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## Official Notice

### **Trade Marks Goods and Services Classification Clarification of practice in relation to the 'retailing or wholesaling of utilities'**

The retailing and/or wholesaling of utilities includes the retailing and/or wholesaling of electricity, energy, gas supply, water supply, telecommunications network access and the like. These types of claims have been regularly made by applicants in class 35, where general retailing and wholesaling services fall.

Advice received by IP Australia from the World Intellectual Property Organisation has stated that these types of claims do not fall under the definition of retailing and wholesaling services in class 35 (*the bringing together of a variety of goods enabling customers to conveniently view and purchase those goods, excluding the transport thereof*). Class 39 (as the provision of electricity, energy, gas supply, water supply etc) and class 38 (as the provision of telecommunications network access etc) were deemed to be more appropriate for these services.

In light of this advice, applications containing these claims will not be accepted in class 35 and owners will need to agree to transfer to class 38 or 39 as appropriate.

Retrospective changes will not be made to existing trade mark registrations in class 35.

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