

BUREAUX INTERNATIONAUX
RÉUNIS POUR LA PROTECTION
DE LA PROPRIÉTÉ INTELLECTUELLE
GENÈVE, SUISSE

BIRPI

UNITED INTERNATIONAL
BUREAUX FOR THE PROTECTION
OF INTELLECTUAL PROPERTY
GENEVA, SWITZERLAND

COMITÉ DE COORDINATION INTERUNIONS, CINQUIÈME SESSION INTERUNION COORDINATION COMMITTEE, FIFTH SESSION

(Genève, 18-21 décembre 1967)
(Geneva, December 18 to 21, 1967)

INTERNATIONAL CLASSIFICATION OF FIGURATIVE MARKS

1. This document proposes the addition of an item to BIRPI's draft program for 1968 and could thus be considered in connection with document CCIU/V/5.
2. In August 1967, BIRPI was approached by the Octrooiraad (Patent Office) of the Netherlands with the suggestion that the possibilities of establishing an international classification of figurative marks be studied. The suggestion was followed by an informal discussion and resulted in proposals by the President of the Netherlands Patent Office and the Director of the Swiss Federal Office for Intellectual Property. Their letters of November 3 and 16, 1967, respectively, are reproduced in the annex to this document.
3. The expression "figurative marks", as used here, means trademarks and service marks which include drawings, pictures, photographs, and the like. The "figures" may be representations of almost anything: human beings, animals, stars, flowers, geometrical configurations, any objects found in nature or made by man, real or imaginary.
4. The searching of identical or analogous marks presents particular problems in the case of figurative marks, which, unlike word-marks, cannot be searched with the help of alphabetic and phonetic systems.

5. A classification of figurative marks was established by BIRPI some fifteen years ago and is used in the search of international marks registered under the Madrid Agreement. The BIRPI system has been adapted by several national Offices for their purposes and it would appear that the adaptation by the Swiss Office is particularly highly regarded.

6. It is proposed that BIRPI convene a Committee of Experts in 1968 to examine the classifications of BIRPI and the Swiss Office to see whether they could serve, possibly with further modifications, as a basis for an international classification. The same Committee could also consider what legal form this classification could be given. The tentative view of the Director of BIRPI is that the proposed new classification should take the form of a protocol annexed to the Nice Agreement, as the matter is linked by its nature to the Nice Agreement and as it does not warrant the establishment of a new independent Union with a separate budget. In any case, however, these questions too would be examined by the Committee of Experts.

7. The convening of such a Committee of Experts would cost around 6,000 Swiss francs, an amount which could be absorbed by the budgets of the interested Unions, that is, the Madrid and Nice Unions.

8. The Interunion Coordination Committee is invited to express its views on the proposal to convene a Committee of Experts on the international classification of figurative marks.

I

Letter from the President
of the Netherlands Patent Office (Octrooiraad)
to the Director of BIRPI,
dated November 3, 1967

/Translation/

"Sir,

With reference to the conversations which, at my suggestion, were held between our representatives at BIRPI Headquarters concerning the establishment of an international classification of figurative marks, I have the honor to confirm that such a classification seems to me to be very desirable. A correct classification of figurative marks should be the basis of any documentation for carrying out preliminary searches. There is a demand for an international classification, both in the interests of the Offices that make searches and in the interests of applicants for the registration of marks. On the one hand, those Offices would thus be relieved of the work of setting up a classification and keeping it up to date; on the other hand, applicants would benefit from a certain uniformity as regards searches made in the various countries.

Such a classification would, in addition, be of assistance to governmental or private institutions desirous of establishing documentation including marks registered in a number of countries. In a word, such a classification would ease the work load of the Offices of countries members of the Madrid Union.

As to the form which the classification might take, I believe that it would be desirable to place it within the framework of an international agreement, as was done at Nice in 1957 in the case of goods and services to which trademarks are applied.

In my opinion, the best solution would be to establish this classification in the form of a protocol to the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks.

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Thus, the classification of goods and services and that of figurative elements would both have a single common goal: to facilitate searches. It seems to me, too, that it would be difficult to conceive of a country's being interested in only one of the two classifications.

It appeared to me that BIRPI was particularly well qualified to carry out this task successfully, and I should appreciate it if you would study the possibility of having the preparatory work on this matter undertaken in the framework of BIRPI.

Accept, Sir, the assurances of my high consideration.

(Signed) C.J. de Haan".

II

Letter from the Director
of the Swiss Federal Office for Intellectual Property
to the Director of BIRPI,
dated November 16, 1967

Translation

"Sir,

With reference to the discussions held at BIRPI Headquarters between your representatives and delegates of the Netherlands and German Patent Offices and our own Office concerning the establishment of an international classification of figurative marks, I wish to inform you that in my view such a classification would be of obvious advantage both to national Trademark Offices and to applicants for the registration of marks; as such, it has my unqualified support. I hope that BIRPI will soon be able to start the preparatory work on this task and that it will be brought to a successful conclusion. I need hardly say that you may, of course, call upon us for any assistance you may require

and that the classification of figurative marks adapted by my Office is at your entire disposal and may be freely consulted by your representatives and other persons.

I reserve my reply as to the question whether, and in what form, the international classification should form the subject of an international agreement.

Accept, Sir, the assurances of my high consideration.

(Signed) J. Voyame".