

RESEARCH SERVICES / SERVICES DE RECHERCHES

A/R/W ¹	Prop. No./n°	Cl.	Basic No. or Place/ N° de base ou endroit	EN/FR ²	Action	Existing entry/ Entrée existante	New or modified entry/ Nouvelle entrée ou entrée modifiée	Remarks/ Remarques	Comments from Offices/ Commentaires des Offices	Responses to comments/ Réponses aux commentaires
A	US-28-1	36		EN	Add		financial research	<p>Financial research services are the analysis and interpretation of financial information that relates to the movement of money, investments in the form of money, and the appraisal, evaluation, and valuation of a particular item to establish the value of that item. See, e.g., Investopedia. These research services address specific financial issues. Following the example set forth in the IB's Nice Information File for "business research" (Basic No. 350041), the addition of "financial research" in Class 36 is consistent with other entries for financial services, for example, "financial management" (Basic No. 360030), "financial consultancy" (Basic No. 360054), "financial information" (Basic No. 360059), "financial analysis" (Basic No. 360046), and "financial evaluation" (Basic No. 360026).</p> <p>Also, "financial research" appears in the MGS Manager, the EUIPO Harmonized Database, the U.S. ID Manual, and the TM5 ID List.</p>		The USPTO maintains this proposal as worded and classified.
A	US-28-1	36		FR	ajouter		recherches financières			

¹ A: Approved/Approuvé; R: Rejected/Rejeté; W: Withdrawn/Retiré

² EN/FR: English/French // Anglais/Français

A/R/W ¹	Prop. No./n°	Cl.	Basic No. or Place/ N° de base ou endroit	EN/FR ²	Action	Existing entry/ Entrée existante	New or modified entry/ Nouvelle entrée ou entrée modifiée	Remarks/ Remarques	Comments from Offices/ Commentaires des Offices	Responses to comments/ Réponses aux commentaires
W	US-28-2	42		EN	Add		research in the field of education	This proposal is for research services relating specifically to the field of education. Research in the field of education is “a field of inquiry aimed at advancing knowledge of education and learning processes and development of tools and methods necessary to support this endeavor.” Aera . Also, “research in the field of education” appears in the EUIPO Harmonized Database, the U.S. ID Manual, and the TM5 ID List.	CH : we classify this service in class 42 by analogy with scientific research. IB: Cl. 41 contains services that provide education or training, i.e., the practical aspects of education. There is currently no basis in Cl. 41 that would justify the inclusion of research services in the field of education. This is why the Mark and Design Classifications Sector has always advised to classify research services in the field of education, and also in the field of sociology, philosophy, history, literature, etc. in Cl. 42 as “services... in relation to the theoretical [and practical] aspects of complex fields of activities; ...”, although we understand that this wording is not absolutely clear. In fact, in the absence of clearer guidance in the NCL, we advise to classify all research services in Cl. 42, except for those that appear expressly in a different class in the Alphabetical List. If this proposal is approved in Cl. 41, we would suggest that the class heading of Cl. 41 be changed to somehow include research in the field of education, e.g., by changing “Education; ...” to “Education and research services relating thereto; ...” However, the question still remains where to classify research services in the field of sociology, philosophy, history, linguistics, literature, etc. Cl. 41 because of the cultural/educational components of the subject matter?	The USPTO <u>modifies</u> the classification for this proposal to Class 42 , based on the IB’s explanation that the wording in the Class 42 Explanatory Note “services... in relation to the theoretical [and practical] aspects of complex fields of activities;” encompasses these services.
W	US-28-2	42		FR	ajouter		recherches en matière d’éducation			
A	US-28-3	42		EN	Add		research in the field of building construction	This proposal seeks to make clear the classification of these services in Class 42, and that these services are not classified in Class 37 with other construction services. Also, “research on building construction” appears in the MGS Manager.	IB: “research in the field of building construction?” We agree with cl. 42 as the subject matter of the research service is rather technical/practical, and on the basis of the class heading “Scientific and technological services and research ... relating thereto;”	The USPTO <u>modifies</u> this proposal from “research on building construction” to “research in the field of building construction” based on the comments submitted.
A	US-28-3	42		FR	ajouter		recherches en matière de construction immobilière			

A/R/W ¹	Prop. No./n°	Cl.	Basic No. or Place/ N° de base ou endroit	EN/FR ²	Action	Existing entry/ Entrée existante	New or modified entry/ Nouvelle entrée ou entrée modifiée	Remarks/ Remarques	Comments from Offices/ Commentaires des Offices	Responses to comments/ Réponses aux commentaires
A	US-28-4	42		EN	Add		research in the field of telecommunications technology	This proposal seeks to make clear the classification of these services in Class 42, and that these services are not classified in Class 38 with other telecommunications services.	IB: We agree with cl. 42 as the subject matter of the research service is technological, and on the basis of the class heading "Scientific and technological services and research ... relating thereto;"	The USPTO maintains this proposal as worded and classified.
A	US-28-4	42		FR	ajouter		recherches dans le domaine des technologies des télécommunications			
A	US-28-5	42		EN	Add		research in the field of welding	This proposal seeks to make clear the classification of these services in Class 42, and that these services are not classified in Class 40. Also, "research in the field of welding" appears in the MGS Manager, the EUIPO Harmonized Database, the U.S. ID Manual and the TM5 ID List.	IB: We agree with cl. 42 as the subject matter of the research service is rather technical/practical, and on the basis of the class heading "Scientific and technological services and research ... relating thereto;"	The USPTO maintains this proposal as worded and classified.
A	US-28-5	42		FR	ajouter		recherches dans le domaine du soudage			
A	US-28-7	42		EN	Add		medical research	This proposal seeks to make clear the classification of these services in Class 42, because the USPTO has received applications under the Madrid Protocol classifying these services in Class 44. In addition, "medical research" should be added to Class 42 to incorporate the reference to the services that is set out in the IB's Nice Information File for Class 42 which indicates that "although medical treatment services belong in Cl. 44, medical research services are in Class 42." Also, "medical research" appears in the MGS Manager, the EUIPO Harmonized Database, and the U.S. ID Manual.		The USPTO maintains this proposal as worded and classified.
A	US-28-7	42		FR	ajouter		recherches médicales			

A/R/W ¹	Prop. No./n°	Cl.	Basic No. or Place/ N° de base ou endroit	EN/FR ²	Action	Existing entry/ Entrée existante	New or modified entry/ Nouvelle entrée ou entrée modifiée	Remarks/ Remarques	Comments from Offices/ Commentaires des Offices	Responses to comments/ Réponses aux commentaires
A	US-28-8	42	420040	EN	Change	technical research	technological research	<p>The IB's Nice Information File for Class 42 states that "scientific and technological services in this class include not only practical but also theoretical aspects of science and technology." There is an important distinction between terms "technological" and "technical." The term "technological" means relating to or using technology. Oxford Merriam</p> <p>The term "technical" means relating to a particular subject, art, craft, or sport. It also refers to the functions, skills, or jargon specific to a trade, profession, or field. Oxford Merriam</p> <p>The phrase "technical research" is broad and may include research which uses systematic inquiries to solve practical problems. These services may fall outside of Class 42. For example, in finance, technical research services provide market information on financial instruments.</p> <p>Changing "technical research" (Basic No. 420040) to "technological research" clarifies that these research services include practical and theoretical aspects of Class 42 science and technology.</p>		The USPTO <u>maintains</u> this proposal as worded and classified.
A	US-28-8	42	420040	FR	changer	recherches techniques	recherches technologiques			
A	US-28-9	42	420096	EN	Change	physics [research]	research in the field of physics	<p>This proposal seeks to incorporate the wording in brackets to provide clarity as to the nature of the services.</p>	IB: research in the field of physics?	The USPTO <u>modifies</u> this proposal from "physics research" to "research in the field of physics" based on the comments submitted.
A	US-28-9	42	420096	FR	changer	recherches en physique	recherches dans le domaine de la physique			

A/R/W ¹	Prop. No./n°	Cl.	Basic No. or Place/ N° de base ou endroit	EN/FR ²	Action	Existing entry/ Entrée existante	New or modified entry/ Nouvelle entrée ou entrée modifiée	Remarks/ Remarques	Comments from Offices/ Commentaires des Offices	Responses to comments/ Réponses aux commentaires
A	US-28-10	42	Class Heading	EN	Change	industrial analysis and research services	industrial analysis and industrial research services	The Class 42 Class Heading currently reads: <i>Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.</i> USPTO proposes this change to add "industrial" before "research services" as follows: <i>Scientific and technological services and research and design relating thereto; industrial analysis and industrial research services; design and development of computer hardware and software.</i> This proposal clarifies that "research services" are tied to Class 42 "industrial" because the current reading is not sufficiently clear.	IB: See our comments on proposal no.2. If research in the field of sociology, philosophy, history, linguistics, literature, etc. would be included in cl. 42, the class heading should be modified accordingly.	The USPTO <u>maintains</u> this proposal as worded.
A	US-28-10	42	Intitulé de classe	FR	changer	services d'analyses et de recherches industrielles	services d'analyses industrielles et de recherches industrielles			
								USPTO intends to proceed with proposals US-27-78 to US 27-79 submitted to CE27 contained in CE282 "Proposals for modifications to NCL (11-2018) - 28th session - CE Nice Union" concerning changes to "research in the field of environmental protection" (Basic No. 420208).		The USPTO <u>maintains</u> these proposals.

GENERAL COMMENTS FROM OFFICES

IL: We agree as to the need for greater clarity regarding the classification of "research service", however, the current proposal isn't sufficient and may cause confusion as per the justification behind each classification, we believe that distinguishing research services should be made based on the distinction between academic research in physical and technological sciences in class 42 as well as Humanities and social studies in class 41 both as academic disciplines, vs research services as a professional service provided for business/financial/legal purposes and classified accordingly.

FR: La proposition de clarification est intéressante car de nombreux services de recherches nous posent des problèmes de classement. Cependant, si certaines des propositions faites paraissent clairement relever de la classe indiquée (ex : « financial research, medical research », « physics research » ou encore « industrial analysis and industrial research services ») en revanche d'autres propositions nous semblent beaucoup trop vagues et/ou pourraient relever de classes différentes de celles indiquées. Tel est le cas notamment de « research in the field of welding » pourquoi la classe 40 ne conviendrait-elle pas? Il en va de même pour « research on building construction » qui pourrait tout aussi bien relever de la classe 37 comme tous les autres services relatifs à la construction. Enfin les services de « research on food » sont à notre sens beaucoup trop larges pour être acceptables en l'état et, a fortiori, être classés. Nous ne pouvons donc malheureusement pas soutenir globalement cette proposition.