

February 1, 2012

SCT/26 resumed (February 1 to 3, 2012)

Non-paper by the Chair of SCT/26 on the Information Meeting on the Role and Responsibility of Internet Intermediaries in the Field of Trademarks

Introductory notes

At its 26th session, the SCT discussed document SCT/26/5 (Information Meeting on the Role and Responsibility of Internet Intermediaries in the Field of Trademarks). In addition to the three suggestions presented in the document (by the Delegations of the US, the Russian Federation and Denmark), several comments and suggestions were made by delegations with regard to the modalities for such a meeting. In order to conduct the discussion of the SCT in a time saving manner and to avoid addressing questions of micromanagement in the plenary session, the Chair announced to hold informal consultations on the basis of a non-paper which will reflect the basic ideas and principles from the proposals and comments made by Member States.

Purpose of the non-paper

The aim of the non-paper is to summarize the proposals made by delegations and to provide a draft proposal for establishing modalities to guide the Secretariat in convening the information meeting.

The basic purpose of the information meeting is to provide information on the role and responsibility of Internet intermediaries in relation to the use of trademarks on the Internet. Due to its informal nature, the meeting is not intended to constitute a forum for examining the issue, preparing proposals or making recommendations, decisions of any kind. The information meeting will not form part of a formal session of the SCT.

Timeframe

Taking into account the proposals made for the timeframe of the information meeting and also bearing in mind that Member States expressed their flexibility in this respect, the duration of one day for the meeting to be held immediately prior to SCT/27 seems to be an effective compromise and would be suitable for meeting the different expectations.

Speakers

A large number of comments have been made underlining the importance of the choice of speakers. Despite the different views expressed, some common principles have been addressed in the comments. A balanced representation of geographical regions, business areas and interests was a broadly accepted principle as it is an important requirement for providing the proper presentation of different points of view.

With regard to the categories of stakeholders that would be invited to participate in the meeting, Internet intermediaries, trademark owners, trademark professionals, academia, civil society and government authorities should be represented.

Program

The program for the information meeting should remain within the scope of work of the SCT and should mainly focus on issues of use of trademarks on the Internet. The program should be informed by relevant WIPO Development Recommendations and allow to cover significant developments in related areas. The Secretariat is requested to organize a briefing on the program prior to the information meeting. Along the lines of the proposals and comments made by Member States, the program should cover:

- the point of view of brand owners regarding the role and responsibility of Internet intermediaries in the field of trademarks;
- the position of Internet intermediaries and online service providers concerning the role and responsibility of Internet intermediaries in the field of trademarks;
- the point of view of academia;
- the views of users;
- national and regional experiences, including experience with alternative dispute resolution and public-private-partnerships (PPP).

[End of non paper]