPUBLIC OF GERMANY, etc.**

**Agreement of Nice concerning the international
classification of goods and services to which trade
marks are applied. Done at Nice, on 15 June 1957**

Official text: French.

Registered by France on 17 December 1965.

**AUTRICHE, BELGIQUE, DANEMARK, ESPAGNE,
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE, etc.**

**Arrangement de Nice concernant la classification
internationale des produits et des services auxquels
s'appliquent les marques de fabrique ou de commerce.
Fait à Nice, le 15 juin 1957**

Texte officiel français.

Enregistré par la France le 17 décembre 1965.

[TRANSLATION ¹ — TRADUCTION ²]

No. 8008. AGREEMENT OF NICE ³ CONCERNING THE INTERNATIONAL CLASSIFICATION OF GOODS AND SERVICES TO WHICH TRADE MARKS ARE APPLIED. DONE AT NICE, ON 15 JUNE 1957

Article 1

(1) The countries to which this Agreement applies constitute a special Union.

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

¹ Translation provided by the Director of the United International Bureaux for the Protection of Intellectual Property.

² Traduction fournie par la Direction des Bureaux internationaux réunis pour la protection de la propriété intellectuelle.

³ In accordance with article 7, the Agreement came into force on 8 April 1961, one month after the date of deposit * of the tenth instrument of ratification or accession (a) with respect to the following States on whose behalf the instruments were deposited on the dates indicated below :

<i>State</i>	<i>Date of deposit</i>	
Poland	25 March	1958
Spain	13 November	1958
Portugal	2 April	1959
France	9 November	1959
Lebanon	30 May	1960
Italy	25 July	1960
Israel	20 September	1960 (a)
Czechoslovakia	21 October	1960
Australia	7 January	1961 (a)
Monaco	8 March	1961

Subsequently, the Agreement came into force with respect to each of the following States, one month after the date of deposit * of its instrument of ratification or after the date of notification by the Swiss Government of its accession (a) or on that specified in its instrument of accession, as follows :

<i>State</i>	<i>Date of Deposit</i>		<i>Date of entry into force</i>	
Norway	28 June	1961	28 July	1961
Sweden	28 June	1961	28 July	1961
Denmark	30 October	1961	30 November	1961
Federal Republic of Germany	29 December	1961	29 January	1962
Belgium	6 March	1962 (a)	6 June	1962
Netherlands	21 May	1962 (a)	20 August	1962
Switzerland	20 July	1962 (a)	20 August	1962
United Kingdom of Great Britain and Northern Ireland	30 October	1962 (a)	15 April	1963
German Democratic Republic	23 September	1964 (a)	15 January	1965

* In accordance with article 6, the instruments of ratification were deposited with the French Government and the instruments of accession with the Swiss Government.

(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 French 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 item, in addition to its number in the alphabetical order of items in the language concerned, the number which it bears in the French text.

Article 2

(1) Subject to the obligations imposed 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 their evaluation of the extent of the protection afforded to a mark, or their 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 listing the registrations of trade-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 an item is included in the alphabetical list of goods and services in no way affects any rights already existing in respect of that item.

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 draw up its own rules of procedure and shall adopt them by a majority of the countries represented. The International Bureau shall be represented on the Committee.

(2) Proposals for modification or addition must be notified by the Administrations of the contracting countries to the International Bureau, which must transmit them to the members of the Committee of Experts not later than two months before the meeting of that Committee at which they 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. The term "modification" shall be understood to cover 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 to the Committee within a period to be prescribed by the rules of procedure, the country concerned shall be considered to have accepted the Committee's decision.

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, from the receipt of the notification 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. 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, paragraphs (8), (9) and (10),

of the Convention of Paris for the Protection of Industrial Property.¹ 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 in Paris not later than December 31, 1961. The ratifications, with their dates and any statements accompanying them, shall be notified by the French Republic to the Governments of the other contracting countries.

(2) Member countries of the Union for the Protection of Industrial Property which have not signed this Agreement in accordance with Article 11, paragraph (2), shall be allowed to accede to it, at their request, in accordance with the provisions of Article 16 of the Convention of Paris 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 Convention of Paris for the Protection of Industrial Property.

Article 7

This Agreement shall come into force between those countries which have ratified it 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 Convention of Paris for the Protection of Industrial Property.

* This monetary unit is the gold franc of 100 centimes, weighing 10/31 of a gramme and of a fineness of 0.900.

¹ League of Nations, *Treaty Series*, Vol. CXCVII, p. 17; Vol. CCIV, p. 469, and Vol. CCV, p. 218; and United Nations, *Treaty Series*, Vol. 1, p. 269; Vol. 32, p. 406; Vol. 267, p. 393, and Vol. 343, p. 369.

Article 8

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

(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 by the Government of the Swiss Confederation. The Agreement shall remain in force for the other contracting countries.

Article 10

The provisions of Article 16 *bis* of the Convention of Paris 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 by diplomatic channels to each of the Governments of the contracting countries.

(2) It 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.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Arrangement.

DONE at Nice in a single copy, on 15 June 1957.

For the Federal Republic of Germany :

Herbert KUHNEMANN

For Australia :

For Austria :

Gottfried THALER

For Belgium :

L. HERMANS

For Brasil :

For the People's Republic of Bulgaria :

For Canada :

For Ceylon :

For Cuba :

For Denmark :

Julie OLSEN

For the Dominican Republic :

For Egypt :

For Spain :

N. JURISTO VALVERDE
J. L. APARICIO

For the United States of America :

For Finland :

For France :

Marcel PLAISANT

For the United Kingdom of Great Britain and Northern Ireland :

R. G. ATKINSON

For Greece :

For the Hungarian People's Republic :

Lajos DEGE

For Indonesia :

For Ireland :

For Israel :

For Italy :

TALAMO

For Japan :

For Lebanon :

FAYARD
A. SOUFI

For the Principality of Liechtenstein :

Hans MORF

For Luxembourg :

J. P. HOFFMANN

For Morocco :

Taieb SEBTI

For Mexico :

For Monaco :

C. SOLAMITO

For Norway :

Roald ROED

For New Zealand :

For the Netherlands :

C. J. DE HAAN

For the Polish People's Republic :

Z. MUSZYNSKI

For Portugal, with the Azores and Madeira Islands :

Jorge VAN ZELLER GARIN

For Romania :

M. BALANESCO 31.12.1958

For Sweden :

Claes UGGLA

For Switzerland :

Hans MORF
Léon EGGER

For Syria :

For the Republic of Czechoslovakia :

Dr. Jan CECH

For Tunisia :

Salah Eddine EL GOULLI

For the Republic of Turkey :

Feridun C. ERKIN 31.12.1958

For the Union of South Africa :

For Viet-Nam :

For Yugoslavia :

Milenko JAKOVLJEVIC
