

INTA

Trademark Offices Practices Committee (TOPC)

Madrid System, Subcommittee (MSS)

“WIPO Examination Guidelines Concerning the Classification of Goods and Services in International Applications” Task Force

Samples of how “kits” are treated in terms of classification in several jurisdictions

COUNTRY	SUMMARY OF THE CURRENT SITUATION
<p data-bbox="317 732 419 764">Mexico</p> <p data-bbox="317 902 537 964">Alonso Camargo OLIVARES</p>	<p data-bbox="559 699 2475 829">The Mexican Trademark Office (MTO) has not consistent criteria in the acceptance of “kits”. Besides certain specific kits that have been clearly accepted by the MTO (reproduced below for easy reference), when an application is filed for any other kind of “kits” not listed below, the MTO issues provisional refusals requesting applicants to specify all goods comprised within the kits of concern, and only those goods falling within the same class are accepted.</p> <p data-bbox="559 867 2475 964">For instance, if an applicant is interested in protecting "<i>tooth care kits comprised of toothpaste, mouthwash, toothbrush and dental floss</i>" in class 3 in Mexico, the TMO would request the applicant to expressly exclude "toothbrushes" and "dental floss" from the specification of goods in order to accept such kits within class 3.</p> <p data-bbox="559 1002 1499 1034">The “kits” that have been clearly accepted by the MTO are the following:</p> <p data-bbox="559 1071 666 1104">Class 1</p> <ul data-bbox="559 1104 2354 1268" style="list-style-type: none">Chemical analysis kits to analyze pool waterDiagnostic kits comprising sample receptacles and reagents to analyze selected bacteriaChemical tests kits to determine water propertiesChemical reagents mixtures in the form of a kit, other than those for medical or veterinary useReagents in the form of a kit to perform enzyme-linked immunosorbent assays (elisa) [other than those for medical or veterinary purposes] <p data-bbox="559 1305 666 1338">Class 3</p> <ul data-bbox="559 1338 755 1370" style="list-style-type: none">Cosmetics kits

Hair treatment kits

Class 5

First aid kits

In-vitro test kits for sex prediction

Ovulation test kits

Class 6

Assembly kits for prefabricated metal buildings

Metal prefabricated houses [kits]

Class 7

Machine tools sold as kits

Class 9

Software Development Kits (SDK)

Hands-free phone kits

Class 10

Diabetes monitoring kits for domestic use

Class 11

Showers for sale in the form of a kit

Ovens for sale in the form of a kit

Class 12

Kayak and canoe transport kits for car use

Sports cars sold as a kit

Motor vehicles in the form of a kit

Class 16

Writing kits

Class 18

	<p>Bags for accessory kits</p> <p>Class 19 Non-metallic prefabricated houses [kits]</p> <p>Class 20 Shelves sold as a kit Parts kits [sold complete] for the assembly of poster boards</p> <p>Class 23 Threads sold as a kits</p> <p>Class 24 Kit composed of fabrics for making quilts Fabrics for sale in kits to make toy monsters</p> <p>Class 26 Sewing kits</p> <p>Class 28 Craft toys sold as a kit Toys sold as kits Craft kits for modeling toy figures Scale model kits [toys]</p>
<p>Japan</p> <p>Alonso Camargo OLIVARES</p>	<p>The Japanese Patent Office (JPO) seem to accept the term in the Alphabetical List (Nice Classification) and equivalent goods to be generally sold as kits/sets except when its kits (or sets) includes the goods that fall into the different classes.</p> <p>For example, a sewing set is being sold in Japan but it generally includes the goods falling into multiple classes (a scissor, sewing needles, stitches, buttons, etc.), which is not acceptable to the JPO as a designated goods in trademark application.</p> <p>The kit (or set) goods have been accepted by the JPO are as below:</p>

(With the contribution of
Mayumi Kawamoto
AOYAMA & PARTNERS)

Class 1:

Chemical agent kits;
chemical reagent kits.

Class 5:

First aid kits;

Class 6:

prefabricated building assembly kits of metal

Class 8:

manicure sets, non-electric;
Electric manicure sets;

Class 9:

graphics chipsets;

Class 16:

drawing sets;
writing cases [sets];

Class 19

prefabricated houses [kits], not of metal;

Class 21:

toilet brush sets;
cooking pot sets;
cruet sets for oil and vinegar;

Class 28:

toy tool sets;
toy construction sets;

	Toy model hobbycraft kits
<p data-bbox="255 332 483 397">United States of America</p> <p data-bbox="309 600 537 665">Jeffrey Brown MICHAEL BEST</p>	<p data-bbox="559 267 2446 430">The United States Patent Office (USPTO) permits registration of a kit or a gift basket in a single international class, even if the identification of goods lists items that are classified in other classes. Under TMEP 1902.02(g)(iii), the USPTO notes that the IB is likely to issue a notice of irregularity requiring the applicants separate the goods into their respective classes and to pay additional fees for added classes for international applications that include kits and/or gift baskets. The TMEP suggests that to avoid issuance of this notice, an international applicant should either narrow the identification to refer to only to items in single international class, or submit additional fees for multiple international classes.</p> <p data-bbox="559 462 1276 495">Generally, kits are identified and classified in two ways:</p> <ul data-bbox="604 495 2472 592" style="list-style-type: none"> (1) If the kit is for the purpose of making a single object, it would be classified by the item it is intended to make. (2) If the kit is a combination of a number of components around a theme, the class that includes the majority of individual components in the kit generally controls the classification for the entire kit. <p data-bbox="559 633 1142 665">Kits or gift baskets accepted by the UPSTO:</p> <p data-bbox="559 698 739 763">Class 3: Nail care kits</p> <p data-bbox="559 795 1317 860">Class 7: Tool kits comprising of power-driven saws and hand saws</p> <p data-bbox="559 893 1317 958">Class 8: Tool kits comprising of power-driven saws and hand saws</p> <p data-bbox="559 990 1303 1055">Class 9: Computer software with instructional manual sold as unit</p> <p data-bbox="559 1088 1438 1153">Class 16: Halloween hobby crafts kits comprised of markers, stencils, and felt</p> <p data-bbox="559 1185 1102 1250">Class 28: Hobby craft kits for making model houses</p> <p data-bbox="559 1282 792 1347">Class 33: Wine making kits</p>

<p>EUIPO</p> <p>Jeffrey Brown MICHAEL BEST</p>	<p>The European Union Intellectual Property Office (EUIPO) does not object to the acceptance of collective terms, provided that they make sense and/or are in common usage on the market. The EUIPO suggests that when determining the appropriate classification for a kit or set, applicant must consider either what the kit is going to be used for, or alternatively, if something is to be constructed from its components, what the finished article will be.</p> <p>Definition of kit versus set:</p> <ul style="list-style-type: none">- Kit can mean either (1) a set of parts ready to be made into something or (2) a set of tools or equipment that is to be used for a particular purpose.- Set is a number of articles that are thought of as a group, which may or may not have a defined number. <p>Kits or sets accepted by the EUIPO:</p> <p>Class 5: First aid kits</p> <p>Class 8: Manicure and pedicure sets</p> <p>Class 9: Hands Free kits for phones</p> <p>Class 27: Rug making kits</p> <p>Class 28: Toy model kits</p> <p>Class 32: Beer making kits</p> <p>Class 33: Wine making kits</p>
--	--

Australia

Daniel Wilson
**SPRUSON &
FERGUSON**

The Australian Trade Marks Office allows for registration of trade marks for 'kits' provided that the nature of the goods within the 'kit' are correctly classified based on type of goods and/or use of those goods. Australian designations under an IR should be examined according to the same classification criteria as a stand-alone Australian application.

'Kits' accepted by the Australian TMO:

Class 1:

Adhesive cement for use in assembling model kits
Chemical reagent mixtures in kit form, other than for medical or veterinary use

Class 3:

Cosmetic kits.

Class 5:

Chemical reagent mixtures in kit form for medical or veterinary use
Diagnostic preparations for medical use for sale in kit form
Diagnostic reagents for medical use for sale in kit form
Filled first aid kits
Pregnancy test kits
Reagents in kit form for conducting enzyme-linked immunosorbent assays (ELISA) (for medical purposes)
Reagents in kit form for conducting enzyme-linked immunosorbent assays (ELISA) (for veterinary purposes)
Substances for use in genetic probe assay kits (for medical use).

Class 6:

Crates made of metal for sale in kit form
Kits comprising bolts of metal and chemical fixatives for attaching or reinforcing
Prefabricated houses (kits) of metal.

Class 7:

Carburettor conversion apparatus sold in kit form
Machine tools for sale in kit form

Class 9:

Bleeder kits for testing brakes

Genetic probe assay apparatus for sale in kit form
Hands free kits for phones
Head cleaning disks (audio) for sale in kit form
Testing apparatus for sale in kit form (other than medical)

Class 10:

Apparatus for sale in kit form for medical diagnostic purposes
Diagnostic test kits for the detection of haemoglobin in faeces
First aid medical apparatus for sale in kit form
Medical diagnostic apparatus for sale in kit form
Testing apparatus for sale in kit form (medical).

Class 11:

Electrically heated home brewing kits
Electrically heated homebrewing kits
Hydroponic plant cultivation apparatus sold as a kit
Showers for sale in kit form

Class 12:

Boats for sale in kit form
Car body modification parts for sale in kit form
Motor land vehicles for sale in kit form
Motor vehicles in kit form
Puncture repair kits for bicycle tyres
Sports cars sold in kit form
Water bottle cages and water bottles for bicycles, sold together as a kit.

Class 14:

Craft kits for jewellery construction

Class 16:

Craft kits for painting/posters
Craft kits for papier mache model construction

Pattern books for use with tapestry kits
Pattern books for use with textile kits
16 Kits educacionais, compreendendo livros e cassetes de áudio, embalados como uma unidade
16 Kits educacionais, compreendendo livros e cds ou dvds, embalados como uma unidade
16 Kits educacionais, compreendendo livros e mídia magnética, embalados como uma unidade

Class 17:

Connecting hose for vehicle parts including for power steering, brakes, air conditioners sold as a kit

Class 18:

Bags for shaving kits
Bags for toiletry kits
Cases for travel kits (not fitted)

Class 19:

Non-metallic prefabricated building elements for sale in kit form
Prefabricated houses (kits), not of metal.

Class 20:

Articles of furniture for sale in kit form
Craft kits for decorative wall plaques
Kits of parts (sold complete) for assembly into furniture
Plastic scale models (decorative) sold in kit form
Shelves for sale in kit form
Shelving for sale in kit form
Shelving sold in kit form

Class 21:

Horse grooming kits
Non-electric home brewing kits
Non-electric homebrewing kits
Pots, seeds and growing medium, sold together as a kit.

Class 23:

Kits consisting of yarn and knitting instructions
Yarns for sale in kit form

Class 24:

Textile articles for sale as part of embroidery kits
Textile articles for sale as part of needlecraft kits

Class 26:

Craft kits for needlecraft
Needlecraft kits
Sewing kits
Sewing repair kits

Class 28:

Articles sold in kit form for making dolls
Articles sold in kit form for making dolls' clothes
Construction kits for playing
Craft kits for games and playthings
Craft toys sold in kit form
Kits (sold complete) for the construction of scale models
Kits of parts (sold complete) for constructing models
Kits of parts (sold complete) for constructing toy models
Kits of parts (sold complete) for making toy model cars
Kits of parts (sold complete) for making toy models
Miniature replica football kits
Miniature toy parts sold in kit form
Miniatures in kit form for use in war games
Model cars (toys or playthings) for sale in kit form
Model figures (toys or playthings) for sale in kit form
Models sold in kit form
Plastic scale models (toys or playthings) sold in kit form
Playthings in the form of tools for sale in kit form
Scale model kits (toys)

	<p>Scale models sold in kits of parts for construction Toy fingerprinting kits Toy model kits Toy parts sold in kit form Toys (playthings) being for sale in kit form Toys (playthings) sold in kit form</p> <p>Class 31: Worm farms (worms and housings for worms, sold together as a kit)</p> <p>Class 32: Home brew kit concentrate of hopped wort for making beer Homebrew kit concentrate of hopped wort for making beer</p>
<p>China</p> <p>Daniel Wilson SPRUSON & FERGUSON (With the contribution of Coral Toh, SPRUSON & FERGUSON)</p>	<p>The China Trademark office (CTMO) generally adopts the term in the Alphabetical list (Nice Classification). Furthermore, subclasses within the 45 classes of Nice Classification are designed for similar goods and services. Each subclass is a discrete unit. However, certain specific kits have been accepted by the CTMO.</p> <p>The 'kits' that have been clearly accepted by the CTMO are as follows:</p> <p>Class 03: Cosmetic kits</p> <p>Class 05: First aid kits Maternity kits Medical kits</p> <p>Class 06: Prefabricated houses [kits] of metal</p> <p>Class 08: Manicure sets Manicure sets, electric</p>

	<p>Pedicure sets</p> <p>Class 09: Hands free kits for phones Radiotelegraphy sets Radiotelephony sets</p> <p>Class 16: Drawing sets Printing sets, portable [office requisites] Writing cases [sets]</p> <p>Class 18: Travelling sets [leatherware]</p> <p>Class 19: Prefabricated houses [kits], not of metal</p> <p>Class 21: (Cooking pot sets) (Cruet sets for oil and vinegar)</p> <p>Class 26: (Sewing box)</p> <p>Class 28: Scale model kits [toys]</p>
<p>Brazil</p> <p>Marcelo Müller</p>	<p>The Brazilian Patent and Trademark office (BPTO) generally accepts specifications of products that include kits, as long as the contents of the kit are duly mentioned and all the contents fall within the chosen class of registration.</p> <p>Brazilian designations are examined according to the same classification criteria followed with regards to a domestic Brazilian application.</p>

**OURO PRETO
ADVOGADOS**

Below are the 'kits' that have been clearly accepted by the BPTO, explicitly found in the Nice Classification list, along with examples that are also accepted:

Class 01:

Chemical test kit comprising an "AFFINITY COLUMN" pre-sealed and reagents to indicate the presence or absence of chemicals or toxins for use in laboratories and research

Chemical test kits for the examination of the soil, wáter and air

Kit for the chemical analysis of soy quality;☐

Class 03:

Cosmetic kits

Class 05:

First aid kits

Medicines cases, portable (filled)

Kits for medical diagnosis

Enema kits

Class 06:

Prefabricated houses [kits] of metal

Class 08:

Manicure sets

Manicure sets, electric

Pedicure sets

Shaving sets

Class 09:

Hands free kits for phones

Class 10:

Milk extractor kits

	<p>Class 16: Drawing sets Printing sets, portable [office requisites] Writing cases [sets]</p> <p>Class 18: Travelling sets [leatherware]</p> <p>Class 19: Prefabricated houses [kits], not of metal</p> <p>Class 21: Spice sets</p> <p>Class 26: Sewing kits</p> <p>Class 28: Scale model kits [toys]</p>
<p style="text-align: center;">Israel</p> <p style="text-align: center;">Ronit Barzik-Soffer REINHOLD COHN GROUP</p>	<ul style="list-style-type: none"> - The term KIT is not included in the internal work list of the Israeli TMO, of terms which should always be refused (unlike other wide definitions like “accessories” for instance). - When it is unclear what may be included in a kit, or when it seems that the components included in a kit fall in several different classes and there is not one class in which most of the kit components are included, the TMO will ask for information regarding the nature of the kit and its content. - When the description of the kit includes items which clearly fall in different classes, the TMO will recommend to divide the application among the relevant classes and list in the description in each class only the items belonging in that class. - If the description of the kit includes items that fall in different classes, and the applicant does not choose the option of dividing the application, the examiner will require to omit these items from the description.

	<ul style="list-style-type: none"> - When it is indicated in the description of the kit that the kit includes “mainly” an item or items that belong in a certain class, the kit will be classified in this class, although possibly the kit includes further items that fall in other classes, but were not explicitly indicated - When it is clear that most of the items in the kit fall in in one class, the kit definition will be accepted in that class. Accordingly, for example, “first aid kits” are acceptable in Class 5, “sewing kits” are acceptable in Class 26, “craft kits for games and playthings” are acceptable in Class 28.
<p>United Kingdom</p> <p>Helen Cawley D YOUNG & CO LLP</p>	<p>Kits, sets and outfits</p> <p>It is unlikely that all items included in a kit would fall in one class but it is recognised that it is too onerous to expect an applicant to mention all the contents of a particular kit, set or outfit. “Kits” and “Outfits” appear in the International Classification, for example, as in the following:</p> <p>Cosmetic kits Class 3</p> <p>Inner tube repair outfits Class 12</p> <p>The criteria used for this classification is unclear and inconsistent. Whereas “cosmetic kits” would appear to be proper to Class 3 on the basis that their predominant contents are proper to the class, “inner tube repair outfits” seem to be classified under Class 12 because of their end function.</p> <p>Therefore, in order to avoid uncertainty in the classification of kits and outfits, the following practice is applied in the UK. When classifying an application for a kit it is first necessary to know what the kit is for, or alternatively, what it is going to be used to make or construct. If the end purpose does not fall neatly into one category, the classification may be determined by the class in which the principal products contained in the kit or outfit fall. For example, “diagnostic kits” that are for medical purposes could fall in either Classes 5 or 10 since both classes contain goods used for these purposes. The following examples demonstrate the above:</p> <p>Cholesterol test kits Class 5 or 10 (medical goods fall in two classes and therefore contents could be proper to either class)</p> <p>Filled first aid kits Class 5</p> <p>Hands free kits for phones Class 9</p> <p>Brake cylinder repair kits (for repairing a vehicle part that is in Class 12) Class 12</p>

	<p>Furniture repair kit Class 20</p> <p>Rug making kit Class 27</p> <p>Snooker cue repair kits Class 28</p> <p>Kits [sold complete] for the construction of scale models Class 28</p> <p>Toy construction kits Class 28</p> <p>Toy model kits Class 28</p> <p>Beer making kits Class 32</p> <p>Wine making kits Class 33</p> <p>Manicure and pedicure sets Class 8</p>
<p>Canada</p> <p>Nicole Zeit TORYS LLP</p>	<p>In Canada, goods such as “kits”, “gift baskets” and other goods described as being “sold as a unit” must comprise goods belonging to a single class.</p> <p>The Office classifies “kits” according to their purpose, e.g., “nail care kits” in Class 3, “first-aid kits” in Class 5, “sewing kits” in Class 26 and “Easter egg colouring kits” in Class 28. Accordingly, “kits” that have no stated purpose need to list the items of which the kit is composed. Moreover, if a kit having no stated purpose is composed of goods that can be classified in various classes, the applicant must list each good under its appropriate class.</p> <p>The same process for “kits” is applied to the classification of “gift baskets”. For example, “gift baskets of fresh fruits” will be placed in Class 31. However, for “gift baskets containing cheese, crackers and wine”, the applicant would have to list each good under its appropriate class, e.g., “gift baskets containing cheese” in Class 29, “gift baskets containing crackers” in Class 30, and “gift baskets containing wine” in Class 33.</p> <p>Similarly, goods comprising items that are “sold as a unit” must comprise goods belonging to a single class.</p> <p>Below is a list of the ‘kits’ that have been clearly accepted by the Canadian Trademarks Office (i.e. these entries are listed as acceptable in the Canadian Goods and Services Manual):</p>

Class 1:

Aquarium chlorine test kits
Laboratory assay kits
Water test kits

Class 3:

Cosmetic kits
Hair waxing kits
Make-up kits
Nail care kits

Class 5:

First aid kits
First aid kits for household use
First-aid kits
In vitro gender prediction test kit
In-vitro ovulation prediction kits
Portable first aid kits
Pregnancy test kits

Class 6:

Aviary assembly kits

Class 8:

Pedicure kits

Class 9:

Hands free kits for phones
Hands-free kits for cellular phones
Hands-free kits for telephones

Argentina

Santiago O'Conor
O'CONOR & POWER

In connection with **Argentina**, it is mandatory that all the products intended to be protected by a "kit" belong to the same class. Otherwise, it will have to be filed as a different trademark/s to the corresponding class/es.

For example: whitening gel sold as an integral part of a professional teeth whitening kit, for intl. class 5.

Nevertheless, another alternative is to apply for the trademark without specifying what the kit consists of.

For example: professional teeth whitening kit, for intl. class 5.

It is important to mention that it is possible to apply for a figurative trademark where the image shows what the kit consists of.

Furthermore, the "kits" that have been accepted by the Argentine Trademark Office by June 15, 2020, are the following:

Class 1:

- Chemical analysis kit for testing swimming pool water.
- Diagnostic kits comprising specimen receptors and reagents for testing for selected bacteria.
- Chemical testing kits for determining water properties.
- Chemical reagent mixtures in kit form, other than for medical or veterinary use.
- Reagents in kit form for conducting enzyme-linked immunosorbent assays (elisa) [other than for medical or veterinary purposes].

Class 3:

- Cosmetics all for sale in kit form.
- Cosmetic kits.
- Make-up kits.
- Hair permanent wave kit.

Class 5:

- First aid kits.
- In vitro gender prediction test kit.
- Ovulation test kits.
- Male fertility test kits.

Class 6:

- Prefabricated houses [kits] of metal.
- Prefabricated metal building assembly kits.

Class 7:

- Machine tools for sale in kit form.

Class 9:

- Software development kit [SDK].
- Hands free kits for phones.
- Kits (Hands free -) for phones.

Class 10:

- Medical test kits for diabetes monitoring for home use.

- Diagnostic test kits for the detection of haemoglobin in faeces.

Class 11:

- Showers for sale in kit form.
- Kilns for sale in kit form.

Class 12:

- Boats for sale in kit form.
- Sports cars sold in kit form.
- Cartop canoe and kayak carrier kits.
- Car body modification parts for sale in kit form.
- Motor vehicles in kit form.
- Vehicles sold in kit form.

Class 16:

- Writing kits.
- Arts and crafts paint kits.
- Fingerprint kits.

Class 18:

- Accessory kit bags.

Class 19:

- Log homes sold in kit form.
- Prefabricated houses [kits] of wood.
- Prefabricated houses [kits], not of metal.

Class 20:

- Shelves for sale in kit form.
- Kits of parts [sold complete] for assembly into display stands.
- Kits of parts [sold complete] for assembly into display boards.
- Kits of parts [sold complete] for assembly into display cases.
- Kits of parts [sold complete] for assembly into furniture.

Class 23:

- Yarns for sale in kit form.

Class 24:

- Kit comprised of fabrics for making quilts.
- Fabrics for sale in kit form for making toy monsters.

Class 26:

- Sewing kits.

	<p><u>Class 28:</u></p> <ul style="list-style-type: none"> - Craft toys sold in kit form. - Toys being for sale in kit form. - Toys sold in kit form. - Kits of parts [sold complete] for constructing models. - Model building kits. - Model craft kits of toy figures. - Model craft kits to assemble. - Scale model kits [toys]. - Kits of parts [sold complete] for assemble models. - Kits of parts [sold complete] for making toy car models. <p><u>Class 37:</u></p> <p>Repair of pipelines by means of encapsulation kits.</p>
<p style="text-align: center;">Switzerland</p> <p style="text-align: center;">Christine Repond NOVARTIS</p>	<p>The <u>Swiss IPO's guidelines for trademarks</u> explicitly accepts "sets" or "kits" as specifications of goods. Under 4.8, the guideline clarifies: "It is customary for certain goods to be sold in so-called "sets" or "kits". If it is a set of the same goods, for example a «colored pencil set» (Cl. 16) or a «knife set» (Cl. 8), the classification is easy to use. The same applies to goods sold in a set that all serve the same purpose, such as a «first aid kit» (class 5) or a «manicure set» (class 8). Such terms are not objected to, even if the individual goods are not necessarily classified in the same class (for example, «first aid kits» usually contain scissors [Cl. 8]). It is decisive for the classification that such sets or kits are usually sold as a unit on the market and that the main components of such a kit are divided into the same class as the kit itself. Conversely, terms such as "kits with chemical products" or "sets for mechanics" are too vague to be classified. It is not clear what is included in the sets or kits, nor what is the purpose of the goods contained in the sets or kits. In such cases, the goods must be named individually and classified accordingly."</p> <p>Furthermore, the directory of classifications contains several references to kits, including the following:</p> <p style="margin-left: 20px;">Class 5:</p> <ul style="list-style-type: none"> - First aid kits - First aid kits for traveling («Reiseapotheke») <p style="margin-left: 20px;">Class 7:</p> <ul style="list-style-type: none"> - Kits for the treatment of semi-conductors <p style="margin-left: 20px;">Class 8:</p> <ul style="list-style-type: none"> - Electric manicure kits <p style="margin-left: 20px;">Class 10:</p> <ul style="list-style-type: none"> - Kits for infusions

	<p>Class 16: - Drawing kits for children</p> <p>Class 20: - Construction kits for furniture</p> <p>Class 28: - Toy kits for action figures</p>
<p>India</p> <p>Ronit Barzik-Soffer REINHOLD COHN GROUP</p> <p>(With the contribution of Sheja Ehtesham ALG India Law Offices LLP)</p>	<p>'Kits' in India are typically classified as per the classification of the collective purpose of its constituents.</p> <p>If the Applicant elects to also list out the components/constituents of a 'kit' in the goods specification, and any such individual component/constituent falls under a different NICE class, the India Trade Marks Registry (TMR) may issue an Office Action directing deletion of such component(s)/constituent(s) from the specification of the Application.</p> <p>For example, if an IC 3 application is filed to cover "<i>Make-up kits consisting principally of foundations, mascaras, blushes, glosses and lipsticks, brushes and sponges</i>", the TMR may issue an Office Action directing deletion of "brushes and sponges" from the specification (as brushes and sponges fall under IC 21).</p> <p>Indian designations of an IR will be scrutinized on the basis of the same rules and yardsticks as a national application.</p> <p>The following classifications of different types of kits are accepted by the India TMR:</p> <p>Class 3: Cosmetic kits Make-up kits Make-up kits consisting principally of foundations, mascaras, blushes, glosses and lipsticks [not including brushes and sponges]</p> <p>Class 5: Diagnostic kits comprising diagnostic agents, preparations and substances for medical purposes Diagnostic kits comprising diagnostic agents, preparations and substances for medical uses Filled first aid kits First aid kits First aid kits for domestic use First aid kits for household use</p>

Portable first aid kits

Class 6:

Prefabricated houses [kits] of metal

Class 8:

Body piercing instrument kits

Shaving kits

Class 9:

Hands-free kits for cell phones

Hands-free kits for cellular phones

Hands-free kits for cellular telephones

Hands-free kits for mobile phones

Hands-free kits for mobile telephones

Hands-free kits for phones

Hands-free kits for telephones

Class 16:

Arts and crafts clay kits

Arts and crafts paint kits

Children's arts and crafts paper kits

Craft kits for painting

Craft kits for papier mâché model construction

Class 19:

Prefabricated houses [kits], not of metal

Class 21:

Dental care kits comprising toothbrushes and floss

Oral care kits comprising toothbrushes and floss

Class 24:

Kits comprised of fabrics for making quilts

Class 26:
Sewing kits

Class 28:
Scale model kits [toys]

Class 32:
Beer making kits consisting of malt extracts, hops, specialty grains and brewer's yeast