

CLASSIFICATION OF GOODS AND SERVICES

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1. OVERVIEW

In Singapore, a trade mark application for registration has to be accompanied by a list of the goods and/or services on which the mark is intended to be used. The list of goods and services is an important aspect of a trade mark application as the scope of the applicant's rights in the mark is defined and limited by the scope of the list also known as the specification.

The goods and services must be classified in accordance with an internationally agreed classification system used by more than 150 countries, known as the International Classification of Goods and Services (ICGS) or the Nice Classification. The international classification system enables efficient searches for conflicting trade marks to be done worldwide, benefitting not just the Registry staff, but also users who wish to check whether there are marks which have been already applied for or registered that conflict with marks they are using or propose to use. If the classification of the goods or services of an application is made incorrectly, the validity of any rights stemming from a subsequent registration might be called into question at a later date. This could result in a mark being the subject of proceedings to remove it from the Register.

It is therefore important that the list of goods and services in an application for registration be worded in such a way as to (a) indicate clearly the nature of the goods and services, and (b) allow each item to be classified in the correct class of the edition and version of the Nice Classification prevailing at the point of filing of the application for registration of the trade mark.

The purpose of this manual is to describe the Registry's practice concerning classification of goods and services.

2. RELEVANT LEGISLATION

Trade Marks Act [Cap. 332, 2005 Ed.]

Application for registration

5.—(1) An application for registration of a trade mark shall be made in the prescribed manner to the Registrar.

(2) The application shall —

- (a) contain a request for the registration of a trade mark;
- (b) state the name and address of the applicant;
- (c) contain a clear representation of the trade mark;
- (d) list the goods or services in relation to which the applicant seeks to register the trade mark; and
- (e) state —
 - (i) that the trade mark is being used in the course of trade, by the applicant or with his consent, in relation to those goods or services; or
 - (ii) that the applicant has a bona fide intention that the trade mark should be so used.

(3) The application shall be subject to the payment of the application fee and such other fees as may be appropriate.

(4) The date of the application for registration of the trade mark shall be the earliest date on which —

- (a) all the requirements under subsection (2) have been satisfied; and
- (b) all the fees payable under subsection (3) —
 - (i) have been paid; or
 - (ii) are treated by the Registrar as paid.

Classification of goods and services

6.—(1) Goods and services shall be classified for the purposes of the registration of trade marks according to a prescribed system of classification.

(2) Any question arising as to the class within which any goods or services fall shall be determined by the Registrar, whose decision shall be final.

Withdrawal, restriction or amendment of application

14.—(1) The applicant may at any time withdraw his application or restrict the goods or services covered by the application.

(2) If the application has been published, the withdrawal or restriction shall also be published.

(3) In other respects, an application may be amended, at the request of the applicant, only by correcting —

- (a) the name or address of the applicant;
- (b) errors of wording or of copying; or
- (c) obvious mistakes,

and then only where the correction does not substantially affect the identity of the trade mark or extend the goods or services covered by the application.

Trade Marks Rules

“specification” means the specification of goods or services in respect of which —

- (a) a trade mark; or
 - (b) a transaction in relation to a registered trade mark or an application for the registration of a trade mark,
- is registered or proposed to be registered;

Specification

19.—(1) For the purposes of the registration of a trade mark, goods and services are classified according to the Nice Classification as in force on the date of the application for registration of the trade mark.

(2) Every application shall contain, for each class of goods or services to which the application relates —

- (a) the class number as set out in the Nice Classification as in force on the date of that application; and
- (b) a specification of those goods or services which —
 - (i) is appropriate to that class;
 - (ii) is described in such a manner as to —
 - (A) indicate clearly the nature of those goods or services; and
 - (B) allow those goods or services to be classified in accordance with the Nice Classification as in force on the date of that application; and
 - (iii) complies with any other requirement of the Registrar.

(2A) For the purpose of paragraph (2)(b), the applicant may adopt a specification set out in an approved list of goods or services contained in a practice direction issued by the Registrar.

(3) An application may be made in respect of more than one class of goods or services in the Nice Classification as in force on the date of that application, and in such a case, the specification shall set out the classes and list under each class the goods or services to which the application relates.

(4) In the case of an application for registration in respect of all the goods or services included in a particular class in the Nice Classification as in force on the date of that application, or of a large variety of goods or services, the Registrar may refuse to accept the application unless he is satisfied that the specification is justified by the use of the mark which the applicant has made, or intends to make if and when it is registered.

Amendment of application

22.—(1) An application to amend an application for registration shall be made in —

- (a) Form CM1, if it is made to appoint, change or remove an agent;

- (b) Form CM2, if it is made to change or correct the name or other particulars of the applicant, and the change or correction does not affect the representation of the trade mark; and
- (c) Form TM 27, if sub-paragraphs (a) and (b) do not apply.

(5) Before acting on an application to amend an application for registration, the Registrar may require the applicant to furnish such proof as the Registrar thinks fit.

Trade Marks (International Registration) Rules

Entitlement to protection

5. —(1) Subject to the provisions of rules 11 to 17, an international registration designating Singapore shall be entitled to become protected where, if the particulars of the international registration were comprised in an application for registration of a trade mark under the Act, such an application would satisfy the requirements for registration of a trade mark under the Act, including any imposed by the Trade Marks Rules.

(2) For the purpose of paragraph (1), sections 5 and 6 of the Act and rules 9, 15, 16, 18, 19(1), (2)(a) and (b)(i), (ii)(B) and (iii) and (3), 20 and 21 of the Trade Marks Rules shall be disregarded.

3. THE NICE CLASSIFICATION

Goods and services are divided into 45 classes, each class covering a different category of goods or services. Classes 1 to 34 relate to goods, and Classes 35 to 45 relate to services.

In total, the Nice Classification contains around 10,000 indications of goods and 1,000 indications of services.

3.1 Structure of the Nice Classification

Each class of the Nice Classification contains:

- a) **Class Heading:** The class headings describe in very broad terms the nature of the goods or services contained in each class.
- b) **Explanatory Note:** The explanatory note of a given class describes in greater detail the types of goods or services included in that class.
- c) **Alphabetical List:** The most detailed level of the Classification is the alphabetical list which shows the individual goods or services appropriate to a class.

The Nice Classification further contain General Remarks which prescribe that the indications of goods and services appearing in the class headings are general indications relating to the fields to which, in principle, the goods or services belong. The Alphabetical List should therefore be consulted in order to ascertain the exact classification of each individual good or service.

The General Remarks prescribe that if a term cannot be classified with the aid of the list of classes, the Explanatory Notes and the Alphabetical List, the following criteria shall be applied:

Goods

- a. A finished product is in principle classified according to its function or purpose. If the function or purpose of a finished product is not mentioned in any class heading, the finished product is classified by analogy with other comparable finished products, indicated in the Alphabetical List. If none is found, other subsidiary criteria, such as that of the material of which the product is made or its mode of operation, are applied.
- b. A finished product which is a multipurpose composite object (e.g., clocks incorporating radios) may be classified in all classes that correspond to any of its functions or intended purposes. If those functions or purposes are not mentioned in any class heading, other criteria, indicated under (a), above, are to be applied.
- c. Raw materials, unworked or semi-worked, are in principle classified according to the material of which they consist.
- d. Goods intended to form part of another product are in principle classified in the same class as that product only in cases where the same type of goods cannot normally be used for another purpose. In all other cases, the criterion indicated under (a), above, applies.
- e. When a product, whether finished or not, is classified according to the material of which it is made, and it is made of different materials, the product is in principle classified according to the material which predominates.
- f. Cases adapted to the product they are intended to contain are in principle classified in the same class as the product.

Services

- a. Services are in principle classified according to the branches of activities specified in the headings of the service classes and in their Explanatory Notes or, if not specified, by analogy with other comparable services indicated in the Alphabetical List.
- b. Rental services are in principle classified in the same classes as the services provided by means of the rented objects (e.g., Rental of telephones, covered by Class 38). Leasing services are analogous to rental services and therefore should be classified in the same way. However, hire- or lease-purchase financing is classified in Class 36 as a financial service.
- c. 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, e.g., transportation consultancy (Cl. 39), business management consultancy (Cl. 35), financial consultancy (Cl. 36), beauty consultancy (Cl. 44). The rendering of the advice, information or consultancy by electronic means (e.g., telephone, computer) does not affect the classification of these services.
- d. Services rendered in the framework of franchising are in principle classified in the same class as the particular services provided by the franchisor (e.g., business advice relating to franchising (Class 35), financing services relating to franchising (Class 36), legal services relating to franchising (Class 45)).

3.2 Changes to the Nice Classification

The Nice Classification is continuously revised to keep it up to date, to remove anomalies and inconsistencies that have been found and to make improvements with new entries.

A new edition is published every five years and, a new version of each edition is published annually. The revision is carried out by the Committee of Experts set up under the Nice Agreement, to which all States party to the Agreement are members of.

As mentioned above, goods and services are classified according to the current edition and version of the Nice Classification in force at the time of application. Consequently, changes are not made retrospectively to existing registrations on the Register to accord them with the new classification.

Users doing a search for conflicting trade marks should bear in mind the possibility of classification changes to the specific items in that class. For example, “temporary accommodation” which used to be classified in Class 42 under the seventh edition of the Nice Classification is now classified in Class 43. (Prior to the implementation of the eighth edition of the Nice Classification, there were only 42 classes of goods and services.) To cater to this change, the Registry’s search system performs an automatic search of conflicting trade mark(s) in Class 42 for applications which are made in Classes 43, 44 and 45.

4. CLASSIFICATION TOOLS

The Registry maintains an online Classification Search Tool comprising some 100,000 terms (including those in the Alphabetical List) which the Registry has pre-approved for classification purposes. The Classification Search Tool is updated regularly to reflect the Registry's current practices as well as the latest version and edition of Nice Classification.

If you do not know which class(es) your goods or services are in, please use the Classification Search Tool accessible at:

<http://goo.gl/k5ZmLi>

This tool will help you to search for and classify goods and services (terms) needed to apply for trade mark protection.

The Registry's database of the pre-approved list of goods and services has also been incorporated into the electronic form for applying to register a trade mark, Form TM4, in the form of "Search as you type" and "Advanced Search" facilities.

"Search as you type" and "Advanced Search" facilities assist applicants in:

- a. searching the most appropriate descriptions of a certain good or service;
- b. ensuring that the application is filed in the correct class; and
- c. ensuring that the description is one that would not face objection from the Registrar.

Applicants can be assured that every term found in the pre-approved list of goods and services at the point of filing will be accepted by the Registrar for classification purposes. This will shorten the examination time as there is no need to verify whether the goods or services can be accepted in the class proposed by the applicant and ultimately the application would be accepted for publication earlier if no other objections are encountered. Applicants can also enjoy a 30% fee discount for each class that fully conforms to the pre-approved list.

5. GENERAL CLASSIFICATION PRINCIPLES

The following are some of the general classification principles which every specification of goods and services will need to comply with. In accordance with Section 6(2) of the Act, any question that may arise regarding the proper class in which the goods or services should be classified shall be determined by the Registrar; and any such decision shall be final.

5.1 Need for clarity in specifications

Rule 19(2) of the Trade Marks Rules (the “**Rules**”) provides that the specification of goods and services must be clear as to the nature of the goods and services and described in a manner to allow them to be classified in the classes in the Nice Classification. The terms used should therefore be found in mainstream dictionaries, specialist dictionaries or prevalent on the internet.

Where the term is not clear to the Registrar, the Registrar may ask for an explanation of the term or an amendment of the term.

5.1.1 Use of acronyms and abbreviations in specifications

In view of the need for clarity in the specification, only acronyms and abbreviations which are commonly known in the particular industry of the goods and/or services claimed, such as “CD-ROM”, “MP3”, “VCD”, “AM”, “FM”, “TV”, “UV”, are acceptable.

If the acronym or abbreviation is not commonly known in the industry or is vague as to its nature, the Registrar will require the acronym or abbreviation to be amended to its full form.

5.1.2 Interpretation of specifications

In construing how an item in the specification should be interpreted, the Registrar will look at how the goods or services are regarded for the purposes of trade. They would usually be given a narrow interpretation confined to the substance or the core of the possible meanings attributable to the phrase.

For example, in a case concerning printed matter, *MINERVA Trade Mark* [2000] FSR 734, Jacob J. made the following comments:

“The specification of goods poses difficulties. “Printed matter” as a pure matter of language, I suppose, covers anything upon which there is printing. In a sense, every trade mark for whatever goods could also therefore be registered for printed matter if one reads “printed matter” perfectly literally. Every packet has printed matter on it. “Printed Matter” cannot in my judgment mean merely that the trade mark is printed on something. For example, if there is a registration for “printed matter” but the only use is on labels for, say, soap or bananas, there has not been use for printed matter. On the other hand, the kind of printed forms and other things produced by these proprietors seem to be perfectly well described as “printed matter”. People buy them for what is printed on them. However, there is a very big difference between that sort of printed matter and printed matter of a literary character.”

5.2 Need to be correctly classified

Rule 19(2) of the Rules provides that the specification of goods and services must be appropriate to the class claimed.

In considering the classification of a particular good/service, the first point of reference shall be the Alphabetical List. If a good/service is not listed in the Alphabetical List, reference will be made to the Explanatory Notes, followed by the General Remarks.

Applicants may also use the Registry's pre-approved list of goods and services by doing a search of the goods or services of interest to determine the correct class for the term.

5.2.1 Class to be taken into account when interpreting specifications

In the context of the Nice Classification, there are general terms which are sometimes marked with an asterisk to indicate that a more specific item of those goods or services is also classified in other classes.

Therefore, applicants are cautioned to bear in mind the scope of what a particular item covers in the context of the class in which it is applied or registered.

For example, a registration in respect of "clothing" in Class 25 does not include "clothing for protection against accidents" in Class 9. Similarly, a registration in respect of "building materials" in Class 6 does not include "building materials, not of metal" in Class 19.

5.2.2 The use of square brackets [] and round brackets () in specifications

Square brackets [] and round brackets () are used in the Alphabetical List and are also used by the Registrar.

Square brackets

Square brackets [] are used to define more precisely the text or item preceding the brackets, in situations where the text is ambiguous or too vague for classification purposes.

For example, "jackets" can fall in several classes depending on the nature of the jackets. Hence, to define the item more precisely in Class 25, the item should be described as "jackets [clothing]".

The Registrar adopts this practice and would sometimes require an otherwise vague item to be qualified using square brackets. For example, the description "desserts" per se would be objected to on the ground that it is vague but would be acceptable in Class 30 if amended to "desserts [ice cream]".

Round brackets

Round brackets () are used to qualify the text or item preceding the brackets to ensure correct classification.

Round brackets are used when it is possible that the item can be classified in various classes depending on the intended goods or services sought to be covered. For example, “clips” can fall in several classes depending on the nature of the clips. Hence, to define the item more precisely in Class 14, the item may be described as “clips (tie -)” or alternatively “tie clips”.

5.3 Class headings of the Nice Classification

Class headings of the Nice Classification are general indications of the goods and services that are included in a particular class.

A specification consisting of a class heading does not equate to a claim for all the goods or services that may be in that class. To illustrate, the class heading of Class 15 is “musical instruments”. An application stating “musical instruments” in the specification of goods does not include “music stands” and “piano strings”, although they are listed in Class 15 of the Nice Classification.

Claims for class headings or parts of class headings are acceptable, save for “personal and social services rendered by others to meet the needs of individuals”, which appears in the heading of Class 45. The item “personal and social services rendered by others to meet the needs of individuals”, is deemed to be insufficiently clear and precise as it does not provide a clear indication of what services are covered. It simply states that it is a form of personal and social services and such services cover a wide range of activities performed by different service providers in different market sectors, and require varying levels of knowledge and skill sets. An objection under Rule 19(2)(b)(ii) of the Rules will be raised against such an item.

5.4 The use of punctuation in specifications

The use of correct punctuation is very important in a list of goods and services. Applicants are advised to take note of the following guidelines when using punctuation within a specification:

- a. Use semicolons (;) to separate the different categories of goods or services as segments within a class. For example, “Clothing; footwear; headgear” in Class 25 are separated by semi-colons as they are three different categories of goods.
- b. Use commas (,) to separate different items within the same category of goods or services where they are related to each other. For example, “Retail services in relation to clothing, footwear, headgear” in Class 35, “clothing, footwear, headgear” are separated by commas as they form part of the item “retail services in relation to...”;
- c. Avoid the use of colons (:).

The separation of terms by incorrect punctuation can lead to changes in meaning and possible incorrect classification.

Example 1: “Computer programs for use with filling machines; packaging machines” in Class 9. Due to the use of the semi-colon, “packaging machines” would be regarded as an independent category of goods and not regarded as “computer programs for use with packaging machines”. In this case, an objection will be raised against “packaging machines” as it is proper to Class 7.

Example 2: “Meat; fruits; vegetables, all being frozen” in Class 29 means that the qualifier “all being frozen” only applies to “vegetables” as the use of semi-colons before “vegetables” had separated each item as an independent category of goods. If the intention was to protect “frozen meat, frozen fruits and frozen vegetables”, the specification should read as “Meat; fruits; vegetables; all being frozen”.

5.5 Use of transitional expressions in specifications

The use of transitional expressions in specifications could determine if a description is limited to the goods or services specified after an expression. Such use could also result in specifications encompassing additional, unnamed goods or services. The following sets out how the Registrar interprets the use of transitional expressions in specifications.

Restrictive transitional expressions

Restrictive expressions such as “namely”, “exclusively”, “being”, “in the nature of”, “consisting of” and “comprising” effectively restricts a specification of goods or services. This means that what would otherwise be considered a vague description may be made acceptable through the use of such expressions and the listing of acceptable goods or services after them.

For example:

Specification	Effects of use of restrictive expression
Class 5: “Pharmaceutical products exclusively for dermatological use”	The use of “exclusively” would limit the goods to only pharmaceutical products for dermatological use, and exclude pharmaceutical products for all other uses.
Class 21: “Oral care kits comprising toothbrushes and dental floss”	The use of “comprising” renders the specification of goods acceptable as the vague description “oral care kits” has been restricted to encompass only toothbrushes and dental floss.
Class 30: “Desserts, namely ice cream”	The use of “namely” renders the specification of goods acceptable as the vague term “desserts” has been limited to only ice cream.

Elaborative transitional expressions

On the other hand, the use of expressions like “such as”, “in particular”, “particularly”, “including”, “especially”, “specifically” and “containing” merely serves to elaborate the preceding description and does not effectively restrict a specification of goods or services. This means that the specification is not limited to specific goods or services, and may also include unnamed goods or services that falls within the scope of the preceding description.

For example:

Specification	Effects of use of elaborative expression
Class 15: “Musical instruments, including piano”	The use of “including” does not restrict the scope of the specification. Essentially, the applicant is claiming all types of musical instruments, with piano as an example.
Class 25: “Clothing, in particular T-shirts”	The use of “in particular” does not restrict the scope of the specification. The applicant is claiming all types of clothing, with T-shirts as an example.

Consequently, the use of such elaborative transitional expressions after a vague description will not help to clarify the ambiguity of the preceding description or render the description acceptable as a whole.

For example:

Specification	Effects of use of elaborative expression
Class 3: "Gift sets containing skin and hair care preparations"	As the preceding description “gift sets” is vague, the use of “containing” merely informs that skin and hair care preparations are included in the gift sets, among other products. Such an expression does not help to clarify the vagueness of the preceding description.
Class 30: “Foodstuff especially biscuits”	As the preceding description “foodstuff” is vague, the use of “especially” merely informs that the applicant is claiming other types of foodstuffs apart from “biscuits”. Such an expression does not help to render the whole specification acceptable.
Class 45: “Personal services, such as babysitting”	As the preceding description “personal services” is vague, the use of “such as” merely informs that “babysitting” is one of the personal services provided by the applicant, and does not help to clarify the ambiguity of the preceding description.

5.6 Referencing to other classes in specifications

As a general rule, references to other classes within a specification are not permitted. For example, “machines, not included in Class 7” in Class 9. This is because it is vague and it lacks

legal certainty as to what goods and services are included. In the example above, the respective goods in Class 9 would need to be specified.

However, where the trade mark application is a multi-class application, cross referencing to the goods and services in the other classes of the same application, is acceptable, where the language is clear and there is no doubt on the face of the application what the specific goods and services being referred to are.

In the example below where a multi-class application is filed in respect of Classes 7 and 37, the description of services claimed in Class 37 is acceptable:

Class 7: "Blowing engines; packaging machines".

Class 37: "Repair services; all relating to goods in Class 7 of this application".

Even where the reference is clear, cross-referencing to other classes, whether of a multi-class application or otherwise, may not always be meaningful. For example, "transport services of textiles and textile goods, not included in other classes" in Class 39.

5.7 Use of Geographical Indications in specifications

Geographical Indications (GIs) are signs that identify specific products which comply with certain characteristics and come from a particular area. Therefore, they are not a generic category of goods.

For this purpose, GIs should not be used in the specification unless it is clear that the reference is indeed to the GI and not the generic category of goods.

Where the Registrar is of the view that the nature of the goods being claimed are not clear (i.e. whether the goods are GI goods or generic goods), the Registrar may raise an objection under Rule 19(2)(b)(ii)(A) of the Rules, suggesting that the item be amended to either of the following:

- a. The generic description of the product;
For example:
"sparkling white wine" for "Champagne"; or
"brandy" for "Cognac".
- b. Clarify that it is indeed the GI that is being referred to:
For example:
Wines with the geographical indication "Champagne"; or
Spirits with the geographical indication "Cognac".

5.8 Use of registered trade marks in specifications

Registered trade marks, whether belonging to the applicant or otherwise, are not acceptable in specifications of goods and services. Instead, applicants should use generic descriptions for their goods and services.

For example, as “Bluetooth” is a registered trade mark, a specification of goods which reads “bluetooth-enabled devices for communications” should be amended to read as, for example, “devices for communications which are enabled by short range radio technology”.

The non-exhaustive list below provides suggested alternative description(s) to words which are registered trade marks:

TRADE MARKS	CLASS	ALTERNATIVE DESCRIPTION(S)
BAND-AID	05	Adhesive dressings; Adhesive materials
CELLOPHANE	16	Cellulose sheet
ELASTOPLAST	05	Elasticised dressing
IPOD	09	Portable audio and data storage equipment
KLEENEX	16	Facial tissues
LYCRA	22	Synthetic fibres and filaments
POLAROID	09	Photographic equipment
ROLLERBLADE	28	In-line skates
STYROFOAM	17	Multicellular expanded synthetic resinous material
THERMOS	21	Insulated flask
VASELINE	05	Lubricating jelly
WALKMAN	09	Portable audio equipment
XEROX	09	Photocopier

5.9 All goods/services or a large variety of goods/services claimed in application

5.9.1 "All goods or services" and "all other goods or services"

Descriptions such as “all goods in this class”, “all services included in this class”, “all other goods in this class”, “all other services included in this class”, “all goods in Class XX”, “all services in Class XX” and their equivalent are objectionable under Rule 19(4) of the Trade Marks Rules. If a description of such a nature is used in a specification of goods or services, the Registrar will ask that the applicant delete it and to specify clearly the goods or services to which the trade mark relates.

5.9.2 Multi-class application consisting of unrealistically broad range of goods/services

The Registrar may also raise an objection under Rule 19(4) of the Rules for multi-class application consisting of unrealistically broad range of goods/services when viewed in a commercial context such that it is unlikely that the applicant would trade in that entire range of goods/services.

6. EXAMINATION PROCEDURES

6.1 Checklist for examination of specifications

The Registrar will apply the following checklist when a specification is being examined:

- a. Whether the goods or services are grouped according to class numbers in accordance with Rule 19 of the Rules?
- b. Whether the specification is filed in the correct class such that it is in accordance with Section 6 of the Trade Marks Act (“Act”)?
- c. Whether the description of the goods or services is clear? If it is not, the applicant will be asked to provide further information.
- d. Whether the specification contains goods or services that do not fall in the class applied for?
- e. If an amendment is necessary, whether the proposed amendment will result in the widening of the scope of the specification? If so, the amendment will not be allowed.

6.2. Goods and services to be grouped according to class number

According to Rule 19 of the Rules, a specification should be set out in the following manner:

- a. The goods or services should be grouped together according to their relevant class(es); and
- b. The class number for each group must be indicated.

6.3. Goods or services that could fall in more than one class

Where there is a possibility that a good or service could fall into classes not included in an application, a qualifier is **generally not required** as it will be assumed that the item is correctly classified and no objections should be raised.

For example, “vanity cases, not fitted” falls in Class 18 while "fitted vanity cases" falls in Class 21.

If an application is filed for “vanity cases” in Class 18, then it should be assumed that the applicant is claiming for “vanity cases, not fitted”. It will not be necessary to request for more information. This approach should generally be taken regardless whether the applicant is represented by an agent or acting on his own, though in the latter case, the Registrar may exercise more customer care if it appears that the applicant could be mistaken.

However, the Registrar requires a qualifier to be added if:

- a. The items have been highlighted in our practice circulars, available at <http://goo.gl/fmx1Ij>, as being too broad or vague for the purpose of classification without the addition of a proper qualifier. For example, 'prepared meals' - The item should specify the content of the prepared meals, for example, "prepared meals consisting of meat" in Class 29 or "prepared meals containing principally of rice" in Class 30.

- b. The goods or services claimed are of a specialised nature or specialised market and falls in a different class from the non-specialised goods or services. For example, “clothing” which is applied for in Class 9 would need to be qualified to “clothing for protection against accidents” as the proper class for generic types of clothing falls in Class 25. Similarly, “furniture” which is applied for in Class 10 would need to be qualified to “furniture for medical purposes” as the proper class for generic types of furniture falls in Class 20.
- c. They are vague or broad descriptions. For example, "franchising services" - The description may be amended to, for example, "business advice relating to franchising" in Class 35, "franchising services [financing services]" in Class 36 or "legal services relating to franchising" in Class 45.

6.4 Precedents in support of a specification of goods/services

When examining a specification of goods or services for compliance with the ICGS, the Registrar is prepared to rely on precedents relating to Singapore, United Kingdom, Australia, Hong Kong, New Zealand and the United States of America.

However, the Registrar will not consider precedents which are:

- Clearly accepted in the wrong class;
- No longer accurate in light of the relevant edition/version of the International Classification of Goods and Services; or
- Inconsistent with our current practice or that of the relevant foreign IP office.

6.5 Correction of errors in specifications / classification before registration

An application for registration may be amended at any time before registration to correct errors in the specification or the classification of items in the specification.

However, amendments will not be allowed if:

- (a) The proposed amendment does not fall within the scope of the original specification (that is, it is not a subset of the original specification);
- (b) The amendment would widen the original specification; or
- (c) The amendment would prejudice the rights of a mark which has been filed, accepted or registered before the date of application of the amendment.

The following sections deal in more detail with what is permitted and what is not.

6.5.1 Deletion of classes from an application

Deletion of a class from an application means that every single item spelled out in the specification within that class would be deleted as well. This may be done at any time during

the prosecution of an application by writing in to the Registrar. The filing fee is however not refunded when a class is deleted.

6.5.2 Deletion of items within a class

When the goods or services included in a specification fall in a class that is different from the one applied for, the incorrectly classified item(s) should be deleted. For example, if a specification in Class 39 reads “Rental of cars; booking agency services for hotel accommodation”, the applicant will have to delete “booking agency services for hotel accommodation” as the item is proper to Class 43 instead.

Amendments to a specification of goods/services must be effected on Form TM27 which is chargeable on a per class basis.

It is to be noted that once a deletion has been effected, the deleted item cannot be re-introduced or the remaining list of goods or services extended.

6.5.3 Amendment of class number not involving splitting of goods or services

If the goods or services have been correctly stated on the application form and the goods or services clearly do not fall in the class as filed but in another class, the amendment of the class number can be allowed.

The amendment of the class number not involving any split of the goods or services may be effected by the applicant on Form TM27 which is chargeable on a per class basis.

Circumstances when it is allowed

It will be allowed only when all the items listed under that class obviously belong to one other class of the Nice Classification.

Example 1:

Original filing: “Computer programming” in Class 9

Decision: Substitution of Class 42 for Class 9 would be allowed as the specification obviously indicates a service that does not belong to Class 9 but Class 42.

Example 2:

Original filing: “Services for providing food and drink; restaurant services; cafe services; catering services” in Class 42

Decision: Substitution of Class 43 for Class 42 would be allowed as the specification obviously indicates services that do not belong to Class 42 but Class 43.

Circumstances when it is not allowed

Amendment of the class number would not be allowed if the mistake is not obvious on the face of the application.

Example 1:

Original filing: “Hats” in Class 25

Amendment to: “Protective hats” in Class 9

Decision: Substitution of Class 9 for Class 25 would not be allowed as it is not obvious that there is a mistake on the face of the application as hats do fall in Class 25 and it will be assumed that protection is only required for the hats that fall in Class 25.

Example 2:

Original filing: “All goods in Class 31” in Class 31

Amendment to: “Processed fruits” in Class 29

Decision: Substitution of Class 29 for Class 31 would not be allowed as it is not obvious that “all goods in Class 31” was intended to cover “processed fruits” in Class 29.

When the amendment of the class number may be allowed, the application is subjected to a search for similar marks in the corrected class to see whether there are any prior similar or identical marks on record. It is recommended that the applicant conducts a similar mark search before proceeding with the amendment. If the search reveals:

- a. A conflicting mark filed or claiming priority before the filing date or priority date of the subject application:

The amendment may be allowed (so that the change in class would be reflected publicly) but an examination report will be issued, refusing the subject mark on relative grounds.

- b. A conflicting mark filed after the subject application and not having priority before the subject application:

The amendment is not allowable. The applicant may wish to consider amending the specification so that the application in that class may be salvaged within accepted principles, such as, not altering or broadening the scope of the application.

6.5.4 Transfers (splitting) of goods or services where an application covers more than one class

If on a multi-class application there are goods or services incorrectly classified it is allowable to transfer those goods or services between the classes shown on the application.

The amendment may be effected by the applicant on Form TM27 which is chargeable on a per class basis, on the basis that this is a correction of obvious mistakes under section 14(3)(c) of the Act.

Circumstances when it is allowed

It will be allowed only when items which obviously belong to another class of the Nice Classification are found to be in the specification and that other class is claimed in the application.

Example 1:

Original filing: Class 3: Deodorants for personal use; room deodorants; perfumes
Class 5: Air freshening preparations
Class 11: Air deodorising apparatus

Proposed transfer: “Room deodorants” from Class 3 to Class 5

Decision: The item “room deodorants” is clear and not vague. It is obvious that “room deodorants” have been wrongly classified and the proper class is obviously Class 5 and Class 5 has been claimed in the same application. Therefore, the transfer is allowed.

Circumstances when it is not allowed

The transfer of the item would not be allowed if the mistake is not obvious on the face of the application, in the sense that an alteration in the item previously claimed is required or would widen the scope of the specification originally sought.

Example 1:

Original filing: Class 1: Developing materials
Class 3: Detergents for household purposes

Proposed transfer: “Detergents for household purposes” from Class 3 to “detergents for use in manufacturing processes” in Class 1

Decision: Not allowed as the transfer would widen the scope of the specification originally sought.

Example 2:

Original filing: Class 30: Non-alcoholic beverages
Class 32: Beer

Proposed transfer: “Orange juice” from Class 30 to Class 32

Decision: Not allowed as it is not obvious that “orange juice” was intended to be claimed as it would be assumed that the “non-alcoholic beverages” claimed in Class 30 are only those which fall in Class 30.

When the transfer of item may be allowed, the application is subjected to a search for similar marks in the corrected class to see whether there are any prior similar or identical marks on record. It is recommended that the applicant conducts a similar mark search before proceeding with the amendment. If the search reveals:

- a. A conflicting mark filed or claiming priority before the filing date or priority date of the subject application

The transfer of item may be allowed (so that the item is reflected in the correct class publicly) but an examination report will be issued, refusing the subject mark on relative grounds.

- b. A conflicting mark filed after the subject application and not having priority before the subject application

The transfer of item is not allowable. The applicant may wish to consider amending the specification so that the application in that class may be salvaged within accepted principles, such as, not altering or broadening the scope of the application.

6.5.5 Adding a new class to the application

Addition of new classes to an application would not be allowed as the amendment will widen the scope of protection of the trade mark.

6.5.6 Exclusions and restrictions of the list of goods and services

Exclusions or restrictions in a specification are intended to exclude items which would otherwise fall within the specification claimed. Such exclusions or restrictions would usually be phrased as “excluding” or “but not including”. This is usually done to overcome an objection made under Section 8 of the Act. In such a scenario, an applicant may seek to exclude goods or services that are similar to that of the earlier application or registration in order to overcome the Section 8 objection.

An applicant may also restrict his specification in order to overcome an objection made under Section 7(1)(c) of the Act where the trade mark is found to be descriptive of the goods or services claimed.

Restrictions can be in positive or negative terms, such as:

Original filing: Alcoholic beverages

Acceptable restriction: “Alcoholic beverages all being whisky and gin” or “Alcoholic beverages none being whisky and gin”

Restriction of the specification may be effected by the applicant on Form TM27 which is chargeable on a per class basis.

6.5.7 Classification of goods or services for international registrations designating Singapore

Where it concerns an international registration (“**IR**”) designating Singapore, the transfer of an item from one class to another existing class within that IR is not allowed.

This is because the International Bureau (“**IB**”) of the World Intellectual Property Organisation (“**WIPO**”) has already made the classification of the goods and services in respect of that IR and the IB's determination on the classification shall prevail even in the event of a disagreement with the office of origin (Article 3 of the Madrid Protocol).

Hence, a contracting country under the Madrid Protocol should not be re-determining the classification. A transfer in class may only be effected by the Registrar when the relevant correction notice is issued by the IB.

However, Article 4(b) of the Madrid Protocol still allows a contracting country to determine the scope of protection of the mark. In cases where items in a specification are vague, the office of a designated contracting country of an IR may object to those items and request that the holder of the IR amends them for the purpose of clarity.

6.5.8 Amendment or restriction of goods and services for international registrations designating Singapore

Following an objection from the Registrar, the holder of an IR designating Singapore may request in writing for the item to be amended or restricted. No form or fees are required for this amendment or restriction. However, to make the request, an address for service in Singapore must be lodged on Form CM 1.

Alternatively, and in addition, the holder of an IR may record a limitation of the list of goods and services in some or all of the designated contracting countries for that IR by lodging with the IB Form MM6. Such a request may be made whether or not the item has been objected to by the Registrar but where it stems from such an objection, the holder has to ensure that the limitation is received by the Registrar before the deadline given for responding or to seek extension of time for responding.

The recording of a limitation does not entail the removal of the goods and services concerned from the IR as recorded in the International Register. The sole effect is that the IR is no longer protected for the goods and services concerned in the contracting countries covered by the limitation. Even if a limitation of the goods and services has been recorded with effect for all designated contracting countries, the goods and services which have been the subject of a limitation may be made the subject of a subsequent designation.

6.6 Correction of errors in specifications / classification after registration

Under limited circumstances, errors in specifications may also be amended after the mark is registered. This should usually only be allowed where the Registrar has made a mistake in classifying the item.

Rule 83 of the Rules states, “Any irregularity in procedure which, in the opinion of the Registrar, is not detrimental to the interest of any person or party may be corrected on such terms as the Registrar may direct.”

However, it would not be possible to correct an error that results in broadening of the scope of a registration.

7 PRACTICE ON SPECIFIC ITEMS

7.1 Rental or hire services

The General Remarks of Nice Classification state "rental services are in principle classified in the same classes as the services provided by means of the rented objects".

For example, "rental of telephones" would therefore fall in Class 38 as the services offered by telephones, telecommunication services, fall in Class 38.

7.2 Consultancy services

Consultancy services are classified according to their subject matter. For example, "consultancy services relating to telecommunications" will be classified in Class 38, "transportation consultancy services" in Class 39 and "intellectual property consultancy services" in Class 45.

7.3 Technical consultancy services / Technical support services

The Registrar classifies "technical consultancy services", "technical support services" and other similar technical advisory and technical information services according to their subject matter.

The General Remarks of the Nice Classification state that services which 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. Further, in line with the view of the WIPO, the Registrar considers indications such as "technical consultancy services" and "technical support services" per se, as vague and objections will be taken. Such indications will have to be specified in respect of their subject matter for the purpose of classification.

7.4 Goods made of more than one material or ingredient

When goods which are usually classified by their material or ingredient are made of more than one material or contain more than one ingredient, the applicant is required to specify the principal material or ingredient thereof. Such descriptions may be accompanied by phrases like "all made wholly or principally of", "made predominantly of", "primarily of", "mainly of" or "based on".

For example, the description "statues made of a mixture of plastic, metal and precious metal" is not acceptable as the principal material of which it is made, is not indicated. An acceptable description in Class 20 would be "statues made predominantly of plastic, with added metal and precious metal".

Similarly, the description "snack food" is not acceptable, and should be reworded to, for example, "snack food made wholly or principally of rice" or "snack food based on rice" for an application filed in Class 30.

7.5 Computerised communication network security and other security services

“Computerised communication network security” and like services are proper to Class 42 and not Class 45, as such items are forms of computer services classified in Class 42.

Class 45 covers services for the protection and security of individuals and property in general, eg. “security services for buildings”, “personal body guarding” and “night guards”. If such services and information relating to such services are offered online or via a computer network, they will be classified under Class 45 as well.

However, Class 42 will cover security services if they pertain to security of computer networks or the internet, eg. “computerised communication network security”, or if such services are offered as a form of computer service, eg “data security services [firewalls]” or “professional consultancy relating to computer security”. It would not be correct to classify such computer security services in Class 45.

It is also useful to note that some security services are classified in Class 39. Security services relating to transport, eg. “guarded transport of valuables” and “escorting of travellers” are classified under Class 39 and not Class 45.

7.6 Electronic data storage; storage of data, information or documents

"Electronic data storage" is classified in Class 42 instead of 35 by analogy to "duplication of computer programs" and "data conversion of computer programs and data [not physical conversion]" which are classified under Class 42. This is consistent with the Explanatory Note which states that "Class 42 includes mainly services provided by ... computer programmers, etc."

On the other hand, if the data, information or documents are being stored physically, for example, in a warehouse, then it is proper to Class 39. The determining factor is where the data, information, or documents are being stored.

The following are examples of acceptable descriptions in the designated classes:

- a. "Physical storage of electronically-stored data or documents" (Class 39)
- b. "Physical storage of electronically-stored information" (Class 39)
- c. "Computerised business information storage" (Class 42)

7.7 Providing on-line forums; operating chat rooms; providing chat rooms; providing discussion services on-line

"Providing on-line forums", "operating chat rooms", "providing chat rooms", and "providing discussion services on-line" are acceptable in Class 38, regardless of the topic of the discussion. These items are analogous to the items "electronic bulletin board services [telecommunication services]" and "providing internet chatrooms" listed in Class 38 of the Nice Classification.

7.8 Arranging and conducting of colloquiums; arranging and conducting of conferences; arranging and conducting of congresses; arranging and conducting of seminars; arranging and conducting of symposiums; arranging and conducting of conventions; arranging and conducting of exhibitions

The following services are classified in Class 41, regardless of the content covered by these services:

- "arranging and conducting of colloquiums";
- "arranging and conducting of conferences";
- "arranging and conducting of congresses";
- "arranging and conducting of seminars";
- "arranging and conducting of symposiums"; and
- "arranging and conducting of conventions"

It is the purpose of the service and not the subject matter that is covered by the service that determines their classification in Class 41. By virtue of their dictionary definitions, the terms, "colloquiums", "conferences", "congresses", "seminars", "symposiums" and "conventions" refer to activities linked with training or education, both of which are proper to Class 41.

To illustrate, "arranging and conducting of conferences for commercial or advertising purposes" and "arranging and conducting of seminars for commercial or advertising purposes" are both classified in Class 41.

However, the item, "arranging and conducting of exhibitions", will be classified according to the subject matter since this service only refers to showing of goods or services to the public, and is not primarily offered for the purposes of training or education.

By analogy, "organization of exhibitions for commercial or advertising purposes" is listed in Class 35 under the Alphabetical List, but "organization of exhibitions for cultural or educational purposes" is listed in Class 41 under the Alphabetical List. This is in line with the approach taken by the IB.

7.9 Providing a website

The Registry accepts the description "providing a website" in Class 42, by interpreting the description as a form of website hosting services. As such, the description would not be acceptable in other services classes.

In cases where the website is used as a means for providing services, the applicant would be required to reword the description by specifying the services which are provided via the website. For example, "providing a website containing non-downloadable games" is not acceptable in Class 41, as the description refers to a type of website hosting services. On the other hand, "providing non-downloadable games via a website" is acceptable in Class 41, as it is a form of entertainment services provided via a website.

8 VAGUE DESCRIPTIONS

Vague descriptions are not acceptable in specifications and should be amended for the purpose of clarity. The insertion of qualifiers such as "all included in this class", "not included in other classes" or "all aforesaid in this class" will not render a vague item acceptable.

The following words or phrases are considered unclear and should be amended.

8.1 Apparatus, instruments, equipment

The terms "apparatus", "instruments", "equipment" and their equivalent are acceptable only if they are further qualified to read as, for example, "lifting apparatus" (Class 7), "data processing equipment" (Class 9) or "surgical instruments" (Class 10).

8.2 Articles

The word "articles" is used in the Class Heading of Class 21 ("articles for cleaning purposes"), Class 28 ("gymnastic and sporting articles not included in other classes"), and Class 34 ("smokers' articles").

As long as the specification containing the word "articles" is clearly described, the Registrar will not object to it. Description such as "articles of wood" in Class 19 is not acceptable and will need to be further qualified to "articles of wood for building purposes" in order to clearly indicate the goods intended.

Other examples of acceptable descriptions are "jewellery articles" in Class 14 and "thermal insulating articles" in Class 17.

8.3 Systems

The use of the word "systems" is acceptable if the word is applied on goods which are clearly understood as being a system, e.g. "burglar alarm systems", "computer systems" and "telecommunication systems".

An example that is not acceptable would be "personal shower systems" as it is unclear what such system consists of.

8.4 Goods, services

Similar to "goods" and "services" per se, phrases like "goods in this class", or "services in this class" are unacceptable as they are vague. These descriptions are acceptable only if they are used with terms that adequately describe the type of goods or services, for example, "optical goods" is acceptable in Class 9 and "financial services" is proper to Class 36.

8.5 Parts and fittings (or components)

"Parts and fittings (or components)" per se is vague and does not specify clearly the goods of interest. Therefore, it should not be accepted unless it relates to specific goods or is being further qualified. Thus, a specification of goods which reads "parts and fittings" will be objected to while a description in Class 9 which reads "parts and fittings of a television" will be acceptable.

8.6 Accessories

As long as a specification containing the word "accessories" is clearly described, the Registrar will not object to it.

For example, "regulating accessories for water or gas apparatus and pipes" in Class 11 and "air pumps (vehicle accessories)" in Class 12 are acceptable. However, description such as "clothing accessories" in Class 25 is unacceptable as it could refer to items such as "brooches (clothing accessories)" in Class 26.

8.7 Use of terms "and the like", "etc"

A description of goods that reads, for example, "pouches and the like" is not acceptable as the expression, "and the like", is vague. In the example given, it is not clear as to what other goods the applicant is claiming apart from pouches.

A description of services that reads, for example, "medical services, physiotherapy, physical therapy etc" in Class 44 is not acceptable as it is not clear what other services the applicant is claiming apart from medical services, physiotherapy and physical therapy.

8.8 Confinement services

The term "confinement services" is too vague for acceptance per se in any class as it would cover babysitting, cooking, washing, massaging, and cleaning services, and all ancillary services that are required by the mother.

As the essential services for traditional confinement comprise: (1) doing household chores, and (2) taking care of the baby and mother, we will accept a description that reads, for example, "provision of confinement services, namely, baby sitting" in Class 45; or "provision of confinement services, namely, nursing care and health care in domestic homes" in Class 44.

8.9 Desserts

The Registrar will not accept a specification consisting of "desserts" per se. This is in line with the IB's view that the said item, without further qualification, is vague.

Examples of acceptable descriptions are:
"Desserts [Jellies for food]" in Class 29 or

“Desserts [Ice cream]” in Class 30

8.10 Vague descriptions relating to food

A specification consisting of “prepared meals” per se, without further qualification, is vague and may fall within several classes. Applicants are required to specify the predominant ingredient of the prepared meals, and examples of acceptable descriptions are “prepared meals consisting of meat” in Class 29 or “prepared meals containing principally of rice” in Class 30”.

This practice applies to similar vaguely described items such as:

- “frozen foods”
- “canned foods”
- “pre-packed meals”
- “nutritionally balanced low-calorie prepared meals”
- “foodstuffs in the form of prepared meals”
- “foodstuffs in the form of snack foods”
- “foodstuffs in the nature of spreads”
- “pre-cooked foodstuffs”
- “low calorie foodstuffs”
- “prepared food mixes”
- “processed foods”

Applicants are to specify the predominant ingredients of such items in order that the correct class can be determined.

8.11 Ancillary services/ related services

A description containing “ancillary services”, “related services” or their equivalent, regardless of whether they are preceded or followed by a specific term, is not acceptable. This is because the exact nature of the services remains unclear.

The addition of qualifiers such as “included in this class” or “all in this class” in such descriptions does not help in making those descriptions any clearer. The following are some examples of the objectionable descriptions:-

- a. “advertising services; services ancillary or related to the aforementioned included in this class”;
- b. “services ancillary or related to the provision of business management services; all in this class”; and
- c. “all services relating or ancillary to computer services; all included in Class 42”.

In such cases, the Registrar will request that the applicant specify the “ancillary services” and “related services” claimed so that the specification is clear and unambiguous.

8.12 Association services

"Association services" is not acceptable because the item is vague and may fall within several classes. Further qualification on the nature of the services provided by the association is required. The following are some examples of acceptable descriptions:

- "Association services, namely arranging business introductions" in Class 35
- "Association services in the nature of providing training for members of the association" in Class 41
- "Business promotion relating to the importance of health and nutrition, provided through an association" in Class 35

8.13 Computer services

A description consisting of "computer services" per se is not acceptable because the item, without further qualification, is vague. The insertion of a qualifier that reads, for example, "all included in this class" at the end of a specification does not help to clarify the nature of the services either.

The following are some examples which are acceptable to the Registrar:

- "Installation of computer hardware" (Class 37)
- "Installation, maintenance and repair of computer software" (Class 42)
- "Providing search engines for the internet" (Class 42)
- "Hosting web sites for others" (Class 42)

8.14 Mail order services

"Mail order services" is unacceptable and should be reworded to "the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods from a general merchandise catalogue by mail order".

8.15 Manufacturing of goods

"Manufacturing of goods" is unacceptable as it does not conform to the International Classification of Goods and Services. If a person is manufacturing goods, registration should be sought for the goods only.

As appropriate, the specification may be phrased as "custom assembling of materials [for others]" or "custom manufacturing of goods [for others]". For example, where the items in question are cell cultures, it may be more appropriate to describe the service as "custom manufacturing of cell cultures [for others]". However, if the goods in question are clothing, "custom assembling of clothing [for others]" would be more appropriate.

8.16 Provision of news

The item “provision of news” per se, without further qualification, is vague. The subject matter of the news provided and the purpose for which it is provided are important in determining the class to which it should fall under.

Generally, these services are classified in the same classes as the services that correspond to the subject matter of the information.

Examples of acceptable descriptions are:

- “Provision of business news [business management]” in Class 35;
- “Provision of news [telecommunication services]” in Class 38; and
- “Provision of news for entertainment purposes” in Class 41.

8.17 Retail services and other like services in Class 35

The following terms are acceptable:

- “the bringing together, for the benefit of others, of a variety of goods (excluding the transport thereof), enabling customers to conveniently view and purchase those goods”
- “retail services”
- “wholesale services”
- “retail sale services”
- “retail store services”
- “wholesale store services”
- “online retail services”
- “online wholesale services”
- “online retail store services”
- “online wholesale store services”

However, the Registrar will continue to reject descriptions such as “distributorship services”, “mail order services”, “departmental store services”, “supermarket services”, or “internet shopping”. These terms are considered vague as they include services more than retail and wholesale services.

The following descriptions provide guidance on what is considered to be acceptable to the Registrar:

- “The bringing together, for the benefit of others, of a variety of goods [list the goods] (excluding the transport thereof), enabling customers to conveniently view and purchase those goods from a retail outlet”;
- “The bringing together, for the benefit of others, of a variety of goods (excluding the transport thereof), enabling customers to conveniently view and purchase those goods from a retail outlet”;

- “Retail services in relation to [list the goods]”;
- “Retail services”;
- “The bringing together, for the benefit of others, of a variety of goods [list the goods] (excluding the transport thereof), enabling customers to conveniently view and purchase those goods from a wholesale outlet”;
- “The bringing together, for the benefit of others, of a variety of goods (excluding the transport thereof), enabling customers to conveniently view and purchase those goods from a wholesale outlet”;
- “Wholesale services in relation to [list the goods]”;
- “Wholesale services”;
- “The bringing together, for the benefit of others, of a variety of goods [list the goods] (excluding the transport thereof), enabling customers to conveniently view and purchase those goods from a distributor outlet”;
- “The bringing together, for the benefit of others, of a variety of goods (excluding the transport thereof), enabling customers to conveniently view and purchase those goods from a distributor outlet”;
- “The bringing together, for the benefit of others, of a variety of goods [list the goods] (excluding the transport thereof), enabling customers to conveniently view and purchase those goods from a general merchandise catalogue by mail order or by means of telecommunications”;
- “The bringing together, for the benefit of others, of a variety of goods (excluding the transport thereof), enabling customers to conveniently view and purchase those goods from a general merchandise catalogue by mail order or by means of telecommunications”;
- “The bringing together, for the benefit of others, of a variety of goods [list the goods] (excluding the transport thereof), enabling customers to conveniently view and purchase those goods from a general merchandise web site in the global communications network”;
- “The bringing together, for the benefit of others, of a variety of goods (excluding the transport thereof), enabling customers to conveniently view and purchase those goods from a general merchandise web site in the global communications network”;
- “The bringing together, for the benefit of others, of a variety of goods [list the goods] (excluding the transport thereof), enabling customers to conveniently view and purchase those goods from a departmental store”;

- “The bringing together, for the benefit of others, of a variety of goods (excluding the transport thereof), enabling customers to conveniently view and purchase those goods from a departmental store”;
- “The bringing together, for the benefit of others, of a variety of goods [list the goods] (excluding the transport thereof), enabling customers to conveniently view and purchase those goods from a supermarket”;
- “The bringing together, for the benefit of others, of a variety of goods (excluding the transport thereof), enabling customers to conveniently view and purchase those goods from a supermarket”.

The Registrar will also not accept a specification containing a claim for “retailing of services” or “the bringing together, for the benefit of others, of a variety of services (excluding the transport thereof), enabling customers to conveniently view and purchase those services”. Applicants will be asked to clarify on the type(s) of services they are providing and to apply for such services in the appropriate class(es).

8.18 Distribution services

The Registry does not accept the description “distribution services” per se, as the description is too vague for classification and may involve services that straddle across Classes 35, 39 and 41.

For example, the meaning of distribution services in Classes 35, 39 and 41 may be understood in the following contexts:

- Distribution services for the purpose of advertising, retailing or wholesaling fall in Class 35;
- Distribution services by way of transportation of goods, as well as distribution services in the nature of transportation and supply of goods such as water, electricity and energy by pipeline and cable fall in Class 39;
- Distribution services relating to the process of making works of visual or audio production available to the public fall in Class 41.

To render the description clear, the nature of distribution services needs to be specified. The following are some examples of acceptable descriptions:

- "Distribution of advertising material" in Class 35
- "Distribution of samples" in Class 35
- "Distribution of goods (transportation)" in Class 39
- "Distribution of electricity" in Class 39
- "Distribution (other than transportation) of films" in Class 41
- "Distribution (other than transportation) of sound recordings" in Class 41

The mere addition of the qualifier “(other than transportation)” to the vague description “distribution services” does not render it proper to Class 35, as the qualifier does not sufficiently convey the nature of the intended services apart from saying that it does not include transportation.

The following are some examples of adequately qualified descriptions in Class 35:

- “Distribution services, namely, retail and wholesale services”
- “Distribution services, namely, marketing of goods”
- “Distribution services, namely, the bringing together, for the benefit of others, of a variety of goods (excluding transport thereof), enabling customers to conveniently view and purchase those goods from a distributor outlet”

8.19 Kits

The Registry wishes to clarify that the description “kits” per se, without any further qualification, is considered too vague for classification purposes.

The applicant should specify the purpose of the goods to render the “kits” proper to the appropriate class, for example, “cosmetic kits” in Class 3 or “sewing kits” in Class 26.

Alternatively, the applicant can specify the composition of the “kits”, making sure that all the goods in the kits are classified under the same class. An example of an acceptable description would be “repair kits comprising screwdrivers, pliers and hammers” in Class 8.

8.20 Electronic machines

The Registry will not accept the description “electronic machines” in Class 9, as the description per se, without any indication of the purpose of the electronic machines, is vague.

“Machines” are generally classified in Class 7 in accordance to the Class Heading of Class 7, “Machines and machine tools”. As such, for descriptions containing “machines” that are filed in classes other than Class 7, the Registry requires the purpose of the machines to be clearly specified in order to justify its classification in the respective classes. The following are some examples of acceptable descriptions:

- Automated teller machines [ATM] (Class 9)
- Weighing machines (Class 9)
- Air purifying machines (Class 11)
- Electric coffee machines (Class 11)
- Arcade video game machines (Class 28)