

EUROPEAN UNION

PROPOSAL ON THE TERMS OF REFERENCE FOR THE STUDY BY THE WIPO SECRETARIAT

In the context of the SCT's work on Design Formalities (documents SCT 26/2 and 26/3) and taking into account the Development Agenda Recommendations, the SCT requests the Secretariat with the involvement of the Chief Economist to undertake additional work as follows:

To prepare a study for the next SCT meeting, based on the prior work of the SCT on design law as laid down in documents SCT 26/2 and 26/3. Having regard to the different levels of development the study shall analyze- especially for developing countries and LDCs:

1. the potential benefits to:

- applicants, particularly small and medium sized enterprises (SMEs).
- national offices (through simpler procedures)

of reducing and simplifying formality requirements in the design system.

2. The potential costs to national offices / jurisdictions of introducing changes to domestic design registration systems.

In preparing this paper the SCT requests the Secretariat to bear in mind the desire of developing countries and of LDCs that a possible Design Law Treaty contributes to creativity, innovation, investment and economic development in their countries. In particular, the study should:

- consider the accessibility of design registration systems for SMEs.
- elaborate on the extent to which possible flexibilities in a design law treaty might impact on the capacity of developing countries and LDC enterprises from realising the benefits of the proposals.
- consider the extent to which the proposals align to the provisions of the Hague Agreement.

The Secretariat is additionally asked to provide more detailed statistical information about the designs system with particular reference to access by SMEs and in developing countries.

This study should aim to be completed before the next session of the SCT so that delegations are able to make an informed decision on our work on industrial designs before the 2012 General Assembly.

The terms and basis of this study should be made clear to the WIPO Secretariat and the

Chief Economist of WIPO so as to make sure that the study is conducted in such a way that the WIPO Secretariat and the Chief Economist can deliver answers that fully satisfy the information needs of SCT Members, especially developing countries and LDCs.

The context of the SCT's work on Design Protection (document SCT 1992 and 1993) and the fact that the Secretariat has been requested by the SCT to undertake additional work in this area are as follows:

To prepare a study for the next SCT meeting, based on the work of the SCT on design law as laid down in documents SCT 1992 and 1993, taking into account the different levels of development of the study area, especially for developing countries and LDCs.

1. The potential benefits to

- national offices (national offices and national design offices)
- national offices (national offices and national design offices)

in reducing the administrative burden on national offices in the design system

2. The existing state of national offices' functions of industrial design registration

In preparing this paper, the SCT requests the Secretariat to bear in mind the desire of developing countries and of LDCs that a possible Design Law Treaty contribute to creatively, innovatively, investment and economic development in their countries. In addition, the study should

- consider the scope of design registration systems for SMEs
- consider the extent to which possible functions in a design law treaty might extend to the capacity of developing countries and LDCs to participate in the benefits of the system
- consider the extent to which the possible right to the invention of the design

The Secretariat is additionally asked to provide more detailed statistical information on the number of design registrations or to collect by SMEs and by developing countries

The study should also be completed before the next session of the SCT so that the study can be used as a reference document on the work on industrial design

The terms and scope of the study should be agreed with the WIPO Secretariat and the