**Noteworthy Changes to the Nice Classification, Effective January 1, 2018**

This document highlights certain classification changes under the Nice Classification, Eleventh Edition, Version 2018, effective January 1, 2018 (Nice 11-2018), and summarizes USPTO identification and classification policy and practice consistent with those changes. This is not an exhaustive list of changes to the Manual. For a complete list, please conduct an advanced search in [IDM-NG](https://tmidm.uspto.gov/id-master-list-public.html) using the exact date (“=” sign in the “Effective Date” dropdown menu) of January 1, 2018.

| **Categories of Goods** | **USPTO Classification, based on the**  **Eleventh Edition,**  **version in effect**  **Jan. 1, 2017 (Nice 11-2017), if applicable** | **Classification under the**  **Eleventh Edition,**  **version in effect**  **Jan. 1, 2018 (Nice 11-2018)** | **USPTO Classification Policy & Practice Effective Jan. 1, 2018** |
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| **Chewing gum and mints for breath freshening** | **Class 3** | **Class 30** | Under Nice 11-2018, chewing gum and mints for breath freshening are classified in Class 30 as “confectionery,” which appears in the Nice Class 30 Heading.  Breath freshening preparations for personal hygiene, such as breath freshening sprays and strips, are still classified in Class 3. |
| **Flagpoles** | **Class 6** when made of metal  **Class 19** when not made of metal | For ***flagpoles being structures***, **Class 6** when made of metal, and **Class 19** when not made of metal  For ***hand-held flagpoles***, **Class 6** when made of metal, and **Class 20** when not made of metal | Under Nice 11-2018, flagpoles being structures of metal are classified in Class 6, and flagpoles being structures, not of metal are classified in Class 19.  Also, under Nice 11-2018, hand-held flagpoles of metal are classified in Class 6, and hand-held flagpoles, not of metal are classified in Class 20.  As a result of the Nice 11-2018 changes, effective January 1, 2018, the terms ***flagpoles of metal***and ***flagpoles, not of metal*** are indefinite and overbroad. Those terms are no longer acceptable. For classification purposes, those descriptions must indicate whether the goods are hand-held or being structures*.* |
| **Wreckers** | **Class 7** | **Class 7** when specified as ***Demolition wrecking machines***  **Class 12** when specified as ***Wreckers for transport*** | Wreckers is a British term referring to tow trucks. Under Nice 11-2018, wreckers for transport are classified in Class 12 as vehicles.  As a result of the Nice 11-2018 changes, effective January 1, 2018, the term ***wreckers*** is no longer acceptable in Class 7, and it must be clarified, for example, ***demolition wrecking machines***in Class 7, ***wreckers for transport***in Class 12, etc. |
| **Rescue, emergency, and highway flares** | **Class 9** | **Class 13** when ***explosive or pyrotechnical***  **Class 9** when ***signalling apparatus*** | Under Nice 11-2018, rescue flares that are explosive or pyrotechnical are classified in Class 13 because “explosives; fireworks” appears in the Nice Class 13 Heading. By analogy, emergency and highway flares that are explosive or pyrotechnical are also classified in Class 13.  Rescue, emergency, and highway flares that are not explosive or pyrotechnical, such as ***rescue laser signalling flares***, are classified in Class 9 because the goods are considered “signalling apparatus.”  As a result of the Nice 11-2018 changes, effective January 1, 2018, the term ***flares***is indefinite and overbroad. That term is no longer acceptable, The nature of the goods must be specified, for example,***emergency LED signalling flares*** in Class 9, ***acetylene flares for lighting*** in Class 11, ***pyrotechnical highway flares*** in Class 13, etc. |
| **Rescue sleds** | **Class 9** | **Class 12** | Under Nice 11-2018, rescue sleds are classified in Class 12 as apparatus for the transport of people by land. |
| **Magnetic resonance imaging (MRI) apparatus** | **Class 10** | **Class 10** when for medical purposes  **Class 9** when not for medical purposes | Under Nice 11-2018, descriptions of ***magnetic resonance imaging (MRI) apparatus*** must indicate whether the goods are for medical purposes or not for medical purposes. The goods are classified in Class 10 or 9, respectively, depending on the purpose. |
| **Paper for medical**  **examination tables**  **Paper bags for use in the sterilization of medical instruments**  **Dental tray covers of paper** | **Class 10** | **Class 16** | Under Nice 11-2018 –   * paper for medical examination tables; * paper bags for use in the sterilization of medical instruments; and * dental tray covers of paper   are classified in Class 16 consistent with the reference to “certain disposable paper products” in the Class 16 Explanatory Note. |
| **Name badge holders** | Classified **according to material composition**, for example, leather holders for badges in **Class 18,** clear plastic holders for badges in **Class 20**, etc. | **Class 16** | Under Nice 11-2018, name badge holders are classified in Class 16 because the goods function as “office requisites.” The material composition has no impact on the classification. |
| **Retractable reels and clips for name badge holders** | Not mentioned in the ID Manual | **Class 16** | Under Nice 11-2018, retractable reels and clips for name badge holders are classified in Class 16 because the goods function as “office requisites.” |
| **Drop cloths and dust sheets** | **Class 16** when comprised of paper  **Class 17** when plastic sheeting  **Class 22** when functioning as tarpaulins | **Class 22** | Under Nice 11-2018, drop cloths and dust sheets are classified in Class 22 because they function as “tarpaulins,” and that term appears in the Nice Class 22 Heading. The material composition has no impact on the classification. |
| **Paper ribbons** | **Class 16** | **Class 26** when ***haberdashery ribbons*** or ***hair ribbons***  **Class 16** when ***gift wrapping ribbons***, or other ribbons not included in other classes | Under Nice 11-2018, haberdashery ribbons of paper and hair ribbons of paper are classified in Class 26. ***Haberdashery ribbons*** and ***hair ribbons*** is acceptable wording; further specification of the material composition of the goods is also acceptable, but it is not required.  Paper ribbons, other than haberdashery or hair decorations are classified in Class 16. For example, ***gift wrapping ribbons of paper*** are classified in Class 16. ***Gift wrapping ribbons, not of paper*** are classified in Class 26.  The classification principles applied to paper ribbons also applies to paper bows. |
| **Novelty goods** | Classified **according to function,** generally, for example, ***novelty eyeglasses***in Class 9,***printed novelty awards***in Class 16, etc.  **Class 20** when not capable of being classified according to function, for example, ***novelty goods in the nature of a placebo spray used to make someone laugh or smile*** | Classified **according to function** | Under Nice 11-2018, the Alphabetical List term ***practical jokes [novelties]*** was changed to ***novelty toys for playing jokes,*** and ***novelties for parties, dances [party favors, favours]*** was changed to ***novelty toys for parties.*** These modified terms are classified in Class 28 based on their function as “toys and playthings,” which appears in the Class 28 Heading.  As a result of the Nice 11-2018 changes, effective January 1, 2018, the “novelty gift items” and certain other novelty goods classified in Class 20 in the ID Manual have been deleted because they are not justified in Class 20 based on their function.  Novelty gift items and novelty goods are generally for personal amusement, and the descriptions of those goods may incorporate wording such as “novelty toys” or “for playing jokes” to justify classification in Class 28, if appropriate. For example, *novelty* ***toys*** *in the nature of a placebo spray for* ***playing jokes*** *to make someone laugh or smile*is acceptable wording in Class 28. |
| **Artificial Christmas garlands and wreaths** | **Class 28** | **Class 26** | Under Nice 11-2018, artificial Christmas garlands and artificial Christmas wreaths are classified in Class 26 because the goods are analogous to “artificial flowers,” which appears in the Nice Class 26 Heading.  Artificial Christmas garlands and wreaths incorporating lights are also classified in Class 26.  Artificial Christmas trees are still classified in Class 28 based on analogy with “Christmas trees of synthetic material” in the Nice Alphabetical List.  Fresh cut garlands and wreaths of natural flowers are still classified in Class 31. |
| **Cranberry sauce** | **Class 29** | **Class 30** | Under Nice 11-2018, cranberry sauce is classified in Class 30 because the goods are considered a condiment by the Nice Committee of Experts. |
| **Apple sauce** | **Class 29** | **Class 30** | Under Nice 11-2018, apple sauce is classified in Class 30 because the goods are considered a condiment by the Nice Committee of Experts.  Apple puree is still classified in Class 29 as a type of processed fruit. |