

INTELLECTUAL AND INDUSTRIAL PROPERTY BULLETIN



THE NICE AGREEMENT AND ITS CLASSIFICATION

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In this month's newsletter, after providing definitions related to the Nice Classification under the Nice Agreement, we will discuss the changes made to the Nice Classification that will come into effect on January 1, 2026.

As this change involves the transfer of certain groups of goods from Class 9 to other classes, it is a regulation that practitioners should follow closely.

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Nice Classification

I. WHAT IS THE NICE CLASSIFICATION?

It is an international classification system used for the classification of goods and services for the purpose of trademark registration.

The Nice Classification is based on a multilateral agreement administered by the World Intellectual Property Organization (WIPO). Signed on June 15, 1957, in Nice, France, this agreement is called the “Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks.” The Nice Agreement is “open to states that are parties to the Paris Convention for the Protection of Industrial Property.”

The Nice Classification is updated every five years by WIPO. The latest version, the 11th edition, divides products into 45 classes (classes 1-34 cover goods, classes 35-45 cover services) and allows users seeking to create a trademark for a good or service to select the appropriate class.

As the system is recognized in many countries, it makes the process of applying for an international trademark easier. The use of the Nice Classification by national offices has the advantage of coordinating trademark applications according to a single classification system. This greatly simplifies the application process, as the goods and services covered by a particular trademark will be classified in the same way in all countries that adopt the system.

The availability of the Nice Classification in multiple languages saves applicants a significant amount of work when filing international applications.

II. WHAT ARE THE OBLIGATIONS OF THE COUNTRIES THAT ARE PARTIES TO THE NICE AGREEMENT?

The contracting states are obliged to directly apply the Nice Classification in their national trademark registration systems. This obligation requires that the classification be used not only as a guide but as a binding system. Contracting countries must ensure that goods and services are declared clearly and accurately according to these classes in trademark applications.

Contracting states may participate in the work of the Committee of Experts in order to play an active role in the revision process of the classification. In this context, they have the right to express their views on which class new types of goods or services should be included in and to propose amendments. This right also ensures that the system develops in line with the needs of the contracting states.

Making certain financial contributions to WIPO for the implementation of the Nice Agreement is another obligation of the contracting parties. This contribution is necessary to keep the classification system up to date, publish documentation, and maintain administrative processes.



III. THE LEGAL IMPACT OF THE NICE AGREEMENT ON TURKEY

In trademark applications, the Turkish Patent and Trademark Office (TÜRKPATENT) directly uses the Nice Classification to determine the class in which goods and services will be placed. This ensures that applications are made in accordance with international standards.

The Industrial Property Law No. 6769 and related regulations have been organized in parallel with the Nice Classification. Thus, national legislation has been integrated into the international classification system. As applicants and practitioners can declare their goods and services under specific classes in a clearer and more predictable manner, uncertainty in the application process is reduced and the risk of disputes is lowered.

Trademark applications filed in Turkey are based on the same classification system as international institutions such as WIPO and EUIPO, facilitating and harmonizing foreign applications.



IV. REASONS FOR CHANGES IN THE NICE CLASSIFICATION

- Today, technology and industry are changing at a rapid pace. New products, service types, and digital applications may reveal areas that are not included in the current classification or cannot be adequately defined.
- As market dynamics change, the ways and limits of using goods and services also change. Especially with digitalization, some services no longer fully align with traditional classifications.
- Differences in application between countries can lead to inconsistencies in registration processes. Therefore, revisions to the classification system are made to ensure uniformity of application and reduce differences in interpretation.

The Nice Classification is not merely a theoretical system; it is shaped by feedback from trademark offices, practitioners, and applicants. Class descriptions that cause problems in practice or require interpretation are updated to make them clearer and more understandable.

The Nice Classification is not a static structure; it is a dynamic, open to developments, and user-focused system. Regular updates to the classification are inevitable in line with changes in technology, trade, and law. Thanks to these updates, the trademark registration system remains current, ensures uniform application, and makes it possible to provide legal protection for new products and services.

Therefore, changes made to the Nice Classification are not only technical but also a strategic and legal necessity.

V. CURRENT CHANGES AND THEIR IMPORTANCE IN THE NICE CLASSIFICATION

To give an example of recent changes, it is worth mentioning the amendment that will come into effect on January 1, 2026.

With the 13th edition of the Nice Classification, which will come into effect on January 1, 2026, some product groups are expected to be removed from their current classes and reclassified under different classes.

Products such as eyeglasses, sunglasses, eyeglass frames, and contact lenses were traditionally classified under Class 9. With the 13th edition, these products will now be classified under Class 10 for medical purposes. This change was made specifically considering the health and medical function of eyeglasses.

Certain emergency response vehicles, such as lifeboats and fire trucks, are now considered vehicles rather than electronic devices and have been moved to Class 12.

The transfers in Class 9, in particular, are changes that both practitioners and applicants should follow closely. Therefore, the current classification system must be closely monitored when developing brand strategies and planning application processes.

Applications made in 2025 will still be evaluated under the current classification system (NCL-12). The new classification will be binding for applications effective from January 1, 2026.



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