

Introduction

The articles of the Gulf Cooperation Council (GCC) Trademark Law¹ (GCC Trademark Law), and the Implementing Regulations (Regulations) regulate the registration, enforcement, and commercialisation of trademark rights throughout the GCC member states.²

Although a unified law, the GCC Trademark Law and Regulations do not enable trademark registration in multiple GCC member states through a single application or process. Registration requires the filing of a separate application with the trademark registration authority in each GCC state where protection through registration is required. The registration of trademarks in the Kingdom of Bahrain is administered by the Trademark Office, Directorate of Foreign Trade & Industrial Property, which is part of the Ministry of Industry, Commerce and Tourism.

Each GCC member State will individually implement the GCC Trademark Law and the Implementing Regulations. In the Kingdom of Bahrain, the GCC Trademark Law and Implementing Regulations took effect on 29 May 2016.³

Applications for the registration of a trademark submitted before the coming into force of this continued to benefit from the protection under the provisions of the laws, decisions, and rules in force at the time of application provided a decision on acceptance for registration had been taken.⁴ A mark will be considered as having been accepted for registration on the date on which the Trademark Office sends notification of acceptance and the requirement for the payment of the publication fee.⁵

This part provides guidance on the provisions of the GCC Trademark Law and Regulations relating to the classification of goods and services in an application to register a trademark in the Kingdom of Bahrain.

¹ Law No.(6) of 2014 With Approval of the Law (Regulation) of Trademarks in the Cooperation Council for the Arab States of the Gulf.

² Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates (UAE).

³ Ministerial Decision No. 65 of 2016.

⁴ Article 47 of the GCC Trademark Law.

⁵ As specified under Article 14.1 of the GCC Trademark Law.

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The Kingdom is a signatory to the Paris Convention,⁶ Madrid Protocol,⁷ Trademark Law Treaty (TLT)⁸ and Nice Agreement,⁹ the provisions of which will be referred where they contribute to the requirements for classification of goods and services. Guidance on the process and procedures involved in filing a trademark application and the ‘formal examination’ that the Trademark Office must undertake before a trademark can be accepted in the register of trademarks can be found in the Applications and Examination Guidelines, respectively.

Requirement to indicate goods and services

The provisions of Article 3 of the Regulations set out the information that must be provided in any application for registration of a trademark in the Kingdom of Bahrain. In Article 3.4 of the Regulations the application is required to include ‘The products or services for which the registration of a mark has been requested...’. This requires that the products or services be described by their name.¹⁰ See the section of these Guidelines ‘**Vague or incomprehensible descriptions of goods and services**’

Requirement to indicate the category or ‘class’

In addition to requiring that an application include the products or services for which the registration of a mark has been requested, Article 3.4 of the Regulations states that the applicant must include the ‘category’¹¹ for the goods or services.¹² In the context of making an application to register a trademark, the word ‘category’ means the ‘class’ of the International Classification of Goods and Services,¹³ commonly referred to as the ‘Nice’ classification.

The category or ‘class’ for the goods or services included in an application for registration is to be in accordance with the Nice Classification’. The requirement to use of the Nice Classification in applications for registration of a trademark filed in the Kingdom of Bahrain is set out in Article 2 of the Regulations, which states:

‘The application for trademark registration shall be filed with the competent administration using the form prepared for this purpose by the applicant if he is a national of the country, or by an approved agent who is a national of the

⁶ Paris Convention for the Protection of Industrial Property (as amended on September 28, 1979).

⁷ Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (as amended on November 12, 2007).

⁸ Trademark Law Treaty (adopted at Geneva on October 27, 1994).

⁹ Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (as amended on September 28, 1979).

¹⁰ As required by Article 9.1 of the Trademark Law Treaty

¹¹ Sometimes referred to a ‘genus’ – the class, kind, or group marked by common characteristics or by one common characteristic. Merriam Webster

¹² As required by Article 9.1 of the Trademark Law Treaty

¹³ The International Classification of Goods and Services for the Purposes of the Registration of Marks

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country and is recorded in the Register of trademark registration agents which is determined by the competent authority. The application shall be limited to the registration of a mark for one category, *and there may be multiple categories of products or services which require the registration of a mark in the same application following the approval of the competent administration, in accordance with the International Classification of Goods and Services (Nice Classification) and its amendments in a manner that does not conflict with the general rules in each Member State.*

Article 2 is to be understood as saying that an application for registration of a trademark may only include a single category or class of goods or services; there is no provision for multiple-class applications in the Kingdom of Bahrain.

The applicant may include one or more descriptions or type of goods or service in the application for registration, but these descriptions must belong to the same category or class as defined by the Nice Classification. For example:

‘Computer hardware; computer software; all for creating indexes of information’ would be acceptable as all of the goods belong in the same class, in this case Class 9.

‘Computer hardware; computer software; design of computer hardware and computer software; all for creating indexes of information’ would not be acceptable as the ‘computer hardware’ and ‘computer software’ belong to Class 9 and the ‘design of computer hardware and computer software’ belong in Class 42.

Determining the category or ‘class’ in which an item of goods, or a service belongs is an activity referred to as ‘classification’. It is important that the correct class is indicated for the goods and services is indicated in an application. Likewise, it is extremely important that the terminology used in describing the good or services are sufficiently clear and precise to be able to determine that the class indicated is correct. A mistake in either the class or the description(s) of goods or services has the potential to affect the rights arising from a registration.

Once an application has been filed with the Trademark Office it is not possible to add goods and services that were not covered by the descriptions listed at the time of filing. It may be possible to change the class indicated in the application but only if this does not result in goods or services being added. For example:

Application is submitted in Class 7 for the description ‘Engines’

The applicant wanted to register the mark in respect of ‘Engines for automobiles which are in Class 12

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The class cannot be changed to Class 12 as this results in a change to the goods, in effect, adding goods that were not listed in the application when filed

Had the application been filed in Class 12, it would have been possible to change the description 'Engines' to 'Automobile engines' as 'Automobile engines' are included in the general description 'Engines'.

Article 18 GCC Trademark Law and the Article 16 Regulations allow amendments to a registration, but Article 16.2 Regulations only permits 'The deletion of some goods and services for which a mark has been registered'.

No requirement to be using the mark at time of applying for registration

An applicant need not be using the trademark in relation to all or any of the goods or services listed in an application at the time that the application for registration is filed. However, if the applicant is not using the mark in relation to the products or services listed in an application, there should be a serious intention that it will be so used.¹⁴

Paris Convention - 'The nature of the goods to which a trademark is to be applied shall not be an obstacle to the registration of the mark'¹⁵

This Article of the Paris Convention makes the protection of industrial property independent of the question whether protection may be granted for goods may or may not be sold in a country. This means that the question of whether the sale of an item of goods is legally permissible (in a member country) is not a justifiable reason for rejecting a trademark application.

For example, where a trademark is intended to be used on a pharmaceutical product which has not as such been approved for use in a country and the sale of which is consequently not allowed, cannot be a reason for refusal to register the trademark. The proprietor should be able to secure their rights in the eventuality that the product may be approved, and its sale permitted.

The Article also applies when the use of trademarks is prohibited for any category of goods or when the sale of goods is subject to a monopoly or a concession.

The Nice Classification

¹⁴ Article 2 of the GCC Trademark Law – 'Trademark: Any mark that takes a distinctive form ...used or intended to be used...'.

¹⁵ Article 7 [Marks: Nature of the Goods to which the Mark is Applied] - Paris Convention for the Protection of Industrial Property.

Background

The International Classification of Goods and Services for the Purposes of the Registration of Marks, commonly known as the 'Nice Classification, was established by, and is managed under the provisions of the Nice Agreement.¹⁶ The Nice Classification is a system of classification for goods and services for the purposes of registering trademarks and service marks. The Classification is administered by the World Intellectual Property Organisation (WIPO).

The Nice Agreement requires States party to the Agreement to apply the Nice Classification in the registration of marks, as either the principal or as a subsidiary classification. Member States must indicate the class of the Nice Classification that the goods or services belong in any official documents and publications that are part of the trademark application and registration process.¹⁷ As a signatory to the Nice Agreement,¹⁸ the Kingdom of Bahrain is obliged to comply with these provisions.

Purpose of the Nice Classification

The Nice Classification is essentially an administrative system to improve the ease and efficiency of searching registers of trademarks. In much the same way as a filing system places related information into folders, the Nice Classification groups goods and services into 'classes,' with each class group containing goods or services that are broadly similar.

This systemization into classes enables a search targeted on a single class, or multiple classes according to the type of goods and services of interest. This is particularly useful when undertaking a pre-clearance search,¹⁹ of earlier applied for and registered trademarks.

The Nice Classification: <https://www.wipo.int/classifications/nice/en/>

The Nice Agreement makes it clear that the classification does not restrict the freedom of an office in its evaluation of the extent of the protection afforded to any given mark.²⁰ Nevertheless, some jurisdictions use the class in which a description is listed as a means of settling the scope of a description that would otherwise be too imprecise. For example, the term 'valves' used in a list in Class 12 would be understood as meaning 'valves for vehicle tires'.

¹⁶ Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (as amended on September 28, 1979).

¹⁷ Article 2(3) of the Nice Agreement.

¹⁸ Accession: 15 September 2005, entry into force in the Kingdom of Bahrain 15 December 2005.

¹⁹ A search of earlier marks is not required before making an application in the Kingdom of Bahrain but is advisable.

²⁰ Nice Agreement Article 2 - Legal Effect and Use of the Classification

Structure of the Nice Classification

The Nice Classification consists of:

- **a numerical list of 45 classes:**

- Classes number 1 - 34 for goods
- Classes numbered 35 – 45 for services.

- **Class headings**

Class headings describe in very broad terms the nature of the goods or services contained in each class. The Class Headings are composed of 'General Indications,' each describing the types of products and services that the class contains. Individual General Indications are separated by the use of semicolons.

The mere fact that goods or services may be included in the same class of the Nice Classification does not make them similar, for example, when determining the potential for confusion or acts of infringement. Similarly, goods or services shall not be considered as being different solely on the grounds that they are included in different classes of the classification.²¹

- **Explanatory notes**

The Class Headings provide a 'general indication' of the products and services in their respective classes. Each class has its own Explanatory notes which describe in greater detail the types of goods or services that are included, and that are not included in that class.

- **Alphabetical Lists of goods and services:**

The Alphabetical Lists are the most detailed level of the Nice Classification. They contain around 10,000 descriptions of goods, and 1,000 indications of services. These descriptions are frequently referred to as 'terms'.

The Alphabetical List is arranged in two parts:

- Part 1 lists the descriptions in alphabetical order, with a section for goods classes and a separate section for service classes

²¹ Article 9.2 GCC of the Trademark Law.

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- Part 2 lists the classes in numerical order and under each class the descriptions for that class in alphabetical order.

Each description of goods and services has a numerical identifier called a 'Basic number' which if known can be used as a search term.

Class	Indication	Basic No.
9	abacuses	090627
10	abdominal belts	100001
10	abdominal corsets	100003
10	abdominal pads	100098
8	abrading instruments [hand instruments]	080002
3	abrasive cloth	030160
21	abrasive mitts for scrubbing the skin	210418

Additional classification assistance

There are clearly many more types of goods and services than are listed in the Nice Classification. Further help in determining the appropriate class for goods and services is provided by the Madrid Goods and Services Manager (MGS), an on-line classification tool developed by WIPO.

The MGS database is fully aligned with the Nice Classification, so it complies with the requirement that goods and services be classified according to the Nice Classification. The MGS can be accessed here

<https://webaccess.wipo.int/mgs/>

- **General remarks**

If a product or service cannot be classified with the aid of the List of Classes, the Explanatory Notes and the Alphabetical List, the General Remarks set out a list of criteria to be applied in determining the class.

An explanation of the criteria and how it is used can be found in the section 'General Remarks - How to classify.'

Revisions to the Nice Classification

Innovation is constant, with new types of goods and services coming into existence every day. To ensure that the classification continues to meet the needs of business and industry, it too must evolve.

To meet this challenge, the Nice Agreement set up a Committee of Experts,²² with the responsibility of updating and improving the Classification. All States party to the Agreement may be represented and make proposals at the periodic meetings of the Committee.

Resulting from the decisions of the Committee of Experts, a new version of the Nice Classification is published every calendar year and a new Edition every five calendar years.²³ New versions generally involve the addition of new terms and the deletion or correction of existing descriptions in the classification.²⁴ Any changes to the Nice Classification involving the transfer of goods and services to a different class, or the restructuring of the classes and their content may only be made in a new edition. Changes brought in by a new version or edition take effect on 1 January of each year. Applications filed before a new version or edition comes into effect will be subject to the classification in force at the time of application. Changes to the classification are not usually applied retrospectively,²⁵ so they have no effect on existing registrations.

When using a list of goods and services created in a previous calendar year as the basis for a new application, it is advisable to check the classification of the terms before submission of an application.

Submitting proposals for consideration by the Committee of Experts

The Nice Classification has an e-forum open to members of the Committee of Experts through which proposals for change to the Nice Classification can be submitted in advance of the next Committee of Experts.

²² Article 3.1 of the Nice Agreement.

²³ The Nice Classification, Eleventh Edition, Version 2022 (NCL 11-2022) came into force on 1 January 2022.

²⁴ A correction must not change the classification of a product or service.

²⁵ A change to the classification, such as the addition of a new class or the division of an existing class may be applied retrospectively where this would simplify the searching for earlier marks, but should not affect the scope of a list of goods and services.

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NCL Project ?

Projects (48)

Project	Subject	Class	Origin	Next Action	Deadline	Update
CE322	Proposals for modifications to NCL(11-2022) – 32nd session - CE Nice Union		IB	The Project is completed		16-May-22
CE321	Draft Agenda - 32nd session - CE Nice Union		IB	The Project is completed		16-May-22
CE312	Proposals for modifications to NCL(11-2021) - 31st session - CE Nice Union		IB	The Project is completed		21-May-21
CE311	Draft Agenda - 31st session - CE Nice Union		IB	The Project is completed		21-May-21
CE310	Report of the 31st session of the CE - Nice Union		IB	The Project is completed		14-Feb-22
CE303	Proposals for modifications to NCL(11-2020) - 30th session - CE Nice Union - continuation		IB	The Project is completed		25-May-20
CE302	Proposals for modifications to NCL(11-2020) - 30th session - CE Nice Union		IB	The Project is completed		25-May-20

Each new revision period is created as a project, with the documents related to a particular project, past and current being available to be viewed on the e-forum.

The e-forum also facilitates comments and discussions on proposals in advance of the meeting of the Committee of Experts, enabling the Committee to gauge the likely view of the Committee in advance of the meeting. Where there appears to be a consensus against a proposal the proposing Office can decide to keep, modify or withdraw its proposal, increasing the efficiency of the meeting.

>Project NI142 (COMPLETED)

[Download annexes](#)

Subject	IB Proposals - Nice CE31				
Revision files	TXT PDF	Origin	IB	Status	COMPLETED
Class		Last Update	21-May-21	Creation date	02-Nov-20
Type	Nice Proposals				

ANX	PDF	Content	Origin	Date
8	8	For comments	FR	29-Dec-20
7	7	Comments	JP	24-Dec-20
6	6	Comments	IL	23-Dec-20
5	5	Comments	AU	23-Dec-20
4	4	Comments	US	18-Dec-20
3	3	Comments	FI	16-Dec-20
2	2	Comments	SG	09-Dec-20
1	1	Proposal	IB	02-Nov-20

Actions	Offices	Deadline
Reaction to comments		31-Jan-21

Remarks - Messages

Office: IB Date: 14-Jan-21

The response to comments from the IB is now available in NCLRMS.

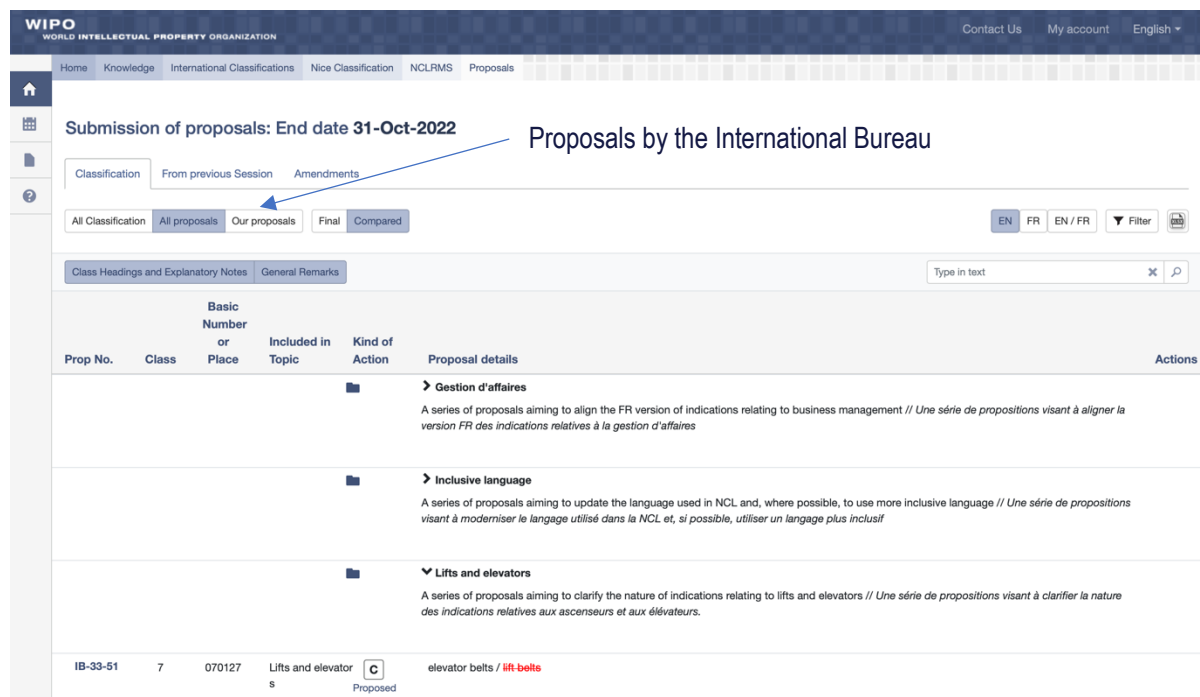
Office: IB Date: 06-Jan-21

Please note that all comments on IB proposals are now available in NCLRMS.

Office: IB Date: 30-Dec-20

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As part of its role of ensuring continuous improvement to the Nice Classification, the International Bureau will also make proposals (seen by clicking the cursor on Our proposals) for consideration by the Committee of Experts:



Prop No.	Class	Basic Number or Place	Included in Topic	Kind of Action	Proposal details	Actions
					> Gestion d'affaires A series of proposals aiming to align the FR version of indications relating to business management // Une série de propositions visant à aligner la version FR des indications relatives à la gestion d'affaires	
					> Inclusive language A series of proposals aiming to update the language used in NCL and, where possible, to use more inclusive language // Une série de propositions visant à moderniser le langage utilisé dans la NCL et, si possible, utiliser un langage plus inclusif	
					> Lifts and elevators A series of proposals aiming to clarify the nature of indications relating to lifts and elevators // Une série de propositions visant à clarifier la nature des indications relatives aux ascenseurs et aux éleveurs.	
IB-33-51	7	070127	Lifts and elevators	C Proposed	elevator belts / lift belts	

The International Bureau, in particular, ensures alignment between the language versions of the Nice Classification, and identified terminology that requires updating to meet the current language.

Effects of changes to the Nice Classification on applications and registration¹.

Applications for registration of a trademark are to be classified according to the classification as it exists at the time of the application being filed. Where, following a decision of the Nice Committee of Experts, the class in which a particular item of goods or type of service changes, this will not require a corresponding change to the classification of existing applications and registrations.

Certainly, (at least from the perspective of the UK courts) the practice of not 'reclassifying' the lists of goods or services of registrations affected by a change in the class of a listed good or service within the Nice Classification is well established:

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'It is settled, at least at first instance...one has to look at the Trade Mark Registry practice to see whether the registrar in practice at the time of registration included the particular service or goods within that class'²⁶

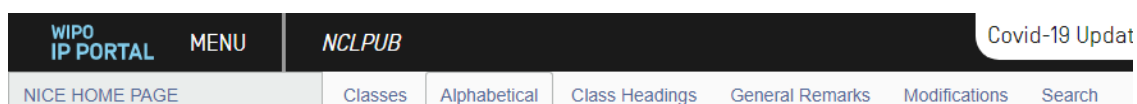
There may be circumstances where the Trademark Office considers it appropriate to make an exception to this 'no reclassification' approach, such as when the structure of the classes of the Nice Classification changes. For example, the 8th edition of the Nice Classification that came into effect on 1 January 2002 added 3 new classes (Classes 43, 44 and 45) to the existing 42 classes. such changes to date have been rare.

Classifying goods and services using the Nice Classification

Determining the category or 'class' that an item of goods, or a service belongs is an activity referred to as 'classification'. Accuracy is extremely important as a mistake in the class used in an application for a trademark has the potential to affect the rights arising from a registration. It may not be possible to correct an error in the class or description of goods and services after an application has been filed.

The starting point in determining the class for a product or service is to search the Alphabetical List of the Nice Classification. This can be done here: [Nice Classification](#)

The landing page for the Nice Classification has a banner heading with 6 tabs:



- **Classes**

Enables the user to view the Nice Classification by class. Clicking on the 'Classes' tab opens a screen asking the user to select a class to view. The class is selected by clicking on the number in the CLASS INDEX in the sidebar.

²⁶ Avnet Inc v Isoact Ltd [1998] F.S.R. 16

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Clicking the cursor on a class number opens a screen displaying:


- Class number
- Class heading for the class number selected
- Explanatory notes for the class number selected
- List of descriptions for the class selected in alphabetical order
- **Alphabetical**

Enables all descriptions in the Nice Classification to be viewed in alphabetical order. The descriptions viewed can be selected by clicking on a letter in the sidebar:

Class	Indication	Basic No.
9	abacuses	090627
10	abdominal belts	100001
10	abdominal corsets	100003
10	abdominal pads	100098
8	abrading instruments [hand instruments]	080002
3	abrasive cloth	030160
21	abrasive mitts for scrubbing the skin	210418
21	abrasive pads for kitchen purposes	210259
3	abrasive paper	030166
21	abrasive sponges for scrubbing the skin	210331
3	abrasives*	030165
5	dental abrasives	050001
5	absorbent cotton	050176

- **Alphabetical: Term information files**

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Certain descriptions of goods and services that have presented difficulty in classification may have an information file which can be opened by clicking the cursor on the  symbol to the left of the class number given for the term:

 120009 air pumps [vehicle accessories]



Class 12 includes mainly vehicles and apparatus for the transport of people or goods by land, air or water.

This Class includes, in particular:

- motors and engines for land vehicles;
- couplings and transmission components for land vehicles;
- air cushion vehicles;
- remote control vehicles, other than toys;
- parts of vehicles, for example, bumpers, windscreens, steering wheels, tyres for vehicle wheels, as well as treads for vehicle wheels;


This Class does not include, in particular:

- railway material of metal (Cl. 6);
- motors, engines, couplings and transmission components, other than for land vehicles (Cl. 7);
- parts of all kinds of motors and engines, for example, starters, mufflers and cylinders for motors and engines (Cl. 7);
- rubber tracks being parts of crawlers on construction, mining, agricultural and other heavy-duty machines (Cl. 7);
- tricycles for infants and scooters, being toys (Cl. 28);
- certain special vehicles or wheeled apparatus not for transportation purposes, for example, self-propelled road sweeping machines;
- certain parts of vehicles, for example, electric batteries, mileage recorders and radios for vehicles (Cl. 9), lights for automobiles.

 120009  air pumps [vehicle accessories]

120009: air pumps [vehicle accessories]


Definition of Good or Service
A pump that is specially adapted to pump air into deflated tyres. It is small enough to be considered an accessory for the vehicle and not a machine for use in a garage or factory.



Classification Criteria
Because this is a relatively small apparatus that is specially adapted for use with vehicle tyres, it is considered a vehicle accessory. Its specialized use justifies its classification in Cl. 12 by analogy with the Class Heading entry "vehicles".

See also, in the same class
(120093) pumps for bicycle tyres (Cl. 12)

Note that "pumps for bicycle tyres" (American spelling) is included under the same Class Number.



particular good or service, in the above example relative to [vehicle accessories]:

‘A pump that is specially adapted to pump air into deflated tyres. It is small enough to be considered an accessory for the vehicle and not a machine for use in a garage or factory.’

The ‘classification criteria that places it in the particular class:

‘Because this is a relatively small apparatus that is specially adapted for use with vehicle tyres, it is considered a vehicle accessory. Its specialized use justifies its classification in Cl. 12 by analogy with the Class Heading entry "vehicles".’

Similar or related goods found in the same class:

‘See also, in the same class - (120093) pumps for bicycle tyres (Cl. 12)’

Goods of a similar type, for a similar purpose or of a similar description found in different classes, with an explanation of why they belong in a different class:

‘(070310) air pumps [garage installations] (Cl. 7)

These air pumps are machines that are permanently installed, for example, in garages or vehicle workshops, and are used for inflating tyres. They are not

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vehicle accessories and should not be confused with the air pumps for inflating tyres in Cl. 12.'

As in the above example, the information file will, where possible, include images to assist in understanding the nature of the goods being referred to.

○ **Alphabetical: Asterisks**

Within the Nice Classification, certain descriptions are shown with an asterisk (*), as in the following example:

250045 **clothing***

The asterisk indicates that the entry is a 'general' description, and informs users that goods or services falling within the description are also classified in other classes, for example:

Class 9

090728 bullet-proof clothing
090691 clothing especially made for laboratories
090005 clothing for protection against accidents, irradiation and fire

Class 10

100200 clothing especially for operating rooms

Class 18

180135 clothing for pets


● **Class Headings**

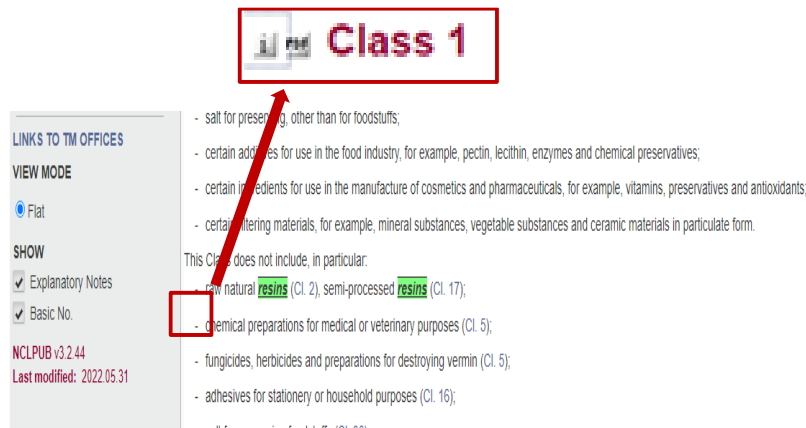
Displays the Class Headings. These can be scrolled through or selected by clicking on the class number in the sidebar

The screenshot shows a sidebar on the left with a 'CLASS INDEX' section. Under 'GOODS', classes 1 through 34 are listed. Under 'SERVICES', classes 35 through 45 are listed. The 'LANGUAGE' section has radio buttons for English, French, English/French, and French/English, with 'English' selected. A dropdown menu is set to 'Other'. The main content area displays 'Class 4' in red, followed by its description: 'Industrial oils and greases, wax; lubricants; dust absorbing, wetting and binding compositions; fuels and illuminants; candles and wicks for lighting.' Below this is an 'Explanatory Note' stating 'Class 4 includes mainly industrial oils and greases, fuels and illuminants.' A list of inclusions follows: 'This Class includes, in particular: - oils for the preservation of masonry or of leather; - raw wax, industrial wax; - electrical energy; - motor fuels, biofuels; - non-chemical additives for fuels; - wood for use as fuel.' A list of exclusions follows: 'This Class does not include, in particular: - certain special industrial oils and greases, for example, oils for tanning leather (Cl. 1), oils for the preservation of wood, anti-rust oils and greases (Cl. 2), essential oils (Cl. 3); - massage candles for cosmetic purposes (Cl. 3) and medicated massage candles (Cl. 5); - certain special waxes, for example, grafting wax for trees (Cl. 1), tailors' wax, polishing wax, depilatory wax (Cl. 3), dental wax (Cl. 5), sealing wax (Cl. 16); - wicks adapted for oil stoves (Cl. 11) and for cigarette lighters (Cl. 34).'

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○ Class headings: Information files

Each Class Heading has an information file which can be opened by clicking the cursor on the  symbol to the left of the class number:



Class 1

LINKS TO TM OFFICES

VIEW MODE

Flat

SHOW

Explanatory Notes

Basic No.

NCLPUB v3.2.44
Last modified: 2022.05.31

- salt for preserving, other than for foodstuffs;
- certain additives for use in the food industry, for example, pectin, lecithin, enzymes and chemical preservatives;
- certain ingredients for use in the manufacture of cosmetics and pharmaceuticals, for example, vitamins, preservatives and antioxidants;
- certain filtering materials, for example, mineral substances, vegetable substances and ceramic materials in particulate form.

This Class does not include, in particular:

- raw natural **resins** (Cl. 2), semi-processed **resins** (Cl. 17);
- chemical preparations for medical or veterinary purposes (Cl. 5);
- fungicides, herbicides and preparations for destroying vermin (Cl. 5);
- adhesives for stationery or household purposes (Cl. 16);

Each Class Information file provides guidance on the type of goods or services, as appropriate, that can be found in the particular class, and goods of a similar description that do not belong in that class. It explains why certain goods that do not appear to be covered by the Class Heading have been classified in that particular class, and also which classes variants of goods found in the class may belong to.

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Class 1

Chemicals for use in industry, and other general applications, are in Class 1. If a particular use is indicated, however, some chemicals can belong to other classes. For example, hydrogen peroxide for industrial purposes is in Class 1, hydrogen peroxide for cosmetic purposes is in [Cl. 3](#) and hydrogen peroxide for medical purposes is in [Cl. 5](#).

According to the Explanatory Note, Class 1 includes mainly "chemical products for use in industry, science and agriculture, including those which go to the making of products belonging to other classes". The term "chemical products" in this instance refers to synthetic as well as natural products. This justifies the inclusion in Class 1 of synthetic products, such as artificial resins, and of natural products or raw materials, such as raw salt, protein, albumin and lactose. However, certain natural materials in their raw state are not in Class 1, either because of their function or because they are closely associated with goods belonging to other classes, for example, natural resins in [Cl. 2](#), wax and petroleum in [Cl. 4](#), rubber in [Cl. 17](#), and chalk in [Cl. 19](#).

Many goods in this class are used for manufacturing products that belong to other classes. For example, unprocessed artificial resins, usually in the form of viscous liquids, are in Class 1. When artificial resins are manufactured into semi-finished products, for example, in the form of rods or sheets, they are no longer in Class 1 but in [Cl. 17](#). Further manufacture turns these semi-processed resins into finished goods that are in other classes, such as [Cl. 20](#).

Class 1 also includes certain adhesives, specifically those for use in industry, as well as specialized adhesives, such as adhesives for wall tiles or wallpaper. Adhesives can also belong to other classes, for example, adhesives for cosmetic purposes in [Cl. 3](#), adhesives for dentures in [Cl. 5](#) and adhesives for stationery purposes in [Cl. 16](#).

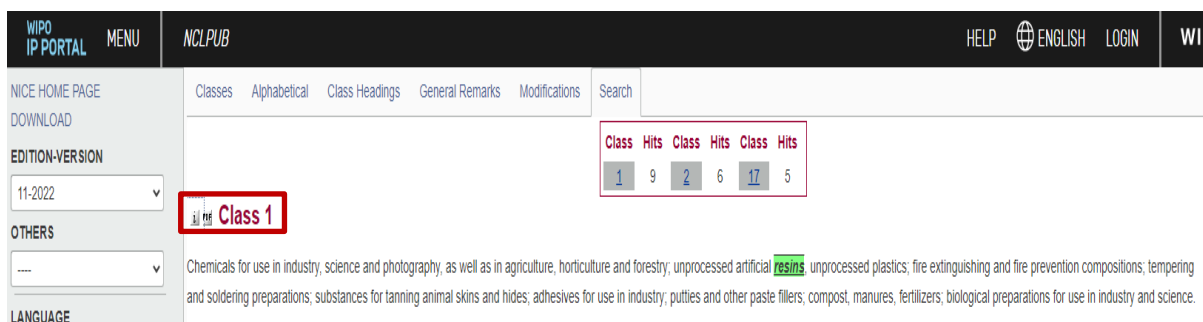
Similarly, putties and other paste fillers like glaziers' putty and oil cement also belong to Class 1. There are, however, some exceptions such as toy putty in [Cl. 28](#) which is considered to be a plaything.

It should be noted that compost, manure and other products for enhancing plant growth, such as fertilizers, are in Class 1, while pesticides, fungicides and herbicides are in [Cl. 5](#) because their primary function is to kill pests and weeds, even though this may ultimately encourage plant growth.

Finally, biological preparations belong to Class 1 when they are for use in science and industry but are in [Cl. 5](#) when for medical or veterinary purposes.

○ Class content: PDF List

Also shown next to each Class number is a PDF icon  **Class 1**



The screenshot shows the WIPO NCLPUB interface. At the top, there is a navigation bar with 'WIPO IP PORTAL', 'MENU', 'NCLPUB', 'HELP', 'ENGLISH', 'LOGIN', and 'WIP'. Below this, there are tabs for 'Classes', 'Alphabetical', 'Class Headings', 'General Remarks', 'Modifications', and 'Search'. A table displays the following data:

Class	Hits	Class	Hits	Class	Hits
1	9	2	6	17	5

The '1' in the first row is highlighted with a red box and labeled 'Class 1'. Below the table, there is a description for Class 1: 'Chemicals for use in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins; unprocessed plastics; fire extinguishing and fire prevention compositions; tempering and soldering preparations; substances for tanning animal skins and hides; adhesives for use in industry; putties and other paste fillers; compost, manures, fertilizers; biological preparations for use in industry and science.'

Clicking the cursor on this will open a PDF page showing the class Class Heading, Explanatory Notes, and every description or term listed in the version or edition of the classification being viewed:

Guidelines on the classification of goods and services in the Kingdom of Bahrain

NICE CLASSIFICATION - 12th Edition, Version 2023

Class 1

Chemicals for use in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; fire extinguishing and fire prevention compositions; tempering and soldering preparations; substances for tanning animal skins and hides; adhesives for use in industry; putties and other paste fillers; compost, manures, fertilizers; biological preparations for use in industry and science.

Explanatory Note

Class 1 includes mainly chemical products for use in industry, science and agriculture, including those which go to the making of products belonging to other classes.

This Class includes, in particular:

- sensitized paper;
- tyre repairing compositions;
- salt for preserving, other than for foodstuffs;
- certain additives for use in the food industry, for example, pectin, lecithin, enzymes and **chemical preservatives**;
- **certain ingredients for use in the manufacture of cosmetics and pharmaceuticals**, for example, vitamins, preservatives and antioxidants;
- certain filtering materials, for example, mineral substances, vegetable substances and ceramic materials in particulate form.

This Class does not include, in particular:

- raw natural resins (Cl. 2), semi-processed resins (Cl. 17);
- chemical preparations for medical or veterinary purposes (Cl. 5);
- fungicides, herbicides and preparations for destroying vermin (Cl. 5);
- adhesives for stationery or household purposes (Cl. 16);
- salt for preserving foodstuffs (Cl. 30);
- straw mulch (Cl. 31).

Basic No.	Indication
010008	acetate of cellulose, unprocessed
010007	acetates [chemicals]*
010010	acetic anhydride
010011	acetone
010012	acetylene
010013	acetylene tetrachloride
010016	acid proof chemical compositions
010014	acids*
010251	acidulated water for recharging batteries / acidulated water for recharging accumulators
010461	acrylic resins, unprocessed
010018	actinium
010025	activated carbon / activated charcoal

- **Modifications**

Displays changes made to the Edition of the Nice Classification being viewed.

Changes that came into force with the current Nice Classification, and also changed implemented in previous classifications can be seen by selecting the 'Edition version' activated using the arrow at the end of the field:

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The screenshot shows the WIPO NCLPUB interface. The left sidebar is highlighted with a red box, containing a list of years from 12-2024 to 10-2015. The main content area displays the 'Modifications' tab for Class 16. The table below shows the following data:

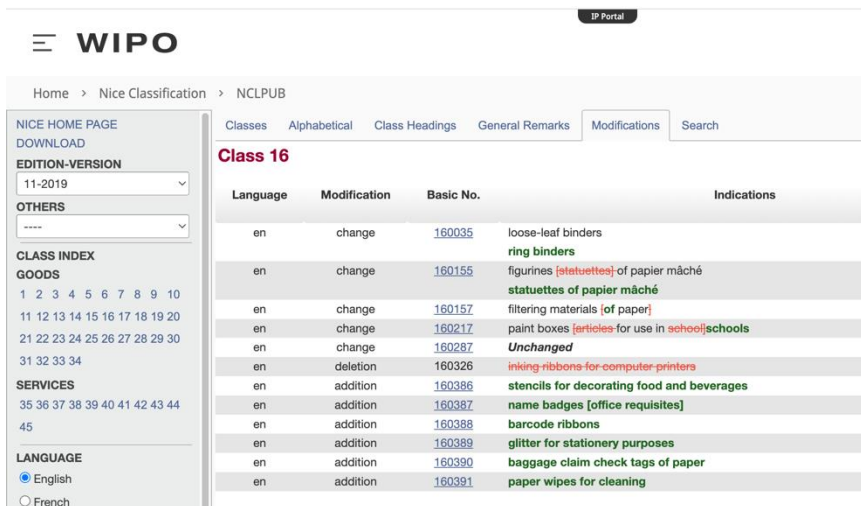
Language	Modification	Basic No.	Indications	From/To Class	From/To Basic No.
en	change	160164	printed geographical maps		
en	change	160218	Unchanged		
en	change	160294	Unchanged		
en	transfer	160323	bags for microwave-cooking	21	210443
en	change	160325	Unchanged		
en	addition	160405	seaweed-based film for wrapping		

After clicking the cursor on the 'Modifications' tab and selecting the version or edition of the classification required to be viewed, the class of interest must be selected by clicking the cursor on the class number in the sidebar, in this case, Class 16 has been selected. This will display the changes for the class, in the version or edition of the classification selected:

The screenshot shows the WIPO NCLPUB interface. The left sidebar is highlighted with a red box, containing a list of years from 11-2019 to 10-2015. The main content area displays the 'Modifications' tab for Class 16. The table below shows the following data:

Language	Modification	Basic No.	Indications
en	change	160135	book-leaf binders ring binders
en	change	160136	figuring [automated] of paper masks stencils of paper masks
en	change	160137	filtering materials of paper
en	change	160217	print books [printed] for use in [university] methods
en	change	160282	Unchanged
en	deletion	160326	string ribbons for [university] printed
en	addition	160396	stencils for decorating food and beverages
en	addition	160397	name badges [office requisites]
en	addition	160398	barcode ribbons
en	addition	160399	gifts for stationery purposes
en	addition	160399	luggage claim check tags of paper
en	addition	160399	paper wipes for cleaning

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Language	Modification	Basic No.	Indications
en	change	160035	loose-leaf binders ring binders
en	change	160155	figurines [statuettes] of papier mâché statuettes of papier mâché
en	change	160157	filtering materials [of paper]
en	change	160217	paint boxes [articles for use in schools] schools
en	change	160287	Unchanged
en	deletion	160326	inking ribbons for computer printers
en	addition	160386	stencils for decorating food and beverages
en	addition	160387	name badges [office requisites]
en	addition	160388	barcode ribbons
en	addition	160389	glitter for stationery purposes
en	addition	160390	baggage claim check tags of paper
en	addition	160391	paper wipes for cleaning

- **Search**

This where a search of the Alphabetical List of the Nice Classification is undertaken. The search can be for a single word, multiple words, all classes or 'class specific'. The results of the search can be viewed with the associated Class Heading, and also with the Explanatory Notes for the class.

Searching the Nice Classification

The starting point in classifying a product or service should be the Alphabetical List. A simple search can be done by scrolling through the lists of descriptions, either alphabetical, or alphabetical by class.

Most searches will be done using the search functionality, whereby a description can be searched in the entire alphabetical list, or by a specific class or classes.

The art is using a term that is sufficiently precise to only return descriptions the same as, or close to the goods and services or interest, without excluding terms that would have been helpful or of interest.

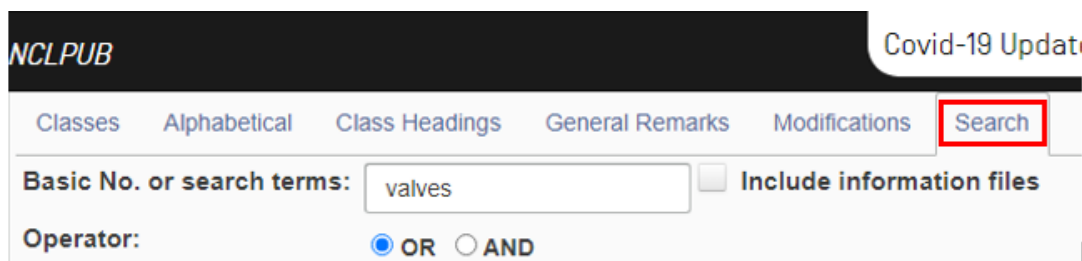
A search is started by clicking the cursor on 'Search' in the banner heading.



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The screen asks the searcher to 'Please select a class from the class index.' This is because the default starting point of a search is set to be the 'Classes.' The class to be searched need not be selected to start a search.

Clicking the cursor on 'Search' will open the search pane where the descriptions or terms to be searched may be entered.



NCLPUB Covid-19 Update

Classes Alphabetical Class Headings General Remarks Modifications **Search**

Basic No. or search terms: Include information files

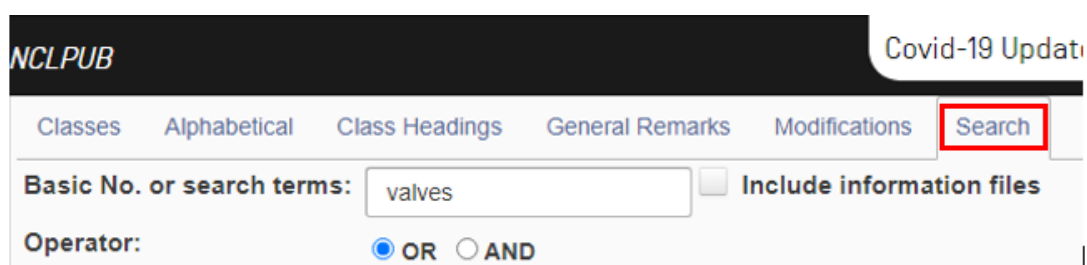
Operator: OR AND

The search can be done by typing the description in the field 'Basic number or search term'.

Searching the Alphabetical List

Search terms should not be too specific as this will exclude potentially useful descriptions, or so general that the search brings back unwanted and unhelpful results.

The term used as the basis for a search can be a single word or a combination of words, for example, in this case the search is for 'valves:'



NCLPUB Covid-19 Update

Classes Alphabetical Class Headings General Remarks Modifications **Search**

Basic No. or search terms: Include information files

Operator: OR AND

The search will retrieve any descriptions in the Nice Classification that contain the terms entered in the search field, in this case 'valves':

- [060335](#) drain traps **valves** of metal
- [060243](#) **valves** of metal, other than parts of machines
- [060359](#) water-pipe **valves** of metal

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A search of a term such as 'water' will find all occurrences of the word, including the term 'water-pipes of metal,' the plural 'mineral waters' and extensions of the searched terms such as in 'hosepipes for watering' and 'watering containers'.

If searched in the plural form 'waters', this will retrieve the same occurrences as if searched as 'water.'

If the term searched appears in a class heading this will always be retrieved and highlighted in the search results. Similarly, if the Explanatory Notes are included in the search parameters (See the section 'General Remarks – how to classify'), a search will retrieve and highlight the use of the term as shown here:

The screenshot shows the NCLPUB website interface. At the top, there is a navigation bar with 'NCLPUB', 'Covid-19 Update', '2022', 'HELP', 'ENGLISH', 'LOGIN', and 'WI'. Below the navigation bar, there are tabs for 'Classes', 'Alphabetical', 'Class Headings', 'General Remarks', 'Modifications', and 'Search'. The 'Classes' tab is active, and 'Class 6' is selected. The page content includes the following text:

Class 6

Common metals and their alloys, ores; metal materials for building and construction; transportable buildings **of** metal; non-electric cables and wires **of** common metal; small items **of** metal hardware; metal containers for storage or transport; safes.

Explanatory Note

Class 6 includes mainly unwrought and partly wrought common metals, including ores, as well as certain goods made **of** common metals.

This Class includes, in particular:

- metals in foil or powder form for further processing, for example, for 3D printers;
- metal building materials, for example, materials **of** metal for railway tracks, **pipes** and tubes **of** metal;
- small items **of** metal hardware, for example, bolts, screws, nails, furniture casters, window fasteners;
- transportable buildings or structures **of** metal, for example, prefabricated houses, swimming pools, cages for wild animals, skating rinks;
- certain goods made **of** common metals not otherwise classified by function or purpose, for example, all-purpose boxes **of** common metal, statues, busts and works **of** art **of** common metal.

This Class does not include, in particular:

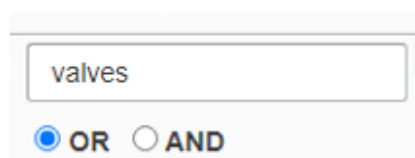
- metals and ores used as chemicals in industry or scientific research for their chemical properties, for example, bauxite, mercury, antimony, alkaline and alkaline-earth metals (Cl. 1);
- metals in foil and powder form for use in painting, decorating, printing and art (Cl. 2);
- electric cables (Cl. 9) and non-electric cables and ropes, not **of** metal (Cl. 22);
- **pipes** being parts **of** sanitary installations (Cl. 11), flexible **pipes**, tubes and hoses, not **of** metal (Cl. 17) and rigid **pipes**, not **of** metal (Cl. 19);
- cages for household pets (Cl. 21);
- certain goods made **of** common metals that are classified according to their function or purpose, for example, hand tools, hand-operated (Cl. 8), paper clips (Cl. 16), furniture (Cl. 20), kitchen utensils (Cl. 21), household containers (Cl. 21).

Below the text, there is a list of goods with their classification codes and descriptions:

- 060482 accordion doors **of** metal
- 060485 acoustic panels **of** metal
- 060494 adhesive tags **of** metal for bags
- 060411 advertisement columns **of** metal
- 060269 alloys **of** common metal

Operators

The search options includes 'Operators' that enable multiple words to be individually searched at the same time or searched in combination.



A search for 'water valve' with the operator set at 'OR' will retrieve any description in the Nice Classification that contains either the word 'water' (including extensions such as 'waters' and 'watering') or 'valve/valves' in any order:

Guidelines on the classification of goods and services in the Kingdom of Bahrain

- 060335 drain traps **valves** of metal
- 060359 **water**-pipe **valves** of metal
- 060243 **valves** of metal, other than parts of machines
- 060091 **water**-pipes of metal

If the operator is set as 'AND' the same search will retrieve descriptions that contain both 'water' and 'valves' (including extensions such as 'waters' and 'watering') and the pluralisation of 'valve' as shown here:

060359 **water**-pipe **valves** of metal

Care should be taken in the search term used and the use of the Operators. A search of the description 'Water valves of metal' with the operator set to 'OR' will retrieve any description in the Alphabetical list containing one of the words used, including the conjunction 'or'; around 3,000 results,²⁷ across all 45 Classes. The same search setting with the operator set to 'OR' will retrieve 2 results:

- Class 6 water-pipe valves of metal
- Class 19 water-pipe valves, not of metal or plastic

The results leave the question – 'where are 'water-pipe valves of plastic' classified?

Had the search terms used been 'water valves' with the operator set to 'OR', only descriptions containing either the word 'water' or 'valves' would have been retrieved. There would still be over 140 descriptions from 25 Classes, many of which have little or no relevance to the search term 'water valves'.

The same search with the operator set to 'AND' will retrieve 3 results:

- Class 6 water-pipe valves of metal
- Class 19 water-pipe valves, not of metal or plastic
- Class 20 water-pipe valves of plastic

A search for 'valves' without any form of qualification and regardless of the operator used, will retrieve 26 descriptions giving a full picture of the classification of 'valves.'

²⁷ Where the search covers 'Explanatory Notes'.

Classification by analogy

The limited number of descriptions of goods and services in the Nice Classification makes it unlikely that a search will find a description of goods and services that exactly matches the description being classified. If no exact or very similar description of a product or service is found, the next option is to find an analogous description, for example:

Product to be classified: napkins for incontinent persons

Nice Classifications: diapers for incontinence

Care needs to be taken when classifying by analogy, for example:

Product to be classified: ‘Knee-pads for sports’

‘Knee-pads for sports’ is not listed in the Alphabetical List

The Alphabetical List has 2 entries for Knee-pads:

Knee-pads for workers in Class 9

Knee-pads for horses in Class 18

The Alphabetical List also has an entry for:

Knee-guards [sports articles] in Class 28²⁸

Although Class 9 does contain some items that seem analogous, for example, ‘head guards for sports’ and ‘mouth guards for sports’, the class essentially contains items intended to protect against serious or life-threatening injuries such as may happen whilst working.

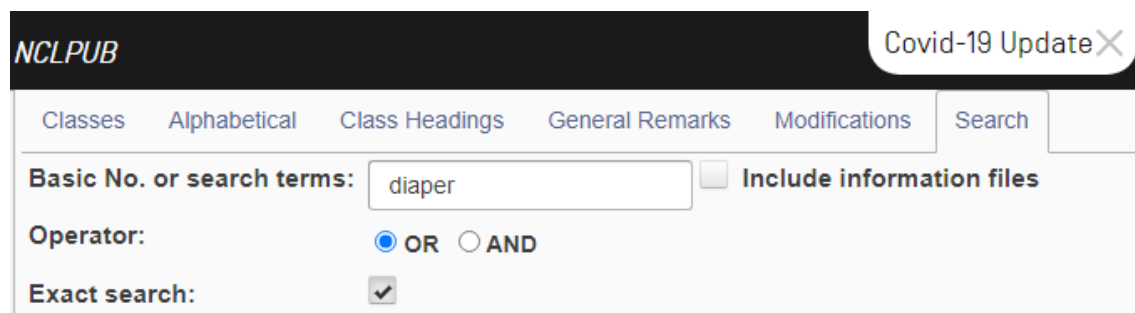
Horses are used in sports but wear knee-pads to provide protection from injuries for more than just sporting activities, for example, while working, jumping, or in transit. This places these knee-pads in Class 18 along with other equine products such as ‘saddles’.

The correct classification is Class 28 on the basis of the goods being analogous and the intended use being identical.

²⁸ The Madrid Goods and Services Manager (MGS) classifies ‘Knee pads for sports use’ in Class 28.

Exact search

This search option probably only used when the searcher knows that a description containing the search term exists somewhere in the Nice Classification. The default setting is for the box to be unchecked.



The screenshot shows the NCLPUB search interface. At the top right, there is a 'Covid-19 Update' button with a close icon. Below this, there are several tabs: 'Classes', 'Alphabetical', 'Class Headings', 'General Remarks', 'Modifications', and 'Search'. The 'Search' tab is active. The search form includes a text input field with the word 'diaper' entered. To the right of the input field is an unchecked checkbox labeled 'Include information files'. Below the input field, the 'Operator' section has two radio buttons: 'OR' (selected) and 'AND'. At the bottom, the 'Exact search' checkbox is checked.

An 'exact' search is an extremely restrictive search and will do exactly as it says, find exact matches of the term being searched.

A search for 'water' set to 'Exact search' will find any occurrence of the word 'water' in the Class Headings, Explanatory Notes and the Alphabetical List. It will not find:

'water' used with another, such as in 'water-pipes of metal'
plural of water such as in the description 'mineral waters'

extensions of the word 'water' such as used in the descriptions 'hosepipes for watering' and 'watering containers'.

Search by Class

A search can include all of the Nice classes or be focused on a particular class or group of classes.

The default is set to search all classes. To limit to a specific class or classes, either click on the 'tick' above the class number to empty the box and exclude the class or click on 'None' to empty all classes and click on the classes of interest.

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The screenshot shows the NCLPUB search interface. At the top, there is a navigation bar with tabs for 'Classes', 'Alphabetical', 'Class Headings', 'General Remarks', 'Modifications', and 'Search'. The 'Search' tab is active. Below the navigation bar, there is a search form with the following elements:

- Basic No. or search terms:** A text input field containing 'water valve'.
- Include information files:** An unchecked checkbox.
- Operator:** Radio buttons for 'OR' and 'AND', with 'AND' selected.
- Exact search:** An unchecked checkbox.
- Select Classes:** A row of links: 'GOODS', 'SERVICES', 'All', and 'None'.
- Class Selection Grid:** A grid of 45 checkboxes, numbered 1 to 45, arranged in 5 rows and 10 columns. All checkboxes are checked.
- Search Button:** A button labeled 'Search' at the bottom left.

Searching Explanatory Notes

The Class Headings and the Explanatory Notes are included in a search as the default search setting. If the search is set for all classes, the Class Headings and Explanatory Notes for every class along with the entire Alphabetical List will be searched and all occurrences of the searched for term retrieved.

A search limited to particular classes will only retrieve results (Explanatory Notes and Alphabetical List) for the selected classes.

The Explanatory Notes can be excluded in their entirety from the search by unchecking the field.

The screenshot shows a 'SHOW' search options panel with the following elements:

- SHOW** (Section Header)
- Explanatory Notes
- Basic No.
- NCLPUB v3.2.41** (Version Number)

It is advisable to include the Explanatory notes in a search as they often contain useful guidance where a term is not in the Alphabetical List, or where the classification criteria needs to be explained. It is not possible to remove the Class Headings from the search.

General Remarks – How to classify

If a product cannot be classified with the aid of the List of Classes, the Explanatory Notes and the Alphabetical List, the General Remarks set the criteria to be applied in determining the class a product or service belongs to:

Goods

- A finished product is in principle classified according to its function or purpose.

For example, Class 9 contains all apparatus and instruments for 'weighing'. A search using the term 'weigh' will only find 2 results, both in Class 9:

- weighing apparatus and instruments
- weighing machines

A search for the alternative description 'scales'²⁹ also only retrieves results in Class 9:

- baby scales
- balances [steelyards] / lever scales [steelyards] / steelyards [lever scales]
- bathroom scales
- letter scales
- scales
- scales with body mass analysers / scales with body mass analyzers

- 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.

'Androids³⁰ for scientific use'. This item is not listed in the Alphabetical List, but the analogous item 'humanoid robots with artificial intelligence for use in scientific research' is listed in Class 9

- 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.

²⁹ Collins English Dictionary – 'Scales are a piece of equipment used for weighing things.'

³⁰ Merriam-Webster – 'A mobile robot usually with a human form.'

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Care needs to be taken when classifying by 'material' and should only be used if it is not possible to classify a product by 'function', 'purpose' or by analogy.

In classes where the material of which a product is made can be used to classify a product, the Class Heading and Explanatory notes should be considered together. The Explanatory notes will indicate that the class includes 'certain goods made of [material]' and goods of that particular material that belong to a different class, for example:

Class 14 is the class for 'Precious metals and their alloys; jewellery, precious and semi-precious stones; horological and chronometric instruments.'

The Explanatory Note for the class informs users that Class 14 includes mainly precious metals and 'certain goods made of precious metals or coated therewith.'

'Items of 'table cutlery, such as knives, forks and spoons, including those made of precious metals' belong in Class 8.

'Serving utensils' such as 'sugar tongs' and 'serving ladles' belong in Class 21 even if made of or coated with 'precious metal.'

- 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.

When classifying a product by material, the classification is determined by the material having the greatest visible volume, for example:



A hose made from a spiral or metal with an outer covering of plastic would be classified by the predominant visible material, the plastic covering.

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- 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.
 - However, if a good has a primary purpose it should be classified in this class.
 - If those functions or purposes are not mentioned in any class heading, other criteria, indicated under (a), above, are to be applied.

If a multifunction object such as a 'clock' (Class 14) incorporating a 'radio' (Class 9) is to be classified in a single class, the applicant should make the decision according to what they consider to be the primary function or purpose of the object.

This function or purpose should be mentioned first in the description, so in the case of 'clocks incorporating radios':

- if the 'radio' is the most important function or purpose, the description places the order as 'radios incorporating clocks' and the application made in Class 9.
 - if the 'clock' is the most important function or purpose, the description places the order as 'clocks incorporating radios' and the application made in Class 14.
- Raw materials, unworked or semi-worked, are in principle classified according to the material of which they consist.

Products classified as 'raw materials' will generally not have been subjected to any form of preparation beyond the collection of the material, for example:

'Wood' is classified in Class 31 as a 'Raw and unprocessed forestry product.' The Explanatory Note for Class 31 states that the Class includes, in particular 'unsawn timber' but does not include 'semi-worked woods' which belong in Class 19.

'Unprocessed plastics' are classified in Class 1.

- Once the plastic has been subjected to some form of treatment such as being extruded ready for use in manufacture, the plastic becomes semi-worked and classified in Class 17, for example:

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- plastic films, other than for wrapping and packaging, for example, anti-dazzle films for windows
 - elastic threads and threads of rubber or plastic, not for textile use.
- 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.

A part will be classified in the same class as the item it is part of where the part has an 'adaptation.'

- The adaptation must make it suitable only for use with the product it is part of or for use with.
 - If by misusing the part it can be used with a different product to the one intended, this does not change the classification. For example:
Items of luggage and carrying bags are generally classified in Class 18.
 - bags adapted for laptop computer' are classified in Class 9 and not Class 18 because Class 9 contains 'computers' which includes 'laptop computers.'
 - the bags have specific features to enable the carrying of a laptop computer and to protect it from damage whilst being carried.
 - The fact that the laptop bag may be used as a form of briefcase to carry papers does not change the classification.
- Cases adapted to the product they are intended to contain are in principle classified in the same class as the product.

A case will be classified in the same class as the item it is intended to contain where the case has an 'adaptation' for the product it is to contain. For example:

'Music cases'³¹ are designed to carry sheet music and other similar printed matter such as 'music books.'

³¹ Collins English Dictionary 'a kind of briefcase for carrying sheet music'.

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Unlike 'cases for carrying laptop computers' which have specific features to secure, and padding to protect the laptop from damage, 'music bags' do not have 'significant adaptations' necessary for its intended use. Music cases may have divided sections, but this is not an adaptation any different to that of a 'briefcase' or 'satchel'.

SERVICES

The classification of services is generally more straightforward, requiring only the identification of the activity of the service being provided. The General Remarks also provide useful examples.

- 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.

Care needs to be taken in identifying the service and the area of industry that provides the activity of the service, for example:

Class 36 includes mainly services relating to 'banking and financial transactions.' As a service generally provided by the 'banking industry, the Alphabetical List places the service 'safe-deposit services' in Class 36.

A service of providing 'secure storage of money or valuables' may be similar to 'safe-deposit service' but is not specifically related to the services provided by the 'banking industry.' A search of the Nice Classification will find in the Explanatory Notes of Class 39:

- 'Class 39 includes mainly services for the transport ... as well as the storing of goods in any kind of storage facility, warehouses or other types of building for their preservation or guarding.'
- 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 Cl. 38). Leasing services are analogous to rental services and therefore

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should be classified in the same way. However, hire- or lease-purchase financing is classified in Cl. 36 as a financial service.

- 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.
- 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 (Cl. 35), financing services relating to franchising (Cl. 36), legal services relating to franchising (Cl. 45)).

Use of Class Headings in applications

The Class Headings provide a 'general indication' of the types of goods and services to be found in a class. Care needs to be taken when using descriptions from the Class Headings.

There will be situations where the General Indications in a Class Heading seems to indicate a product or service belongs in a particular class, but the criteria applied in classification places it in a different class based on a characteristic of the product or service. For example, being 'specially adapted' for use with, or to contain other goods, the 'material' of which a product is made, or the 'purpose' of a service can determine the classification.³²

By way of example, the Class Heading of Class 20 reads:

'Furniture, mirrors, picture frames; containers, not of metal, for storage or transport; unworked or semi-worked bone, horn, whalebone or mother-of-pearl; shells; meerschaum; yellow amber.'

From this, it would seem Class 20 covers all furniture and mirrors. However, the Explanatory Notes for Class 20 lists furniture for specific purposes that belong in other classes:

This Class does not include, in particular:

³² The General Remarks (see the section 'General Remarks – how to classify') set out the criteria to be applied in deciding the class a product or service belongs to.

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- special furniture for laboratories (Cl. 9) or for medical use (Cl. 10);
- certain mirrors for specific uses, for example, mirrors used in optical goods (Cl. 9), mirrors used in surgery or dentistry (Cl. 10), rear-view mirrors (Cl. 12), sighting mirrors for guns (Cl. 13)

These goods fall within the description of the Class Heading of Class 20 but are classified in a different class following the criteria set out in the General Remarks. The Class Heading should always be considered in conjunction with the Explanatory Notes.

A Class Heading does not necessarily include all of the goods contained within the class, for example:

Class 15 Musical instruments; music stands and stands for musical instruments; conductors' batons.

The Explanatory Note for Class 15 says that the class includes 'mainly musical instruments, their parts and their accessories'.

There is no mention of 'parts' or 'accessories' in the class heading. If used as a list in an application, in any dispute there could be a question as to whether the registration covers 'parts' for musical instruments such as the 'strings, reeds, pegs and pedals for musical instruments' that the Explanatory Notes say are included in Class 15.

Applicant not using mark

Whilst an applicant need not be using a trademark for all the goods or services listed at the time an application for registration is filed, they should have a serious intention that it will be so used within the 5 years following registration.

Failure to make real commercial use of the mark for all or some of the goods and services for which a mark is registered can result in an application for the cancellation of the mark³³. The cancellation may result in the deletion of some of the goods or services for which the mark is registered, or the registration in its entirety if the cancellation affects all the goods and services.

Descriptions of goods and services

³³ Article 24 of the GCC Trademark Law – 'The competent court may, upon the application of any interested party, order the cancellation of the mark from the Register where it is satisfied that the mark has not been seriously used for five consecutive years, unless the owner of the mark shows a reasonable cause for non-use.'

Requirement for clarity

The descriptions of goods or services must be sufficiently clear and precise to be able to be classified, and enable the rights protected to be determined with legal certainty.

In many cases, a description of goods or services will be found in a mainstream dictionary, or a specialist or trade-related reference work. Terms that are clearly in common use in particular trades will meet this requirement. Use on the internet can be a useful indication that a description is a new term of art and will be understood within the relevant industry sector.

In the examination of lists of goods and services, the Trademark Office will aim to be clear and consistent. Examiners must satisfy themselves that all descriptions are understandable. This may require some explanation of the descriptions by the applicant, but this does not necessarily mean that the term is not acceptable.

The test that will be applied by the Trademark Examiner is whether they consider the average person engaged in the relevant trade can ascertain the nature of the goods or services for which registration of the trademark is sought, without the need for further explanation. Examiners will not accept a description unless they are satisfied it satisfies this test and that the goods or services described belong in the class or classes designated on the application form.

Meaning of descriptions in specifications

Useful guidance on understanding what a list of goods and services is can be found in various legal judgements from the United Kingdom:

‘When it comes to construing a word used in a trade mark specification, one is concerned with how the product is, as a practical matter, regarded for the purposes of trade. After all, a trade mark specification is concerned with use in trade.’³⁴

By way of example, in determining whether the description “stationery” included paper fasteners with the common names ‘staples’:

‘... in order to answer that question, the first step I think is to look at the ordinary meaning of the word “stationery”, which as defined in the Oxford English Dictionary is: “the articles sold by a stationer; writing materials, writing

³⁴ British Sugar PLC-v-James Robertson & Sons Ltd (1996 RPC 280).

table appurtenances, etc.”. I feel no doubt that staples are stationery, according to the ordinary meaning of the word.³⁵

And in determining the meaning and scope of the description ‘printed matter’:

‘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 character³⁶.’

Punctuation and connectors (conjunctions)

In lists of goods and services, punctuation involves the use of ‘commas’, ‘semicolons’, and period points or ‘full-stops’. Lists may also use ‘connectors’ or ‘conjunctions’ such as ‘and’ and ‘or’. How punctuation and connectors are used can affect the meaning and scope of the descriptions of goods and services that a list is considered to include, for example:

- **Apples, oranges, bananas.**

A ‘comma’ may be used to separate the descriptions without affecting the ability to determine that the list contains three items of fruit. The ‘semi-colon’ and ‘period point’ may also be used provided the punctuation is the same between each description.

- **Apples, oranges, bananas, all being dried’**

The use of ‘commas’ between ‘apples’, ‘oranges’ and ‘bananas’ means that the qualification ‘all being dried’ will apply to all three fruits. The use of a semicolon or period point between ‘bananas’ and ‘all being dried’ would have the same effect.

- **Apples; oranges, bananas, all being dried’**

³⁵ OFREX case (1963 RPC 169-171).

³⁶ The MINERVA case (2000 FSR 734).

In classification, a semicolon acts as a termination in the same way as a 'period point'.³⁷ So in the list 'Apples; oranges, bananas, all being dried' the semicolon separates the 'Apples' from the other two items and the qualification 'all being dried'. The use of a period point in place of the semicolon will have the same effect.

Qualifications such as 'all being dried' will read back in the list as far as the next semicolon, so will not include 'apples.' The effect of the semicolon on the coverage of the list will be:

Apples whether preserved, frozen, dried and cooked.

Oranges all being dried

Bananas all being dried

- **Dried apples, oranges and bananas / Dried apples, oranges or bananas**

The use of the connector has the effect of bringing the qualification 'dried' to the following goods, making the list:

Dried apples
Dried oranges
Dried bananas

The use of a semicolon or period point after 'dried apples' would have separated the 'dried' qualification from the 'oranges and bananas.'

- **Apples, oranges, bananas; all being dried'**

Using the semicolon used after 'bananas' and before the qualification 'all being dried' has the effect of applying 'all being dried' to the entire list. The use of a period point in place of the semicolon will have the same effect.

- **'Apples; oranges; bananas; all being dried'**

A semicolon used between all the components of the list applies the qualification 'all being dried' to all three fruits.

³⁷ This use of semicolons can be seen in the Nice Class Headings, which are used to separate individual components; 'General Indications'.

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- **Dried apples, oranges, bananas; all being frozen**

The positioning of a qualification and the punctuation used is important. The use of the semicolon immediately before the qualification has the effect of applying 'all being frozen' to all preceding goods. This includes the 'apples' which have already been qualified as being 'dried' and unlikely to be also 'frozen'.

Compiling lists of goods and services for an application

When preparing the lists of goods and services for a trademark application, the descriptions should, without need for interpretation, clearly set out the goods and services for which the trademark is being used or is likely to be used. This requires a balance between being specific and general.

Being too precise in the descriptions may result in the application not covering all current activities under the trademark and not allow for any likely expansion of a business; the protection gained from the registration will not be sufficient.

Being overly broad in the descriptions can create uncertainty whether a particular good or service is protected by the registration. Wide descriptions that do not reflect the present and serious intended use of a mark increases the risk of a challenge to the registration by a competitor business.

The goods and services listed in an application for registration of a trademark should cover the trademark owners present use of the mark, and their realistic intended use of the mark. Once an application has been filed it is not possible to add goods and services that were not covered by the descriptions listed at the time of filing³⁸.

For example:

A business is using a trademark in relation to the sale of 'clothing made of leather'. The business obtains a trademark registration in Class 25 of the Nice Classification for the description of goods 'clothing of leather'.

The business expands and starts to use the trademark for 'clothing made of imitation leather', 'belts', 'purses' and 'handbags.'

The trademark owner wants to be sure that their registration protects the mark for their new business.

As the trademark has been registered in Class 25 for the description 'clothing of leather' it will only be considered to include 'clothing' belonging to Class 25, and only when made from 'leather'.

- The registration will not cover 'clothing made from imitation leather' and these goods cannot be added to the registration.

³⁸ Article 18 of the GCC Trademark Law and the Article 16 Regulations allow amendments to a registration, but Article 16.2 of the Regulations only permits 'The deletion of some goods and services for which a mark has been registered'.

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However, as the rights resulting from registration extend to ‘similar’ goods,³⁹ the registration may be taken as giving protection in respect of ‘clothing made from imitation leather.’

Had the business anticipated its future expansion and included these goods when making the application there would have been no doubt.

- The owner may be permitted to add ‘belts made of leather being clothing’ to the registration.

The Nice Classification includes ‘belts [clothing]’ in Class 25, which would include belts being clothing made of any material.

Depending on the view of the trademark registration office, the description ‘clothing made from leather’ may (or may not) be accepted as covering ‘belts made of leather’ and the ‘belts’ need not be added.

However, if the owner wished to make sure that the ‘belts’ are protected by adding ‘belts’ to the registration, this could only be as ‘belts of leather being clothing.’ Whether this will be allowed would be a decision of the Trademark Office.

- The owner will not be able to add ‘purses’ or ‘handbags’ to the registration.

The business would not be able to add ‘purses’ and ‘handbags’ to the registration, even if qualified as being made of leather as these items are not clothing and therefore not covered by the registration.

The goods ‘purses’ and ‘handbags’ are also to be found in Class 18, a different class of the Nice Classification.

The applicant will have to file a new application in Class 18 to gain trademark protection for ‘purses’ and ‘handbags.’

Filing a Trademark application

An application for trademark registration must be filed with the competent administration.⁴⁰ In the Kingdom of Bahrain, the competent administration for the registration of trademarks is the Trade Mark Office, which is part of the Directorate of

³⁹ Article 17.2 of the GCC Trademark Law - ‘This confusion shall occur in cases where the same mark or a identical mark has been used to distinguish goods or services similar to the ones for which the mark has been registered.’

⁴⁰ Article 8 of the GCC Trademark Law/ Article 2 of the Regulations.

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Foreign Trade & Industrial Property. The website address is <https://www.moic.gov.bh/en/Pages/default.aspx>

It is a requirement that the application be made using the form prepared for this purpose.⁴¹

Trademark e-Services

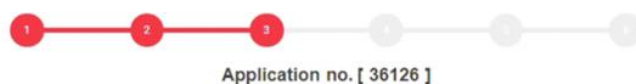
The Kingdom of Bahrain has an Electronic Industrial Property Services portal where users can access the **Trademark e-Services and an electronic version of the form** that must be used when making an application to register a trademark. The Electronic Industrial Property Services can be accessed at <https://service.moic.gov.bh/ipd/login>

Access to the Electronic Industrial Property Services portal requires the completion of a registration.

The electronic application form

An application for registration of a trademark must include an indication of the products or services for which the registration is sought, and the category or categories to which the goods and services belong.⁴²

This information is provided in the section of the application form under the heading **'Mark classification (Product and services classification)'**.



Mark classification (Product and services classification) *

The appropriate category is determined by the Nice International Classification of Goods and Services ([What is Nice classification?](#))

Class number As of the 11th Edition	List of Goods and services (in Arabic)	List of Goods and service (in English)
Class number * As of the 11th Edition	List of Goods and services (in Arabic) *	List of Goods and service (in English) *
<input type="text"/>	<input type="text"/>	<input type="text"/>
		<input type="button" value="Cancel"/> <input type="button" value="Save"/>

Classification of goods and services

⁴¹ Article 8 of the GCC Trademark Law/ Article 2 of the Regulations.

⁴² Article 3.4 of the Regulations.

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This section of the form confirms the requirement that the indications of goods and services must be classified according to the Nice Classification. This requires that the applicant identifies the category or 'class' of the Nice Classification to which each good or service belong.⁴³ It is only possible to include one class of goods or services in an application for registration.

Information required in an application

The trademark owner is required to provide three pieces of information relating to the goods and services to be included in the application:

- The list of goods or services in Arabic
- The list of goods or services in English
- The class of the Nice Classification to which the goods or services listed belong.

Accuracy in the class selected and the descriptions of goods or services is important. A mistake in either the class selected, or descriptions used in an application for a trademark has the potential to affect the rights arising from a registration.

Class number

An application to register a trademark must include the 'class' to which the products or services belong.⁴⁴ The class or classes:

- must be in accordance with the Nice Classification.⁴⁵ This will be the Nice Classification in force at the time that an application for registration is filed.
- Only a single class (of goods or services) can be included in a single application.

To select the desired class for the goods or services to be included in the application, the cursor is clicked on the down arrow on the right of the 'Class number' field.

⁴³ Article 3.4 of the Regulations.

⁴⁴ Article 3.4 of the Regulations.

⁴⁵ Article 2 of the Regulations – "... in accordance with the International Classification of Goods and Services (Nice Classification) and its amendments.

Guidelines on the classification of goods and services in the Kingdom of Bahrain

Mark classification (Product and services classification) *

The appropriate category is determined by the Nice International Classification of Goods and Services ([What is Nice classification?](#))

The screenshot shows a form titled "Mark classification (Product and services classification) *". At the top, it states "The appropriate category is determined by the Nice International Classification of Goods and Services ([What is Nice classification?](#))". Below this, there are three columns: "Class number As of the 11th Edition", "List of Goods and services (in Arabic)", and "List of Goods and service (in English)". The "Class number" column has a dropdown menu that is open, showing a list of numbers from 1 to 7. The "List of Goods and services (in Arabic)" and "List of Goods and service (in English)" columns are empty text boxes. At the bottom right, there are "Cancel" and "Save" buttons. Below the form, there is a section for "Applicant or applicants" with a note: "tentative, the correspondence will be according to the given address of the applicant."

This opens a drop-down list from 1 to 45, relating to the classes of the Nice classification. The required class is selected by clicking the cursor on the number.

List of Goods and Services

The goods or services to be included in the application must be entered in Arabic and also in English. The descriptions of goods and services must indicate the same goods and services in both languages.

Descriptions of the goods or services may be typed directly into the field or cut/copied and pasted into the respective fields.

Mark classification (Product and services classification) *

The appropriate category is determined by the Nice International Classification of Goods and Services ([What is Nice classification?](#))

The screenshot shows the same form as above, but with the "Class number" dropdown menu set to "30". The "List of Goods and services (in Arabic)" field contains the text "قهوة و شاي" (Coffee and tea). The "List of Goods and service (in English)" field contains the text "coffee and tea". The "Cancel" and "Save" buttons are still visible at the bottom right.

Before starting an application for a trademark registration, it is advisable to identify the activities of the trademark owner and list the goods or services currently being manufactured, traded sold or provided in connection with the trademark.

It can be useful to refer to previously used lists of goods and services. If using a list of goods or services created in a previous calendar year as the basis for a new application, it is advisable to check the classification of the descriptions before submission of an application.

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Goods or services must be described by their names.⁴⁶ This means that the use of descriptions such as 'All goods in this class', 'All goods in Class X' cannot be used. References to other classes in the list of goods and services, such as 'Repair of goods in Class 9' is also unacceptable.

It must be possible to identify the nature and type of each description of goods and services without the need for further information. A description will be sufficiently clear where the Trademark Office can check and confirm its classification, and other trademark owners and competitors will understand the area of trade.

List of goods and services not acceptable

Where the Trademark office considers that any goods or services in an application have not been classified in accordance with the Nice Classification, the applicant or their representative will be sent a notification. Notification is by means of an automated letter⁴⁷ and will set out the errors in the classification and what must be done to correct them.

The notification of the decision, either in writing or electronically will be sent to the address specified in the application:⁴⁸

- If the application was filed by a representative, the notification will be sent to them at the address given.
- If no representative has been appointed, the notification will be sent to the named applicant at the address given in the application.

A period of 90 days from the date of the notification letter will be allowed for the introduction of the necessary amendments

Failure to respond within the 90 days or to fully comply with the required amendments within the 90-day period will result in the application being deemed abandoned.⁴⁹ There is no provision to extend this period. There is no appeal against this action.

After an application has been submitted, it is not possible to make any amendment that would require the addition of goods or services not covered by the list filed with the application.

⁴⁶ Article 9.1 of the Trademark Law Treaty.

⁴⁷ Notice No. QF334.

⁴⁸ Article 6 of the Regulations.

⁴⁹ Article 6 of the Regulations.

Notification of Classification irregularity following substantive examination

A classification irregularity may be notified following the examination of the mark for acceptance for registration. The applicant will be allowed a period of 60 days from the date of the notification. There is no provision for this period to be extended.

Failure to introduce any amendments within this 60-day period will result in the application being deemed abandoned. There is no appeal against this action.

Appeal against decision to impose conditions, amendments, or requirements

Should the applicant disagree with any amendments or restrictions required by the Trademark Office, the applicant may appeal to the Grievance Committee.⁵⁰ Any appeal must be filed within 60 days of the notification;⁵¹ there is no provision to extend this period.

Failure to challenge the decision within the 60-day period will result in the application being deemed abandoned.⁵² There is no appeal against this action.

Further information on appeals against a decision of the Trademark Office may be found in the Grievances Guidelines.

Description clearly in wrong class

Where a list of goods or services contains a description that clearly does not belong in the class specified, the applicant will be sent a notification requiring that the description be deleted from the application for registration.

Vague or incomprehensible descriptions of goods and services

It is a requirement that goods or services be described by their names.⁵³ This excludes the use of descriptions such as 'All goods in this class', 'All goods in Class X'.

Descriptions should be sufficiently precise so that the type or nature of the goods and services can be clearly identified, for example:

⁵⁰ Article 13.1 of the GCC Trademark Law and Article 7 of the Regulations.

⁵¹ Article 13.1 of the GCC Trademark Law.

⁵² Article 13.2 of the GCC Trademark Law.

⁵³ Article 9.1 of the Trademark Law Treaty.

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- The description “machines” without further qualification describes any type of machine and cannot be understood or correctly classified without further detail, for example, by indicating the end use of the machine:


Agricultural machines - Class 7
Calculating machines - Class 9
Addressing machines - Class 16

Descriptions of goods that include expressions such as ‘including’ or ‘in particular’ will not be acceptable as they do not name the goods or services and as such do not indicate the goods or services for which registration is sought.

Similarly, descriptions that identify a ‘characteristic of’ or ‘connection to’ of an item of goods, or a particular service will not be acceptable, for example:

Electrical apparatus and instruments
Electronic apparatus and instruments
Association services
Facilities management services
Services provided to individuals

These do not name the goods or services being provided and as such do not indicate the goods or services for which registration is sought. They must be made more specific.

When the lists are complete, click the cursor on Save. The list for that class will be saved, and may be edited using clicking on 

Mark classification (Product and services classification) *

The appropriate category is determined by the Nice International Classification of Goods and Services ([What is Nice classification?](#))

Class number As of the 11th Edition	List of Goods and services (in Arabic)	List of Goods and service (in English)
30	قهوة و شاي	coffee and tea



Further information on the requirements and procedures involved in making an application for registration of a mark may be found in the Applications Guidelines.

Further information on Grievances may be found in the Grievances Guidelines.