

Taxonomy 2021

Version 1.0 – 01/01/2021

Project/Service			
Status	APPROVED		
Approved by owner	RB	Rahul Bhartiya	EUIPN OC
Authors	MJ	Magnus Jaensson	EUIPN OC
Contributors	AB	Andra But	EUIPN OC
	TC	Thom Clark	EUIPO
	MF	Mike Foley	EUIPN OC
	JM	Mona Jarmer	EUIPN OC

Revision History

Version	Date	Author	Description
0.1	31/07/2019	MJ	First draft.
0.2	29/10/2020	MJ	Revised and update based on feedback from participating offices.
1.0	01/01/2021	MJ	Final version

TABLE OF CONTENTS

1. INTRODUCTION — PURPOSE OF DOCUMENT	4
2. TAXONOMY.....	5
2.1 Regarding Taxonomy	5
2.1.1 General Taxonomy principles	5
2.1.1 Group Titles are not terms.....	5
2.1.1 Taxonomy is not HDB (or any other term source).....	6
2.2 Regarding Taxonomy changes.....	6
2.2.1 Taxonomy yearly update process.....	6
3. TAXONOMY 2021.....	8
4. TAXONOMY CHANGES BASED ON NICE 11.21	9
5. TAXONOMY STUDIES	10
5.1 Class 19: Building and construction materials and elements	10
5.2 Class 21: Toilet utensils	11
6. MISCELLANEOUS CHANGES.....	13
7. PROPOSED CHANGE NOT IMPLEMENTED	16
8. ANNEX – TAXONOMY 2021 IMPLEMENTED CHANGES IN CLASS ORDER	17
9. ANNEX – TAXONOMY VISUALISATION	20

1. Introduction — Purpose of Document

This document presents the changes to Taxonomy, both Group Titles and structure, for the 2021 version.

This document as a draft has been presented to the Taxonomy stakeholders for feedback, which have been incorporated into the final version. Furthermore, the document has been presented to the participating National Offices for approval or rejection of the included content and the Taxonomy change proposals. The final version of this document therefore contains the changes approved by the Offices participating in the Taxonomy decision-making process.

2. Taxonomy

To properly understand the fundamental working of Taxonomy it is necessary to understand why it was created and with what purpose. A more elaborate explanation can be found in the Taxonomy 2018 document available in the news section of TMclass or per request from EUIPN OC. This document also contains more details on the Taxonomy update process and proceedings.

2.1 Regarding Taxonomy

There are three main purposes of Taxonomy; navigate, organise and maintain the content of a Nice Classification based data source.

1. With the purpose of navigating the content of any terminology databases; Taxonomy was created for users to find the most suitable terms. For this purpose, the functions of the Taxonomy are:
 - a. To guide the user through the correct path through a large set of terms that, in many cases, are irrelevant to the application of the user;
 - b. To provide a logical and structural mapping of each class;
 - c. To provide an overview of the complete content of the class.
2. With the purpose to organise the content; the Taxonomy was created with the realisation of growing need for pre-approved and controlled terminology sources and that consequently the 45 classes of Nice would not be adequate organisation as the number of terms grows.
3. With the purpose of maintaining the growing content; Taxonomy was built to limit the needed effort in changes to Nice Classification or practice and to ensure consistency and alignment with other classification sources and systems.

The purposes of Taxonomy are at the core of the structure and the very foundation of Taxonomy for functionality, consistency and legitimacy.

2.1.1 General Taxonomy principles

1. The Taxonomy will adhere to the current Nice Classification system, including the General Remarks and the decisions of the Committee of Experts.
2. The primary principle of Taxonomy is user-friendliness and usability.
3. Each class will have a hierarchy, populated by database terms (i.e. terms that are in the HDB).
4. The top level of each hierarchy will be the class number; this level will not contain any terms.
5. Each class will contain at least one further level of groups.
6. Each group will have a title which should, if possible, be a term that is acceptable within the HDB.
7. The number of levels is defined by the complexity of the class (having regard to principle 2 above).
8. The taxonomy must be flexible, and can change. Additions and changes can be made at any level.
9. A Group Title must be a database term if the parent has a database term as its title (i.e. there cannot be an unacceptable term as a title below an accepted title).
10. A Group Title cannot have multiple parents.

2.1.1 Group Titles are not terms

Group Titles are not terms of goods and services. The purpose of the Group Titles is to describe the content of the group, and sub-groups and thereby enable Taxonomy to function and easily be used. Their purpose is not to describe goods or services in trade mark applications, although many will be accepted if used as such.

2.1.1 Taxonomy is not HDB (or any other term source)

Taxonomy was created and developed so that it would be applicable to any terminology source based on the Nice Classification. With purposed functions of organisation, navigation and maintenance Taxonomy could be applied to any classification database with immediate benefits for users and offices alike. Even though Taxonomy was based on HDB it is not exclusive to HDB and must be distinguished from HDB in its evolution and updates.

For example, issues that are concerned with the content that should not be assessed in the context of Taxonomy are *multiple goods or services within the same expression or acceptability in a list of goods and services*. These are issues determined by classification practice and not pertinent to Taxonomy and navigation.

2.2 Regarding Taxonomy changes

For the Taxonomy to stay relevant and useful it must constantly evolve with the market reality. For this the yearly update process has been put into place. However, the changes on Taxonomy must be done to improve Taxonomy, to make it current, simpler to use and to assure the 2020 functions and benefits. As the function of Taxonomy is not in classification, the changes must **not** be made based on classification issues.

Proposals for changing Taxonomy must be clear and precise. Identifying a problem cannot be regarded as a proposal for change; there must also be a solution. To ensure that the proposed change is properly understood by the analysis team it should contain the current situation and the future situation. The following information should be contained in a proposal – current and proposed:

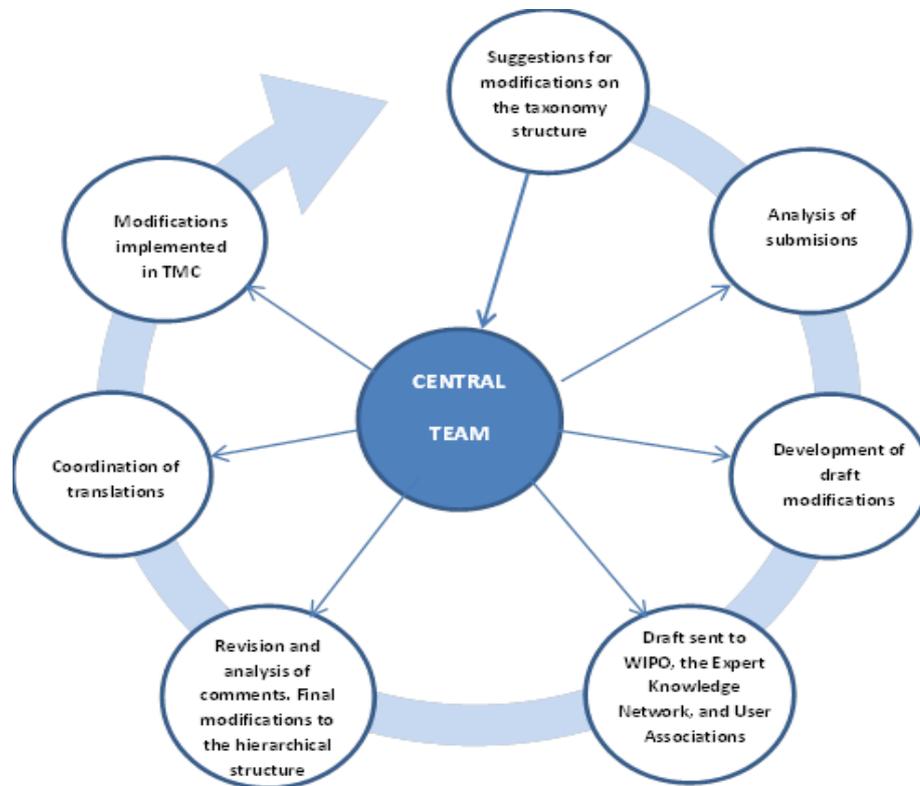
- Title of the group.
- Groups above and below the affected group.
- Scope of terminology content in the affected group.
- Justification of change.

The justification should state the problem that requires the change, improvements resulting from the change – how the Taxonomy becomes better, more accurate, etc., and the benefits of the update.

2.2.1 Taxonomy yearly update process

The revision of Taxonomy structure and Group Titles is managed by the European Union Intellectual Property Network Operation Centre (EUIPN OC). Revision is undertaken over a yearly cycle, ending on 1 January each year, with the implementation of a new version of the Taxonomy, coinciding with the implementation of the next version or edition of the Nice Classification.

Outside of this cycle, the EUIPN OC reviews the Taxonomy structure and Group Titles as part of a continuous quality improvement process.



The Update Cycle starts on 1 January each year, when a 6-month period opens for proposals for revision to the Taxonomy structure and Group Titles to be made. This period ends on 1 July. Proposals received after 1 July will be saved for the next revision cycle, unless in exceptional circumstances they are required in order to correct an error, or to avoid or resolve an issue.

The identification of changes to the Taxonomy structure or any Group Titles required (or considered appropriate) as a result of a new version or edition of the Nice Classification will be the responsibility of the EUIPN OC.

Other proposals for changes to the Taxonomy structure or Group Titles should be sent by email to the EUIPN OC central mailbox. Proposals may be made by any interested party. Detailed specifications for making proposals can be found in the Taxonomy 2018 document.

After the proposal period closes on 1 July, the proposals will be collated and analysed by the EUIPN OC. The analysis will identify related proposals, to avoid any conflicting or contradictory outcomes. If conflicts, inconsistencies, misalignments or any other type of problem is identified during the initial analysis contact is made with the proposing party to explore options and possible amendments of the proposal.

All proposed changes, analysis and recommendations are communicated with the participating trade mark offices, WIPO and interested User Associations for their consideration and comment. When all comments have been resolved and the document and its content is approved by the participating trade mark offices it is finalised, the changes implemented and the document published and communicated, which concludes the Taxonomy yearly update process.

3. Taxonomy 2021

Taxonomy 2021 includes 15 changes from the 2020 version.

In total, the changes for Taxonomy 2021 are distributed as follows:

Class	Changed	New	Deleted	Move	Merge	Total
16	0	0	0	1	1	2
19	0	3	0	0	0	3
20	0	1	0	0	0	1
21	1	2	0	0	0	3
25	0	1	0	0	0	1
28	2	0	0	0	0	2
29	1	0	0	0	0	1
30	1	0	0	0	0	1
36	1	0	0	0	0	1
Total	6	7	0	1	1	15

All changes implemented are detailed and justified in the subsequent chapters of this document.

4. Taxonomy changes based on Nice 11.21

The 2021 version of the Nice Classification has resulted in two change to Taxonomy. These change are not necessary, but beneficial for the alignment between Nice and Taxonomy.

Class	Origin	2020	2021
28	Nice	Tabletop games and gambling devices	[CHANGE] Table-top games and gambling devices
		Parent: Toys, games, and playthings	
Justification		With the introduction of the concept of table-top games into Nice the decision of the Committee of Experts has been to hyphenate the word, while when it was introduced in Taxonomy the word was compounded. To strive for alignment with Nice the change is minor and only for English and French.	
EUIPN OC Analysis		N/A	<i>Ref: Nice-28001</i>

Class	Origin	2020	2021
36	Nice	Financial and monetary services, and banking	[CHANGE] Financial, monetary and banking services
		Parent: Class 36	
Justification		With the update of Nice Class Headings for Nice 2021 the new Class Heading is very close to the existing Group Title. For the sake of alignment, the Group Title would therefore be adjusted to correspond to the 2021 Class Heading for the sake of alignment.	
EUIPN OC Analysis		N/A	<i>Ref: Nice-36001</i>

5. Taxonomy studies

5.1 Class 19: Building and construction materials and elements

The group of “Building and construction materials and elements, not of metal” is large and contain too many terms to be efficient for the users, and would benefit from further categorisation. Within the market of building and construction materials the material used to create the goods appears to be decisive and separate categories of manufacturers. It is therefore only natural that Taxonomy makes an equal distinction and separates the major materials within the class in question. The separation has been made in analogy with the existing groups for the unprocessed and semi-processed materials in the structure.

Class	Origin	2020	2021
19	EUIPN OC	-	[NEW] Building and construction materials and elements made of pitch, tar, bitumen or asphalt
		Parent: Building and construction materials and elements, not of metal	
Justification		See above.	
EUIPN OC Analysis		N/A	<i>Ref: Build-19001</i>

Class	Origin	2020	2021
19	EUIPN OC	-	[NEW] Building and construction materials and elements made of sand, stone, rock, clay, minerals and concrete
		Parent: Building and construction materials and elements, not of metal	
Justification		See above.	
EUIPN OC Analysis		N/A	<i>Ref: Build-19002</i>

Class	Origin	2020	2021
19	EUIPN OC	-	[NEW] Building and construction materials and elements made of wood and artificial wood
		Parent: Building and construction materials and elements, not of metal	
Justification		See above.	
EUIPN OC Analysis		N/A	<i>Ref: Build-19003</i>

5.2 Class 21: Toilet utensils

Certain goods categorised as “toilet utensils” are rather toilet cleaning utensils, e.g. “Toilet brush holders”. Still, the definition of “Toilet utensils” is ambiguous at best as it does not appear in any major dictionary. However, “Toilet utensils” is Nice term, 210225, also there not very well defined neither in English nor French. Internet searches, both generally and in online marketplaces, appear to include both cosmetic utensils and bathroom cleaning utensils. As such the use of “toilet utensils” as an expression in Taxonomy would be ill-advised and may cause uncertainty and confusion for the users.

The study has resulted in the following proposed changes to minimize the ambiguity of these categories of goods and clarify the division between Taxonomy groups as well as between Nice classes.

- [Change] “Cosmetic and toilet utensils” to “Cosmetic, hygiene and beauty care utensils”
- [Add] “Toilet and bathroom cleaning utensils” as a subgroup to “Household utensils for cleaning, brushes and brush-making materials”.
- [Add] New group for “Bathroom fittings” to cover the fixtures found in bathrooms, like toilet brush holders, soap holders, towel racks. This could however also include bathroom shelves in class 20, bathroom scales in class 9, and bathroom hooks from 6 and 20.
- [Add] New group in class 20 for “Bathroom furniture”, under group “Furniture and furnishings”, to emphasise the categorical differences between classes and the categories of goods. The goods included in the group is also clearly a separate market category that is divided from other types of furniture, both by nature and characteristics of being suited for the damp environment of bathrooms.

The Nice term “Toilet utensils” would be taxonomised in both “Cosmetic and toilet utensils” “Toilet and bathroom cleaning utensils” as the expression seems to incorporate goods of both nature. Other terminology which would cover both categories should be deleted due to ambiguity (unless other related Nice terms are identified).

Class	Origin	2020	2021
20	EUIPN OC	-	[NEW] Bathroom furniture
		Parent: Furniture and furnishings	
Justification		Bathroom furniture appears to be a separate market sector with furniture specified for bathrooms. Additionally, the group would emphasise the difference from bathroom fittings which are natural to class 21.	
EUIPN OC Analysis		N/A	<i>Ref: Uten-20001</i>

Class	Origin	2020	2021
21	EUIPN OC	Cosmetic and toilet utensils	[CHANGE] Cosmetic, hygiene and beauty care utensils
		Parent: Class 21	
Justification		As the definition of “Toilet utensils” is unclear the change to “Beauty care utensils” more reflect the market categories as well as removes uncertainties for the user.	
EUIPN OC Analysis		N/A	Ref: Uten-12101

Class	Origin	2020	2021
21	EUIPN OC	-	[NEW] Toilet and bathroom cleaning utensils
		Parent: Household utensils for cleaning, brushes and brush-making materials	
Justification		Since the utensils for cleaning toilets and bathrooms differ from cleaning of other rooms and spaces the group identifies the category as a sub-market for general cleaning materials.	
EUIPN OC Analysis		N/A	Ref: Uten-12102

Class	Origin	2020	2021
21	EUIPN OC	-	[NEW] Bathroom fittings
		Parent: Class 21	
Justification		This group covers the fixtures found in bathrooms, like toilet brush holders, soap holders, towel racks. Since these are not for cosmetics nor for cleaning the group should be separated as they are permanently or semi-permanently fixtures.	
EUIPN OC Analysis		N/A	Ref: Uten-12103

6. Miscellaneous changes

The following miscellaneous changes (1 new, 3 changed, 1 merged, 1 moved and no deleted group(s)) have been proposed by various stakeholders and implemented:

Class	Origin	2020	2021
16	EUIPO	Stationery and educational supplies	[MERGE] Printed matter, and stationery and educational supplies
		Printed matter	
		Parent: Class 16	
Justification	<p>An overlap is seen to cause problems between the two taxonomy groups <i>printed matter</i> and <i>stationery and educational supplies</i>. The former is understood to cover books, pamphlets and brochures, and the latter office requisites such as writing paper, envelopes, pens, ink, paper-clips, adhesive tapes, correcting fluids and staplers (see Nice info file). However, this means that printed stationery items such as calendars, diaries and accounting forms would fall into both groups. This is not clear from the way in which the terms have been taxonomized, and also not clear from the group titles.</p> <p>At present the groups are quite big (323 and 322 terms respectively), and it is understood that there will be reservations in creating such a large top-level group. However, there is a considerable overlap: in the group <i>printed matter</i>, 48 terms could also be taxonomized in the other group, and in <i>stationery and educational supplies</i>, 42 terms could be taxonomized as <i>printed matter</i>; this means a discrepancy of 15% This is before going into the question of subject matter, i.e. whether unspecified publications should also be taxonomized as <i>educational supplies</i> as they could include instructional publications.</p> <p>As this would merge groups, it does not have other effects on the terms within them except changing the top-level group title. The sub-group <i>books</i> will be comprehensible at this level, and fits in with the other sub-groups there.</p>		
EUIPN OC Analysis	<p>Although the group becomes quite extensive it is clear that the merger makes sense and is advisable. Regarding the overlap between printed publications (and books) and educational supplies, this could be handled same way as whenever a specified good could belong to two different groups – if it is specified as an educational publication or educational book then it gets both groups as parents, but unspecified books and publications are not considered educational even though it theoretically could be.</p>	<i>Ref: Misc-16001</i>	

Class	Origin	2020	2021
16	EUIPO	Books	[MOVE] Books
		Original parent: Printed matter	
		New parent: Printed matter, and stationery and educational supplies	
Justification	<p>As the former parent of “Printed matter” is merged the relationship will require to be recreated with the new merged group.</p> <p>The sub-group <i>books</i> will be comprehensible at this level, and fits in with the other sub-groups there.</p>		
EUIPN OC Analysis	A self-evident change as the original parent is removed.		<i>Ref: Misc-16002</i>

Class	Origin	2020	2021
25	EUIPN OC	-	[NEW] Underwear and nightwear
		Parent: Clothing	
Justification	<p>Even though many clothing brands also produce underwear there is a clear segment of the market that targets this subcategory of clothing. Furthermore, there is a clear market sector in the retail category both in the form of specialised stores carrying nothing but the goods in questions and of specific sections within regular clothing stores carrying specific brands. This makes is a clear and distinct subcategory of clothing. As the group of “Clothing” contains a large number of terms a subdivision of clothing is beneficial for the user.</p>		
EUIPN OC Analysis	N/A		<i>Ref: Misc-25001</i>

Class	Origin	2020	2021
28	EUIPN OC	Video game apparatus	[CHANGE] Video game apparatus, arcade games, and amusement machines
		Parent: Toys, games, and playthings	
Justification	<p>Many goods that are currently in the category of “Fairground and playground apparatus” are actually closer related to video games, being the same or similar games and using the same brand. Although not as common as in recent history, arcades still exists in locations like shopping malls, bowling alleys, restaurants and such. and contains many of these apparatus. As such, expanding the video game apparatus category to include arcade gaming machines as well as amusement machines like pin-ball machines, air-hockey tables and skee-ball machines would collect these types of apparatus in a more coherent group.</p>		
EUIPN OC Analysis	N/A		<i>Ref: Misc-28001</i>

Class	Origin	2020	2021
29	EUIPN OC	Prepared meals	[CHANGE] Prepared meals, convenience food and savoury snacks
		Parent: Class 29	
Justification		As “Prepared meals” is slightly ambiguous in the state of preparedness the meal is to be in and exactly what a meal is it is appropriate to include certain other types of foods that are strongly related. By expanding the group to also containing convenience food and savoury snacks it creates a balance with the equivalent group in class 30 as well as incorporates a slightly wider selections, including meal replacement bars and ramen noodles packages.	
EUIPN OC Analysis		N/A	<i>Ref: Misc-29002</i>

Class	Origin	2020	2021
30	EUIPN OC	Convenience food and savory snacks	[CHANGE] Convenience food and savoury snacks
		Parent: Class 30	
Justification		A pure English linguistic update to use the British English spelling or “savoury” rather than the American spelling. Change to ensure continuity and consistency in Taxonomy.	
EUIPN OC Analysis		N/A	<i>Ref: Misc-30001</i>

7. Proposed change not implemented

The following proposal has been withdrawn based on feedback and consequent discussion during the Working Group on Goods and Services 1-2/10 2020:

Class	Origin	2020	2021
29	EUIPN OC	Sausage skins and imitations thereof	[MOVE] Sausage skins and imitations thereof
		Original parent: Class 29	
		New parent: Meat and meat products	
Justification		With the Taxonomy and Nice principle of parts and fittings always following the main good unless there is a separate market sector for these goods the sausage skins and imitations thereof is a part of the meat industry and should therefore be considered to be a subsector of that main market.	
EUIPN OC Analysis		N/A	<i>Ref: Misc-29001</i>

Class	Origin	2020	2021
29	EUIPN OC	Soups and stocks, meat extracts	[MOVE] Soups and stocks, meat extracts
		Original parent: Class 29	
		New parent: Prepared meals, convenience food and savoury snacks	
Justification			
EUIPN OC Analysis		N/A	<i>Ref: Misc-29003</i>

Class	Origin	2020	2021
35	EUIPN OC	-	[NEW] Call-centre services
		Parent: Business assistance, management and administrative services	
Justification		<p>The group “Business assistance, management and administrative services” is large and contains a lot of terms and many different uncategorised submarkets. One market sector that has been identified is the call-centres. These business provides quite a few different services for other business and would incorporate services such as:</p> <ul style="list-style-type: none"> • Telemarketing (with secondary parent under advertising and marketing). • Answering services, • Administrative support services (separated from technical support), • Switchboard services. <p>Although the term itself may be vague the market sector is clear and identifiable.</p>	
EUIPN OC Analysis		N/A	<i>Ref: Misc-35001</i>

8. Annex – Taxonomy 2021 implemented changes in class order

All implemented proposals in class and alphabetical order.

Class	Origin	2020	2021
16	EUIPO	Stationery and educational supplies	[MERGE] Printed matter, and stationery and educational supplies
		Printed matter	
		Parent: Class 16	

Class	Origin	2020	2021
16	EUIPO	Books	[MOVE] Books
		Original parent: Printed matter	
		New parent: Printed matter, and stationery and educational supplies	
			Ref: Misc-16002

Class	Origin	2020	2021
19	EUIPN OC	-	[NEW] Building and construction materials and elements made of pitch, tar, bitumen or asphalt
		Parent: Building and construction materials and elements, not of metal	
			Ref: Build-19001

Class	Origin	2020	2021
19	EUIPN OC	-	[NEW] Building and construction materials and elements made of sand, stone, rock, clay, minerals and concrete
		Parent: Building and construction materials and elements, not of metal	
			Ref: Build-19002

Class	Origin	2020	2021
19	EUIPN OC	-	[NEW] Building and construction materials and elements made of wood and artificial wood
		Parent: Building and construction materials and elements, not of metal	
			Ref: Build-19003

Class	Origin	2020	2021
20	EUIPN OC	-	[NEW] Bathroom furniture
		Parent: Furniture and furnishings	
			Ref: Uten-20001

Class	Origin	2020	2021
21	EUIPN OC	Cosmetic and toilet utensils	[CHANGE] Cosmetic, hygiene and beauty care utensils
		Parent: Class 21	

Class	Origin	2020	2021
21	EUIPN OC	-	[NEW] Toilet and bathroom cleaning utensils
		Parent: Household utensils for cleaning, brushes and brush-making materials	

Class	Origin	2020	2021
21	EUIPN OC	-	[NEW] Bathroom fittings
		Parent: Class 21	

Class	Origin	2020	2021
25	EUIPN OC	-	[NEW] Underwear and nightwear
		Parent: Clothing	

Class	Origin	2020	2021
28	Nice	Tabletop games and gambling devices	[CHANGE] Table-top games and gambling devices
		Parent: Toys, games, and playthings	

Class	Origin	2020	2021
28	EUIPN OC	Video game apparatus	[CHANGE] Video game apparatus, arcade games, and amusement machines
		Parent: Toys, games, and playthings	

Class	Origin	2020	2021
29	EUIPN OC	Prepared meals	[CHANGE] Prepared meals, convenience food and savoury snacks
		Parent: Class 29	

Taxonomy 2021

Class	Origin	2020	2021
30	EUIPN OC	Convenience food and savory snacks	[CHANGE] Convenience food and savoury snacks
		Parent: Class 30	

Class	Origin	2020	2021
36	Nice	Financial and monetary services, and banking	[CHANGE] Financial, monetary and banking services
		Parent: Class 36	

9. Annex – Taxonomy visualisation

Due to the necessary image-size to illustrate some of the structures this document format is not possible to include these in this document as it renders the Group Titles illegible. The visualisation of the structures are therefore presented as a separate pdf-file.