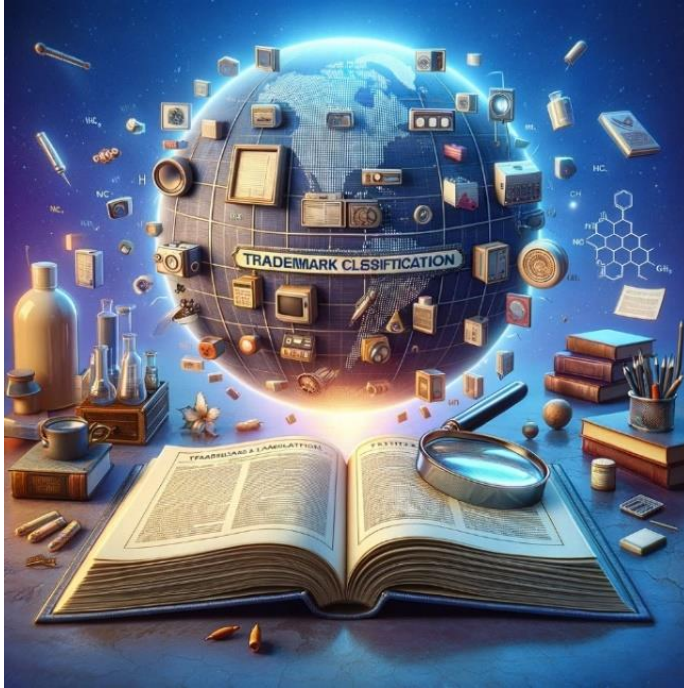


# Understanding Trademark Classification: An Overview

**Innoastra**

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When it comes to protecting a brand, trademark registration plays a pivotal role. Trademark registration secures the trademark and grants exclusive rights to the proprietor. It further assures the consumers that the goods and services of the business are unique in the market and ensures protection against goods and services containing a similar trademark causing confusion in the minds of the public. When a proprietor obtains a trademark registration, any unauthorised usage of a such a trademark or a similar trademark for similar goods and services results in infringement.

The foremost and the key aspect of the trademark registration procedure is understanding and classifying the goods and services of a business appropriately. This is where the concept of trademark classification becomes crucial. To streamline this process, trademark offices around the world categorize goods and services into specific classes. In this comprehensive overview, we delve into the significance of trademark classification and how they play a vital role in safeguarding intellectual property.

## What is Trademark Classification/Classes?

Trademark Classification/classes are categories of goods or services segregated for the purpose of trademark registration with each class representing a distinct category of goods or services. The international standard for trademark classification, known as the Nice Classification System, established by the Nice Agreement divides goods and services into 45 different classes. Each class represents a distinct category of goods or services, making it smoother for the proprietors as well as the authorities to organize and process trademark applications.

The classification system helps in organizing the vast array of goods and services available in the market. By segregating items to specific classes, it becomes easier for trademark offices to manage and examine applications efficiently.

## The Importance of Choosing the Right Class

For any kind of business, understanding the trademark classification is essential for effectively managing its brand portfolio. By tactically selecting the class that represents its goods or services in the best manner, a proprietor/owner of such business can maximize the protection of its trademarks while minimizing the risk of infringement. Selecting the appropriate class for the goods or services rendered by a specific business is crucial for several reasons:

**Legal Protection:** Trademark protection is granted within the specific class or classes that are chosen. Failing to accurately classify the offerings properly may result in inadequate protection or even rejection of the trademark application.

**Avoiding Conflicts:** Proper classification helps in avoiding conflicts with existing trademarks. It ensures that a mark is unique within a particular industry, reducing the likelihood of legal disputes.

**Clarity in Registration:** A well-classified trademark application facilitates the registration process. It helps examiners quickly understand the nature of the business, expediting the overall approval procedure.

### ***An example of a case of misclassification and failing to adhere to the prescribed compliances is provided below:***

A prominent instance of trademark abandonment due to misclassification of classes occurred with the "Covfefe" trademark application submitted to the United States Patent and Trademark Office (USPTO). This occurred in 2017 following a tweet by President Donald Trump containing the word "covfefe." "Covfefe LLC" sought to trademark the term for its use on apparel such as shirts and hats. However, the trademark application was ultimately voided because the applicant failed to furnish evidence demonstrating the mark's utilization on the specified merchandise within the stipulated timeframe. Despite the term's widespread online notoriety, the oversight in adhering to the procedural requirements for trademark registration resulted in its abandonment.

This case underscores the significance of not only correctly identifying the appropriate trademark classes but also ensuring compliance with the procedural prerequisites for trademark registration.

## Understanding Nice Classification

The Nice Classification system is divided into two segments where the Classes 1 to 34 are devoted for goods and Classes 35 to 45 for services. Each class has a specific heading that broadly defines the category. For example:

Class 1: Chemicals for industrial, scientific, and photographic use.

Class 25: Clothing, footwear, headgear.

Class 36: Financial, monetary and banking services; insurance services; real estate services.

Applicants need to identify the class or classes that best describe their goods or services. Sometimes, a single product may fall into multiple classes, which further necessitates careful consideration during the application process.

### Common Trademark Classes

While all 45 classes cover a wide range of goods and services, some are more commonly used than others. Here are a few examples:

Class 9: Electronics and scientific devices.

Class 35: Advertising and business services.

Class 41: Education and entertainment services.

### Multi-Class Applications

In some cases where a business offers a wide range of goods or services that fall into different classes, a multi-class application allows applicants to file a single application covering multiple classes making the registration process smooth and efficient.

### Consulting with Trademark Professionals

However, navigating the intricacies of trademark classes can be challenging. Seeking advice from trademark professionals or attorneys can significantly simplify the process. They have the expertise to ensure a trademark application aligns with the appropriate classes maximizing applicant's brand's protection.

### Conclusion

In conclusion, understanding trademark classes is a fundamental step in securing and protecting a brand. Accurate classification not only enhances legal protection but also contributes to a smoother registration process. It is imperative to take the time to research and carefully select the classes that best represent the goods or services to ensure the long-term success and exclusivity of a brand. Whether it is a business owner or an individual entrepreneur, comprehending the nuances of trademark classes is a vital aspect of safeguarding a brand in today's competitive marketplace.

## About InnoAstra

InnoAstra renders end-to-end IP life cycle management services to an array of entities for streamlining their IP processes – from conceptualization to actualization to commercialization.

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