

PROPOSED TRADE MARKS PRACTICE GUIDELINE AMENDMENT – CLASSIFICATION OF COMPUTER RELATED GOODS AND SERVICES

Comment on the proposed practice is invited and should be sent to theodore.doucas@iponz.govt.nz by 30 May 2007.

Issue

New technology has been introduced over the past few years, and the classification of certain computer related goods and services have altered. This is also due in part to the revision of certain classifications pursuant to the introduction of the Ninth Edition of the International (Nice) Classification of Goods and Services in January 2007.

Proposal

As a result, IPONZ proposes to:

1. Amend the section headed “Rental Services, Leasing Services, Hire Services” in section 3 of the *Annexure General* to the *Classification and Specification* guidelines to clarify the classification of “rental of computers and computer hardware and computer software” as shown below:

Rental Services, Leasing Services, Hire Services

...

<i>Specification</i>	<i>Class</i>
...	
Rental of computer game programmes (41) or CD-ROMs (41)	41
Rental of computers and computer hardware and computer software - includes rental of data carriers, but not rental of computer game programmes (41) or CD-ROMs (41)...	42
...	

2. Replace the beginning of section 2 of the Practice Guidelines on *Annexure to Computer Services* with the following:

2. CORRECT CLASSIFICATION

This Annexure outlines the correct classification of computer, telecommunication and online related goods and services that are more difficult to classify under the Act. In providing these general guidelines, the Intellectual Property Office of New Zealand (IPONZ) hopes to assist trade mark applicants to select the correct class and scope of specifications, before making an application. It is important that the goods or services applied for are correctly classified in accordance with current international classification standards.

The examiner will check the specification and draw any errors to the attention of the applicant. However, as long as the goods or services applied for can fall in the class applied in, the examiner will assume that the applicant has applied in the correct class.

Blogs

A “blog” is an online site where people can post their views, for example, on their personal experiences and hobbies. These services will therefore fall predominantly in class 41 together with online publication of information, provisions of online forums and operation of chat rooms.

Please note, however that the following apply:

<i>Specification</i>	<i>Class</i>
Chat room services	38
Hosting websites	42

3. Replace the table in “Internet and Online Services” in section 2 of the Practice Guidelines on *Annexure to Computer Services* with the following:

Internet and Online Services

...

IPONZ classifies the provision of Internet and online services as follows.

<i>Specification</i>	<i>Class</i>
Provision or operation of chat rooms (telecommunication services)	38
Providing access to search engines for obtaining data on the Internet	
Electronic transmission of data and documents via computer terminals	
Electronic bulletin board services (telecommunications services)	
Provision or operation of blogs	41
Design and development of search engines	42
Development, maintenance and updating of a telecommunication network search engine	
Hosting websites	
Provision or operation of search engines for the internet	

4. Amend the section headed “Database” in section 3 of the *Annexure General* to the *Classification and Specification* guidelines by changing the classification of “leasing access time to a computer database” from class 42 to 38.