



Convergence of the Class Headings

FAQ

Version 1.0 – 15/11/2011

Referenced Documents (see attachments)

Document



1) Main concerns on the Convergence of Class Headings

Following were the main concerns that were discussed in the working group, and we reached a common understanding on them. Some of these concerns will require a close follow up in the future:

- What are class scopes?
Common understanding:
A class scope consists of acceptable group titles usable in trade mark applications that in combination cover all goods or services in the harmonised database in a given class at a given time.
The interpretation and use of the class scopes are “means-what-it-says”: since the class scope are at the top of the hierarchy of a class and all terms of that class are linked to that top hierarchy, the class scope actually covers all terms in a class that are part of the harmonised database.
- It might not always be possible for the taxonomy to be a strict hierarchy, where each term only belongs to 1 group.
Common understanding:
The taxonomy is a relaxed hierarchy. This means that 1 term might have more parents. It is also possible for groups to have multiple parents.
Still if this occurs too much it is a good indication that the structure has to be revised.
- What happens when there is a new term that does not fit into the structure?
Common understanding:
The taxonomy is a dynamic structure. It aims to structure all the Goods and Services of the harmonised database. The class scopes are based on the taxonomy and will cover for the Goods and Services of the harmonised database.
When a new term fits into the existing taxonomy structure: in this case the taxonomy is still valid, and so are the class scopes.
When the new term does not fit into the taxonomy structure: both the taxonomy and the class scopes need to be revised.

The easy adaption to the Nice 10th Edition will show how dynamic the taxonomy is.
- Do class scopes also cover for terms that are not part of the harmonised database and that are not covered by the meaning of the Class Scope?
Common understanding:
No.
- Will the taxonomy structure only hold Nice terms?
Common understanding:
The taxonomy structure will be populated by all terms that are in the harmonised database. This harmonised database is not limited to Nice terms, but also holds other –harmonised- terms.
- Will the translations of the group titles into other non-English languages correctly represent their original interpretation in English?
Common understanding:
The translation of the group titles needs to be done with special care, as it needs to correctly represent the same concepts in English. This means that translations of the English group titles should not be literal but of the actual meaning of the original. In some cases this might require that the group titles are long enough to correctly explain the concept. It should be clear for everyone that these translations will be a challenge and should be done with care.



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- Where are the Nice class headings in the taxonomy?
Common understanding:
In some classes the taxonomy might coincide on some terms with a Nice class heading term (e.g. in class 25). In general, the class scopes are aiming at explaining what is in a class, regardless whether they are in the current Nice class headings or not.
- What will happen when someone files a Nice class heading in a CTM once the project is finished and we have a common practice?
Common understanding:
OHIM will only adopt 1 practice. Once this project is finished and we agree on a common practice based on class scopes OHIM will not give any special treatment anymore to the Nice class headings. This will need to be efficiently communicated. The communication strategy will be discussed in Working Package 2.
- What will happen with the legacy?
Common understanding:
It is not the first time that IP Offices change their practice. We will discuss the adopted strategy in Working Package 3.
- Where can I find more information on the taxonomy?
Following WIKI page is maintained by the taxonomy group and holds more detailed information on the taxonomy:
<http://www.euroregisterwiki.org/wiki/Harmonization-Taxonomy>
User: guest
Password: readonly