

“Meal replacement”, “dietetic food” and “dietetic beverages” in Class 5, 29, 30, 31, 32 or 33

(Circular No. 7/2015, dated 8 Oct 2015)

“Advice, information or consultation services relating to computer or computer hardware” in Class 42

(Circular No. 7/2015, dated 8 Oct 2015)

This circular serves to clarify the Registry’s approach towards the classification of the following descriptions of goods and services in an application for registration of a trade mark:

- “meal replacements”, “dietetic food” and “dietetic beverages” in Classes 5, 29, 30, 31, 32 or 33
- “advice, information or consultation services relating to computer or computer hardware” in Class 42

“Meal replacements”, “dietetic food” and “dietetic beverages” in Classes 5, 29, 30, 31, 32 or 33

According to the Explanatory Note of the Nice Classification, meal replacements, dietetic food and beverages adapted for medical or veterinary use are classified in Class 5, while those not for medical or veterinary use are classified in the food and beverage classes (Class 29, 30, 31, 32 or 33).

As such, the Registry would accept the descriptions “meal replacements”, “dietetic food” and “dietetic beverages” per se in Class 5, by assuming that goods filed in this class are for medical or veterinary use.

In the same vein, the Registry would also not require the qualifier “not for medical use” or “not for veterinary use” for the same descriptions filed in the food and beverage classes (Class 29, 30, 31, 32 or 33). However, applicants must indicate the predominant ingredient(s) of the food in order to render the description proper to the relevant class.

“Advice, information and consultation services relating to computer or computer hardware” in Class 42

According to the General Remarks of the Nice Classification, services that provide advice, information or consultation are in principle classified in the same classes as the services that correspond to the subject matter of the advice, information or consultation.

Based on the above principle, “advice, information or consultation services relating to computer or computer hardware” is acceptable in Class 42. Please note that such a description in Class 42 is to be distinguished from “advice, information or consultation services relating to the installation, maintenance and repair of computer or computer hardware”, which is classified in Class 37.