

RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING

AGENCY: Department of State

DIVISION: Business Services

RULE IDENTIFIER: 100-RICR-30-00-2, amending ERLID 4144

REGULATION TITLE: Determination of Classes of Goods and Services Associated with the Administration of R.I. Gen. Laws Chapter 6-2

RULEMAKING ACTION: Proposed Rulemaking

TYPE OF FILING: Amendment

TIMETABLE FOR ACTION ON THE PROPOSED RULE:

Date of Public Notice: July 27, 2018

End of Public Comment Period: August 26, 2018

SUMMARY OF PROPOSED RULE: This regulation has been established to provide the classification codes of goods and services applied to the registration of trademarks and service marks in the State of Rhode Island. The proposed amendment updates, clarifies and adds class codes to correspond more closely with the standards set by the Nice Classification (NCL) system.

The proposed amendment includes the following changes:

§ 2.1.1 - Trademark Classifications - updates and clarifies the codes as a result of changes to the NCL system.

§ 2.1.2 – Service Mark Classifications – contains updates, clarification of the codes and the addition of three new classes as a result of changes to the NCL system. The following classes were added to this regulation:

- CLASS 43 - Services for providing food and drink; temporary accommodation.
- CLASS 44 – Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.

- CLASS 45 – Legal services; security services for the physical protection of tangible property and individuals; personal and social services rendered by others to meet the needs of individuals.

COMMENTS INVITED:

All interested parties are invited to submit written or oral comments concerning the proposed regulations by August 26, 2018 to the addresses listed below.

Mailing Address: Administrative Records
Rhode Island State House
82 Smith Street, Room 38
Providence, RI 02903

Email Address: rulesregs@sos.ri.gov

WHERE COMMENTS MAY BE INSPECTED:

Mailing Address: Administrative Records
Rhode Island State House
82 Smith Street, Room 38
Providence, RI 02903

PUBLIC HEARING:

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

SUPPLEMENTARY INFORMATION:**Regulatory Analysis Summary and Supporting Documentation:**

There are no costs associated with this proposed amendment.

Authority for This Rulemaking: R.I. Gen. Laws Chapter 6-2

Regulatory Findings:

In the development of the proposed amendment, consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

The Proposed Amendment:

The Department of State proposes to amend 100-RICR-30-00-2 as follows:

TITLE 100 - DEPARTMENT OF STATE

CHAPTER 30 - BUSINESS SERVICES

SUBCHAPTER 00 - N/A

PART 2 - Determination of Classes of Goods and Services Associated with the Administration of R.I. Gen. Laws Chapter 6-2

2.1 Trademark and Servicemark Classifications

The following classes of goods and services shall be applicable to all trademark (classes 1-34) and service mark (classes 35-45) registrations filed pursuant to the provisions of R.I. Gen. Laws [Chapter 6-2](#), as amended:

2.1.1 Trademark Classifications

- A. CLASS 1 – Chemicals [for](#) ~~used~~ in industry, science and photography, [as well as in](#) agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; ~~manures~~; fire extinguishing [and fire prevention](#) compositions; tempering and soldering preparations; [substances for tanning animal skins and hides](#); ~~chemical substances for preserving foodstuffs~~; ~~tanning substances~~; adhesives [for](#) ~~used~~ in industry; [putties and other paste fillers](#); [compost, manures, fertilizers](#); [biological preparations for use in industry and science](#).
- B. CLASS 2 – Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; [dyes](#); [inks for printing, marking and engraving](#)~~mordants~~; raw natural resins; metals in foil and powder form for [use in](#) ~~painters~~[ing](#), ~~decorators~~[ing](#), ~~printers~~[ing](#) and ~~artists~~.
- C. CLASS 3 – ~~Bleaching preparations and other substances for laundry use~~; ~~cleaning, polishing, scouring and abrasive preparations~~; ~~soaps~~[Non-medicated cosmetics and toiletry preparations](#); [non-medicated dentifrices](#); perfumery, essential oils; ~~bleaching preparations and other substances for laundry use~~; ~~cleaning, polishing, scouring and abrasive preparations~~~~cosmetics~~, ~~hair lotions~~; ~~dentifrices~~.
- D. CLASS 4 – Industrial oils and greases, [wax](#); lubricants; dust absorbing, wetting and binding compositions; fuels (~~including motor spirit~~) and illuminants; candles, [and](#) wicks [for lighting](#).
- E. CLASS 5 – Pharmaceuticals, [medical and](#) veterinary ~~and sanitary~~ preparations; [sanitary preparations for medical purposes](#); dietetic [food and](#) substances adapted for medical [or veterinary](#) use, food for babies; [dietary supplements for humans and animals](#); plasters, materials for dressings; material for stopping

teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

- F. CLASS 6 – Common metals and their alloys, ores; metal ~~building~~ materials for building and construction; transportable buildings of metal; ~~materials of metal for railway tracks~~; non-electric cables and wires of common metal; ~~ironmongery~~; small items of metal hardware; metal containers for storage or transport; ~~pipes and tubes of metal~~; safes; ~~goods of common metal not included in other classes~~; ~~ores~~.
- G. CLASS 7 – Machines, ~~and~~ machine tools, power-operated tools; motors and engines, ~~(except for land vehicles)~~; machine coupling and transmission components, ~~(except for land vehicles)~~; agricultural implements, other than hand-operated hand tools; incubators for eggs; automatic vending machines.
- H. CLASS 8 – Hand tools and implements, ~~(hand-operated)~~; cutlery; side arms, except firearms; razors.
- I. CLASS 9 – Scientific, nautical, surveying, ~~electric~~, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; ~~automatic vending machines and~~ mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, ~~and~~ computers; computer software; fire-extinguishing apparatus.
- J. CLASS 10 – Surgical, medical, dental and veterinary apparatus and instruments; artificial limbs, eyes and teeth; orthopedic articles; suture materials; therapeutic and assistive devices adapted for the disabled; massage apparatus; apparatus, devices and articles for nursing infants; sexual activity apparatus, devices and articles.
- K. CLASS 11 – Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.
- L. CLASS 12 – Vehicles; apparatus for locomotion by land, air or water.
- M. CLASS 13 – Firearms; ammunition and projectiles; explosives; fireworks.
- N. CLASS 14 – Precious metals and their alloys; ~~and goods in precious metals or coated therewith, not included in other classes~~; jewelry, precious and semi-precious stones; horological and chronometric instruments.
- O. CLASS 15 – Musical instruments.

- P. CLASS 16 – Paper, and cardboard; ~~and goods made from these materials, not included in other classes~~; printed paper matter, bookbinding material; photographs; stationery and office requisites, except furniture; adhesives for stationery or household purposes; drawing materials and materials for artists' materials; paint-brushes, ~~typewriters and office requisites (except furniture)~~; instructional and teaching materials ~~(except apparatus)~~; plastic sheets, films and bags materials for wrapping and packaging ~~(not included in other classes)~~; ~~playing cards~~; printers' type; printing blocks.
- Q. CLASS 17 – Unprocessed and semi-processed ~~R~~ rubber, gutta-percha, gum, asbestos, mica and substitutes for all ~~goods made from these materials and not included in other classes~~; plastics and resins in extruded form for use in manufacturing; packing, stopping and insulating materials; flexible pipes, tubes and hoses, not of metal.
- R. CLASS 18 – Leather and imitations of leather, ~~and goods made of these materials and not included in other classes~~; animal skins, and hides; trunks luggage and traveling carrying bags; umbrellas, and parasols; ~~and~~ walking sticks; whips, harness and saddlery; collars, leashes and clothing for animals.
- S. CLASS 19 – Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.
- T. CLASS 20 – Furniture, mirrors, picture frames; containers, not of metal, for storage or transport; ~~goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, unworked or semi-worked~~ bone, horn, ivory, whalebone, ~~shell, amber, or~~ mother-of-pearl; shells; meerschaum; ~~and yellow amber~~ substitutes for all these materials, or of plastics.
- U. CLASS 21 – Household or kitchen utensils and containers ~~(not precious metal or coated therewith)~~; cookware and tableware, except forks, knives and spoons; combs and sponges; brushes, ~~(except paint-brushes)~~; brush-making materials; articles for cleaning purposes; ~~steelwool~~; un-worked or semi-worked glass, ~~(except building glass used in building)~~; glassware, porcelain and earthenware ~~not included in other classes~~.
- V. CLASS 22 – Ropes, and string; nets; tents, ~~awnings, and~~ tarpaulins; awnings of textile or synthetic materials; sails; sacks for the transport and storage of materials in bulk; ~~and bags (not included in other classes)~~; padding, cushioning and stuffing materials, ~~(except of paper, cardboard, rubber or plastics)~~; raw fibrous textile materials and substitutes therefor.
- W. CLASS 23 – Yarns and threads, for textile use.
- X. CLASS 24 – Textiles and substitutes for textiles ~~goods, not included in other classes~~; curtains of textile or plastic ~~bed and table covers~~.

- Y. CLASS 25 – Clothing, footwear, headgear.
- Z. CLASS 26 – Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers; hair decorations; false hair.
- AA. CLASS 27 – Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).
- BB. CLASS 28 – Games, toys and playthings; video game apparatus; gymnastic and sporting articles; ~~not included in other classes~~; decorations for Christmas trees.
- CC. CLASS 29 – Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes~~fruit sauces~~; eggs; milk and milk products; ~~edible~~ oils and fats for food.
- DD. CLASS 30 – Coffee, tea, cocoa and artificial coffee, ~~sugar~~, rice, tapioca, and sago, ~~artificial coffee~~; flour and preparations made from cereals; bread, pastry ies and confectionery; edible ices; sugar, honey, treacle; yeast, baking-powder; salt; mustard; vinegar, sauces (condiments); spices; ice (frozen water).
- EE. CLASS 31 – Raw and unprocessed ~~A~~gricultural, aquacultural, horticultural and forestry products; ~~and raw and unprocessed~~ grains and seeds~~not included in other classes~~; ~~live animals~~; fresh fruits and vegetables; ~~seeds~~fresh herbs; natural plants and flowers; bulbs, seedlings and seeds for planting; live animals; foodstuffs and beverages for animals; malt.
- FF. CLASS 32 – Beers; mineral and aerated waters and other non-alcoholic ~~drinks~~beverages; fruit ~~drinks~~beverages and fruit juices; syrups and other preparations for making beverages.
- GG. CLASS 33 – Alcoholic beverages (except beers).
- HH. CLASS 34 – Tobacco; smokers' articles; matches.

2.1.2 SERVICE MARK CLASSIFICATIONS

- A. CLASS 35 – Advertising; business management; business administration; office functions.
- B. CLASS 36 – Insurance; financial affairs; monetary affairs; real estate affairs.
- C. CLASS 37 – Building construction; repair; installation services.
- D. CLASS 38 – Telecommunications.
- E. CLASS 39 – Transport; packaging and storage of goods; travel arrangements.
- F. CLASS 40 – Treatment of materials.

- G. CLASS 41 – Education; providing training; entertainment; sporting and cultural activities.
- H. CLASS 42 – Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software. ~~Providing of food and drink; temporary accommodation; medical, hygienic and beauty care; veterinary and agricultural services; legal services; scientific and industrial research; computer programming; services that cannot be classified in other classes.~~
- I. CLASS 43 - Services for providing food and drink; temporary accommodation.
- J. CLASS 44 - Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.
- K. CLASS 45 - Legal services; security services for the physical protection of tangible property and individuals; personal and social services rendered by others to meet the needs of individuals.