

## The 13th Nice Classification Could Affect Your Brand in Malaysia

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Malaysia, which adopts the Nice Classification as the basis for trademark examination and registration, has through the Intellectual Property Corporation of Malaysia (MyIPO) implemented the 13th edition of the International Classification of Goods and Services with effect from 01 January 2026. This development carries meaningful implications for trademark filing strategies, prosecution practices, and the ongoing management of trademark portfolios.

By way of background, the Nice Classification is a globally harmonised framework that organises goods and services into 45 distinct classes – Classes 1 to 34 covering goods, and Classes 35 to 45 covering services. Each class groups together goods or services of a similar nature, facilitating consistency and clarity in trademark registration across jurisdictions.

Accurate classification is a fundamental aspect of the registration process. Misclassification can have significant consequences, potentially limiting the scope of protection, complicating enforcement efforts, or even affecting the validity of the registered mark. As such, careful consideration of the appropriate class specifications remains essential for securing robust and enforceable trademark rights.

### 1. Reclassification of Goods

Under the 13th edition, a substantial number of goods have been reassigned to different classes to more accurately reflect their contemporary nature, function, and commercial context:

- **Eyewear products** (e.g., eyeglasses/spectacles, contact lenses):  
Reclassified from Class 09 to **Class 10** (medical devices)
- **Emergency and rescue vehicles** (e.g. fire engine, fire boats and lifeboats):  
Moved from Class 09 to **Class 12** (vehicles)
- **Electrically heated clothing**  
Transferred from Class 11 to **Class 25** (clothing)
- **Personal care devices** (e.g., electric toothbrushes):  
Shifted from Class 10 to **Class 21**
- **Clutch linings**  
Removed from Class 17 and now be classified according to whether they are for land vehicles (**Class 12**) or non-land vehicles (**Class 07**)
- **Parasols**  
Only hand-held umbrellas and parasols are now classified in Class 18. Thus, it has been changed to read as 'hand-held parasols' in **Class 18**; and 'patio umbrellas' has been added to **Class 22**.

## 2. Functional Classification

Certain goods are now classified with greater emphasis on their intended use, aligning classification more closely with how such products are positioned and utilised in the market:

### Essential oils:

- Class 01 (industrial use)
- Class 03 (cosmetic use)
- Class 05 (medical use)
- Class 30 (food use)

## 3. Introduction of New Technologies and Services

The updated framework also reflects the evolution of modern commerce by expressly recognising emerging industries and novel product categories, ensuring that the classification system remains responsive to technological advancements and shifting market realities:

- **Artificial intelligence (AI) and machine learning** services are now included in **Class 42**

### Practical Implications in Malaysia

All trademark applications filed in Malaysia on or after 01 January 2026 must comply with the updated framework under the 13th edition of the Nice Classification. Failure to adopt the correct class may result in a provisional refusal on formal grounds issued by MyIPO, requiring amendment of the specification before the application can proceed.

Existing registered trademarks, however, remain classified in accordance with the edition in force at the time of filing and will not be automatically reclassified. This effectively creates a dual-classification system during the transitional period, with both pre-2026 and post-2026 class allocations coexisting on the register.

This shift also has practical implications for trademark clearance searches. Search must now account for both classification regimes to ensure comprehensive risk assessment. For instance, eyewear-related marks that were previously classified in Class 9 may now fall within Class 10 under the revised edition, necessitating broader and more nuanced searches to identify potential conflicts.

In parallel, there is a heightened emphasis on precision and clarity in the specification of goods and services. Applicants are encouraged to adopt descriptions from the "Pre-approved list of goods/services" maintained by MyIPO, and to avoid overly broad or vague terms that may attract objections. Where descriptions are deemed unclear, examiners are likely to issue provisional refusals requiring clarification, amendment, or deletion of the relevant goods or services.

Given these developments, trademark owners should proactively review their portfolios, particularly where existing registrations may be affected by reclassification trends. Where appropriate, fresh applications should be considered in the revised classes to ensure that protection remains aligned with current classification standards and continues to adequately cover the intended commercial activities.

## **Conclusion**

While the 13th edition of the Nice Classification is intended to enhance clarity and better reflect contemporary commercial and technological developments, each new iteration inevitably introduces a degree of adjustment for trademark owners and practitioners.

Adapting to these changes is critical to ensure accurate filings, maintain robust and enforceable trademark protection, and manage legal and commercial risks effectively. In this evolving landscape, a proactive and considered approach encompassing precise drafting of specifications, comprehensive clearance searches across classification regimes, and regular portfolio reviews will be essential to navigating the transition with confidence and minimising potential exposure.