



# Metaverse and NFTs: the 12th edition of the Nice classification has taken place

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Metaverse and Non-Fungible Tokens (NFTs) have aroused a great deal of interest across the world.

The success of virtual products and NFTs has led to a **considerable increase in the filing of trademarks for products and services related to the virtual world.**

However, the Nice classification that was in force did not include official wording, guidelines or suggestions for virtual or NFT products.

Applicants therefore had no choice but to be imaginative and creative in the wording when filing for trademarks.

Without any official guidance on such products and services, applicants risked receiving objections or rejections from the authorities regarding the chosen wording used in the description of the goods and services included in the requests made.

**In response to these risks and uncertainties regarding the wording of trademark applications, the 12th edition**

**of the Nice Classification has finally evolved with the times.** This new edition, which came into force on 1<sup>st</sup> January 2023, has included NFTs in its Trademark Class 9, these being defined as "downloadable digital files authenticated by non-fungible tokens".

Moreover, in a press release of last June<sup>(1)</sup>, the European Union Office for Intellectual Property (EUIPO), provides **that the content of virtual products must be specified.** As such, the EUIPO allows the term "downloadable virtual products, namely virtual clothing" as being sufficiently clear and precise compared to the more basic term "virtual goods".

In addition, the **type of digital element authenticated by the NFT must be specified.**

(1) [EUIPO - Virtual goods, non-fungible tokens and the meta \(europa.eu\)](https://www.euiipo.europa.eu/euiipo/fr/actualites/actualites-2022/actualites-2022-12)

This evolution in both the nature and precision of classifications, as well as in the EUIPO guidelines were necessary and will now **facilitate trademark applications**.

Nevertheless, **applicants must still remain vigilant when writing the list of their goods and services and ensure that the wording is considered sufficiently clear and precise by the Trademark Office.**

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