

Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications

Twenty-Fifth Session
Geneva, March 28 to April 1, 2011

DRAFT SUMMARY BY THE CHAIR

Agenda Item 1: Opening of the Session

1. Mr. Francis Gurry, Director General of WIPO opened the twenty-fifth session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) and welcomed the participants.
2. Mr. Marcus Höpferger (WIPO) acted as Secretary to the SCT.

Agenda Item 2: Election of a Chair and two Vice-Chairs

3. Mr. Park Seong-Joon (Republic of Korea) was elected Chair and Mr. Imre Gonda (Hungary) and Mrs. Karima Farah (Morocco) were elected Vice-Chairs of the Committee.

Agenda Item 3: Adoption of the Agenda

4. The Delegation of Brazil, speaking on behalf of the Development Agenda Group (DAG), proposed the addition of a new item to the draft Agenda entitled "Work of the SCT", under which the SCT could discuss its contribution to the Development Agenda and, in particular, the Development Agenda Coordination Mechanism.
5. The Delegation of France, speaking on behalf of Group B, said that it could agree to that proposal, it being understood that this point would not become a permanent item on the Agenda and that it would be without prejudice to future work.
6. The SCT adopted the Draft Revised Agenda (document SCT/25/1 Prov.2) with the addition of a new item 9 entitled "Work of the SCT".

Agenda Item 4: Accreditation of a Non-Governmental Organization

7. Discussion was based on document SCT/25/5.
8. The SCT approved the representation of the American Bar Association (ABA) in sessions of the Committee.

Agenda Item 5: Adoption of the Revised Draft Report of the Twenty-Fourth Session

9. Discussion was based on document SCT/24/8 Prov.2.
10. The SCT adopted the Revised Draft Report of the twenty-fourth session based on document SCT/24/8 Prov.2. with amendments as requested by the Delegations of the Czech Republic, Spain and Switzerland.

Agenda Item 6: Industrial Designs

Industrial Design Law and Practice-Draft Provisions

11. Discussion was based on document SCT/25/2.
12. The SCT considered document SCT/25/2 in detail.
13. The Chair concluded that all comments and requests for clarification would be recorded in the report of the twenty-fifth session. The Secretariat was requested to prepare a revised working document for consideration at the twenty-sixth session of the SCT. That document should reflect all comments made at the present session and highlight the issues that needed more discussion. Furthermore, delegations were requested to consult extensively with national user groups in order to obtain their views and to inform the work of the Committee. A substantive portion of the twenty-sixth session will be dedicated to work on industrial designs.
14. As regards the continuation of the work on the law of industrial designs, the Chair noted that the SCT had well advanced in its work on the draft provisions on industrial design law and practice. The Chair further noted that a number of delegations had reiterated their request for recommending to the Assemblies the convening of a diplomatic conference for the adoption of a design law treaty as soon as possible. Other delegations were of the view that more time for further work was needed and recommending the holding of a diplomatic conference at the present session was premature. The Committee was in agreement that a diplomatic conference for the adoption of a design law treaty could be convened once sufficient progress has been made and the time was ripe for recommending the holding of such a diplomatic conference.

Agenda Item 7: Trademarks

Trademarks and the Internet

15. Discussion was based on document SCT/25/3.
16. The Chair concluded that SCT Members are invited to present proposals for the modalities of an information meeting on the issue of the possible presence or absence of secondary liability of Internet intermediaries to the Secretariat before the end of the month of May 2011. The Secretariat was requested to compile all suggestions received and to present them to the twenty-sixth session of the SCT for consideration.
17. The SCT took note of a presentation by the Secretariat on recent trademark-related developments in the context of the expansion of the Domain Name System planned by the Internet Corporation for Assigned Names and Numbers (ICANN).
18. The Chair concluded that the Secretariat was requested to prepare a document for the twenty-sixth session of the SCT that would provide an update on developments in the context of the expansion of the Domain Name System planned by the Internet Corporation for Assigned Names and Numbers (ICANN).

Draft Reference Paper on the Protection of Names of States Against Registration and Use as Trademarks

19. Discussion was based on document SCT/25/4.
20. The Chair concluded that document SCT/25/4 would be kept open for further comments to be provided by SCT Members through the SCT Electronic Forum. The Secretariat was requested to revise document SCT/25/4 based on the comments received and to present it to the twenty-sixth session of the SCT for consideration.

Agenda Item 8: Geographical Indications

21. The Chair noted that no intervention was made under that Agenda item.

Agenda Item 9: Work of the SCT

22. The Chair noted that a number of delegations made declarations under that Agenda item with specific reference to the Development Agenda Coordination Mechanism. He stated that all declarations would be recorded in the report for the twenty-fifth session of the SCT and that they would be transmitted to the WIPO General Assembly in line with the decision taken by the 2010 WIPO General Assembly relating to the Development Agenda Coordination Mechanism.
23. The Chair also noted that the Secretariat was requested to present an information document to the twenty-sixth session of the SCT concerning the work of the SCT on industrial design law and practice in relation to Cluster B of the Development Agenda Recommendations.

Agenda Item 10: Adoption of the Summary by the Chair

Twenty-Sixth Session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT/26)

24. The Chair announced the week from October 24 to 28, 2011, as tentative dates for SCT/26.

Agenda Item 11: Closing of the Session

25. The Chair closed the session on April 1, 2011.

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