

On January 1st, 2023, the 12th edition of the Nice Classification of Goods and Services entered into force, which could be confirmed by the Brazilian Patent and Trademark Office (BPTO), according to its publication dated January 3rd.

Before entering the details of this update, it is necessary to briefly define trademark and its registration system in Brazil, as well as the importance of the classification of goods and services.

According to local legislation, a trademark is defined as a visually perceptible distinctive sign that identifies a good or service.

With the inclusion of the trademark in its proper class, protection is ensured exclusively and limited to the goods and services contained therein. In other words, protection is limited to class borders, according to the principle of specialty, which enables the coexistence of similar or equal marks, as long as they are in different classes.

According to the particularities of the identified goods and/or services, the trademark must be inserted in one of the 45 existing classes of the Nice International Classification of Goods and Services (NCL), which currently has 92 member countries. The NCL is updated in annual editions, with inputs, removals of goods and services, as well as the transfer of some to other classes, with the most current version being the 12th.

These updates include, for example, products from Korean culture in NCL 25 (hanbok, a traditional garment) and 30 (doenjang, gochujang and kimbap from typical cuisine), with one of the biggest highlights being the updates made to Class 09, in order to include products related to new technologies, such as robotics, NFT and Blockchain, as follows:

- humanoid robots having communication and learning functions for assisting and entertaining people
- missile warning systems
- self-checkout terminals
- cases for smartphones incorporating a keyboard
- humanoid robots with artificial intelligence for preparing beverages
- user-programmable humanoid robots, not configured

- downloadable digital files authenticated by non-fungible tokens [NFTs]
- gimbals for digital cameras
- gimbals for smartphones
- sunglasses for pets
- downloadable computer software for managing crypto asset transactions using blockchain technology
- mining of crypto assets / cryptomining

All changes can be found on the official website of the World Intellectual Property Organization (WIPO), under the [Nice Classification tab](#), as well as on the [list](#) provided by the BPTO.

The amendments apply to all new trademark applications filed in member countries after January 1, 2023.