

EXPLAINER: CLASSIFICATION

MIND YOUR WORDS!

The importance of making the right choices in the classification of goods and services

Includes: examples, tricks!

THE ARTICLE THAT IS CENTRAL IN CLASSIFICATION

Art 2.5bis (2) BCIP

"The goods and services for which protection is sought shall be identified by the applicant with sufficient clarity and precision to enable the competent authorities and economic operators, on that sole basis, to determine the extent of the protection sought."

WHAT IS INSUFFICIENT?

An example of insufficient clarity and precision:

- Cl 18 Goods made of leather and imitation leather.
- Cl 7 Machines.

These should be made more clear and precise, for example:

- Cl 18 Leather backpacks; imitation leather handbags.
- CI 7 Sewing machines for textiles and leather.

3 EASY TIPS

- 1. When selecting the relevant goods and services, be ambitious but also realistic. Keep in mind that extending your scope of protection equally increases the likelihood of conflicts with other trademarks.
- 2. It is important to realize that you do need to 'genuinely' use your trademark for the goods and services chosen.
- 3. Limiting your list of goods and services is always allowed, whereas expanding is not possible. Adding new goods or services will require a new trademark application.

EXTRA TIP!

Be aware of the correct use of terms such as:

- namely
- to know
- inter alia
- including
- excluding
- all aforementioned goods or services only in relation to (specification)
- all aforementioned goods and services also in relation to
- all aforementioned goods and services not in relation to (disclaimer)



EXAMPLE 1

For instance:

- Cl 25 Clothing, including socks, hoodies and T-shirts; or
- Cl 25 Clothing, in particular socks, hoodies and T-shirts.

What does this actually mean?

 This is not a limitation nor an exception, but merely a message to the market without any legal implications

EXAMPLE 2

 Cl 25 Clothing, namely socks, hoodies and T-shirts.

What does this actually mean?

 The list is limited to socks, hoodies and T-shirts. This is clearly a limitation, where the term "clothing" could also have simply been omitted.

EXAMPLE 3

- Suppose the word Tuxedo being filed as a trademark for:
- Cl 25 Clothing, excluding smoking jackets.

What does this actually mean?

- It excludes the goods for which it is descriptive, but this is a socalled 'Postkantoor' restriction (i.e. disclaimer) which is not permissible.
- An acceptable restriction would be, for example:
- Cl 25 Swimsuits; socks; hoodies.

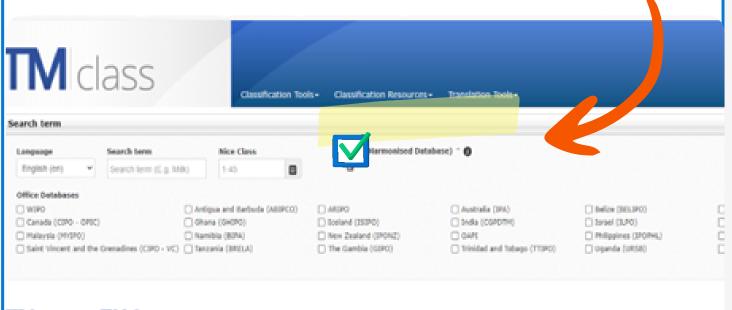


RECOMMENDED!

Preferably use approved classification terms.



Use the Harmonised Database



Welcome to TMclass

Mclass helps you to search for and classify Goods and Services (terms) needed to apply for trade mark protection. You can also translate a list of Goods and Services and verify if those control below.



PUNCTUATION MATTERS

Use ";" and "," to distinguish terms

 Cl 25 Clothing; shoes; headgear, excluding socks"

Is this correct? Or should it read as follows?

 Cl 25 Clothing, excluding socks; shoes; headgear.

The second one is correct, because headgear are not socks and vice versa

