



**Official Notice**

**Trade Marks Office Changes to Cross-Class Searching Lists**

Following a review, the Trade Marks Office is making some changes to its cross-class searching list for conflicting goods and services.

The changes extend the current cross-class list to link a number of classes that were not previously linked to better reflect the changing way goods and services are being marketed. This table explains the rationale behind the changes.

<b>Class A</b>	<b>Class B</b>	<b>Reason</b>
Class 1	Class 31	“Fertilisers” appear in class 1 and “mulches” appear in class 31. These are similar goods often found in the same retail outlet and may be marketed to the same consumers by the same owners.
Class 5	Class 31	“Nutritional additives and supplements for animals for medical use” are classified in class 5, while those for “non-medical use” are classified in class 31. They may be considered to be similar goods, sold for similar purposes through the same outlets.
Class 12	Classes 35 & 42	Vehicle manufacturers are increasingly likely to wholesale and retail their own branded vehicles and related specialised parts as well as those of others. In this context consumers may expect goods and retail of goods branded with the same mark to originate from the same source.  Retail services currently fall in class 35 but used to fall in class 42.
Class 14	Classes 35, 40 & 42	There is a tendency for traders to market their own jewellery brand from their own retail outlet. In this context consumers may expect goods and retail of goods branded with the same mark to originate from the same source. There is also an increased likelihood of these owners offering a custom manufacturing service.  Retail services currently fall in class 35 but used to fall in class 42.
Class 25	Classes 35 & 42	Many clothing brand owners supply and retail their own branded clothing (as well as those of others) through their own retail outlets. In this context consumers may expect goods and retail of goods branded with the same mark to originate from the same source.  Retail services currently fall in class 35 but used to fall in class 42.
Class 35	Classes 43 & 42	“Retail of food and drink” in class 35 appears to be similar in nature to “provision of food and drink” in class 43.  Retail services currently fall in class 35 but used to fall in class 42.
Class 36	Class 41	The “operation of lotteries and gambling / gaming” has moved from class 36 to class 41.
Class 44	Class 45	“Counselling” is currently split into “psychiatric & psychological” in class 44 and “spiritual & religious” in class 45. The inherent character of “counselling” arguably remains the same irrespective of purpose and these services are considered to be similar.

The changes will be implemented on Saturday 29 October 2005. If you would like to discuss this list please contact Ms Karen Loughhead, Trade Marks Examination, on (02) 6283 2854. Alternatively you can contact Ms Adele McMenemy, Trade Mark Examination on (02) 6283 2987.

A full list of the new cross-class search list, which will exist from Saturday 29 October 2005, is as follows.

Nominated Class	Cross-Classes Searched											
Class 1	1	31										
Class 2	2											
Class 3	3	5	21									
Class 4	4	39										
Class 5	3	5	10	30	31	32						
Class 6	6	17	19	20	22							
Class 7	7	8	11	12	21							
Class 8	7	8	21									
Class 9	9	16	28	37	38	41	42	45				
Class 10	5	10										
Class 11	7	11	17	19	21	37						
Class 12	7	12	35	37	42							
Class 13	13	37										
Class 14	14	21	35	37	40	42						
Class 15	15											
Class 16	9	16	41	42								
Class 17	6	11	17	19	37							
Class 18	18											
Class 19	6	11	17	19	37							
Class 20	6	20	21	24								
Class 21	3	7	8	11	14	20	21					
Class 22	6	22										
Class 23	23	26										
Class 24	20	24	27	40								
Class 25	25	35	40	42								
Class 26	23	26										
Class 27	24	27	37									
Class 28	9	28										
Class 29	29	30	31	32								
Class 30	5	29	30	31								
Class 31	1	5	31	29	30							
Class 32	5	29	32	33								
Class 33	32	33										
Class 34	34											
Class 35	12	14	25	35	36	40	42	43				
Class 36	35	36	41	42	43							
Class 37	9	11	12	13	14	17	19	27	37	38	42	44
Class 38	9	37	38	41	42							
Class 39	4	39	42	43								
Class 40	14	24	25	40	42							
Class 41	9	16	36	38	41	42	43					
Class 42	9	12	14	16	25	35	37	38	40	42	43	
Class 43	35	36	39	41	42	43						
Class 44	37	42	44	45								
Class 45	9	42	44	45								

Note: Shaded classes indicate changes to the cross-class search list.

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