

Diplomatic Conference for the Adoption of a New Act of the Lisbon Agreement for the Protection
of Appellations of Origin and Their International Registration

Main Committee I

President Non-Paper No. 1 (May 12, 2015)

The Notes to the Basic Proposal, as contained in document LI/DC/5, paragraph 4, list the pending issues, as identified by the Working Group on the Development of the Lisbon System. It is proposed that these pending issues be considered in groups, as follows*:

A. Issues concerning applications and international registration procedures

- (i) implementation aspects of Article 1(xiv);
- (ii) the content of Article 2(2) and Article 5(4) concerning trans-border geographical areas of origin;
- (iii) the entitlement to file an application under Article 5(2);
- (xiv) whether Rule 5(3) should be optional or mandatory;
- (xv) the inclusion of Rule 5(4) permitting a Contracting Party to require a declaration of intention to use in respect of a registered appellation of origin or a registered geographical indication;
- (xvi) promoting transparency under Rule 5(5);

B. Issues concerning provisions related to the scope of protection

- (vii) the various options in respect of Article 11(1)(a) and Article 11(3);
- (viii) the Draft Agreed Statement contained in footnote 1 to Article 11 and provisions relating to the same issue;
- (ix) the content of Article 12 concerning protection against becoming generic;
- (x) the content of Article 13(1) concerning safeguards in respect of prior trademark rights;

* The numbering of the pending issues follows their numbering as contained in document LI/DC/5, paragraph 4.

C. Issues concerning other provisions related to the legal effect of international registrations

- (xi) the content of Article 16(2) concerning negotiations following a refusal;
- (xii) the content of Article 17 concerning the necessity of a phasing out period;
- (xiii) whether Article 19(1) should establish an exhaustive or a non-exhaustive list of grounds for invalidation;

D. Issues concerning fees and the financing of the Lisbon System

- (iv) Article 7(3), Article 8(3), Article 24(3)(vi) and related provisions concerning the possible introduction of maintenance fees;
- (v) the possible re-introduction of the provisions of the current Lisbon Agreement dealing with contributions by members of the Lisbon Union;
- (vi) Article 7(5) and related provisions concerning the possible introduction of individual fees;
- (xvii) the amount of fees in Rule 8(1).

[End of President Non-Paper No. 1]