

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

Geneva, May 11 to 21, 2015

PROPOSAL BY THE DELEGATIONS OF ARGENTINA, AUSTRALIA, CANADA, CHILE, JAPAN, NEW ZEALAND, PANAMA, REPUBLIC OF KOREA, SAUDI ARABIA, SINGAPORE, UNITED STATES OF AMERICA AND URUGUAY

1. In a communication dated May 8, 2015, the Delegations of Argentina, Australia, Canada, Chile, Japan, New Zealand, Panama, Republic of Korea, Saudi Arabia, Singapore, United States of America and Uruguay transmitted to the International Bureau of the World Intellectual Property Organization (WIPO) the proposal contained in the present document.

PROPOSAL TO IMPROVE THE DRAFT RULES OF PROCEDURE OF THE DIPLOMATIC CONFERENCE

2. The "Draft Rules of Procedure of the Diplomatic Conference" (document LI/DC/2 Prov.) for the Diplomatic Conference for the Adoption of a New Act of the Lisbon Agreement on Appellations of Origin and Their International Registration is noted. These draft Rules provide, in Rule 1(2) thereof, that the Conference, meeting in Plenary, shall be competent to adopt and make any amendments to the Rules of Procedure. Furthermore, the draft Rules (Rule 2) define the conference as consisting of Lisbon members, the African Intellectual Property Office, the European Union, WIPO members, members of the United Nations that are not WIPO members, and others that were invited to attend as observers. Rule 29 provides that Member Delegations may propose amendments to the basic proposal, but the draft Rules are silent as to who may propose amendments to the Rules of Procedure. It follows, then that all participants may propose amendments to the draft Rules. Rule 46 confirms that Observer Delegations and Observers may attend the plenary meetings of the Conference. Finally, Rule 34(1) provides

that all decisions of all bodies shall be made as far as possible by consensus. We believe that this proposed amendment to the draft Rules of Procedure should achieve consensus approval in the Conference.

3. As explained in LI/R/PM/5/Rev.3 and as discussed in the Preparatory Committee, WIPO Diplomatic Conferences are normally open for full participation and voting by all WIPO Members. However, the current draft of document LI/DC/2 Prov. limits full participation and voting rights to only current Lisbon members, but allows two non-WIPO members to have more rights to negotiate than WIPO Members that are not Lisbon members. For the past 20 years, WIPO Diplomatic Conferences, including a Diplomatic Conference to adopt a new act of an existing treaty (the Hague Agreement), have allowed equal participation of all WIPO Members (see the Annex for excerpts from four recent Diplomatic Conferences).

4. To allow for full and equal participation by all WIPO Members, we continue to propose revising document LI/DC/2 Prov. as follows:

DRAFT RULES OF PROCEDURE OF THE DIPLOMATIC CONFERENCE

Rule 2: Composition of the Conference

(1) The Conference shall consist of:

- (i) delegations of the States members of the World Intellectual Property Organization (hereinafter referred to as "the Member Delegations"),
- (ii) the delegations of the African Intellectual Property Organization and the European Union (hereinafter referred to as "the Special Delegations"),
- (iii) the delegations of States members of the United Nations which are not members of the World Intellectual Property Organization (hereinafter referred to as "the Observer Delegations") and
- (iv) representatives of intergovernmental and non-governmental organizations and others invited to the Conference as observers (hereinafter referred to as "the Observers").

(2) References in these Rules of Procedure to "Member Delegations" shall be considered, except as otherwise provided (see Rules 11(2), 33 and 34), as references also to the Special Delegations.

(3) References in these Rules of Procedure to "Delegations" shall be considered as references to the three kinds (Member, Special and Observer) of Delegations but not to Observers.

[Annex follows]

EXAMPLES OF FINAL RULES OF PROCEDURE FOR PREVIOUS WIPO DIPLOMATIC
CONFERENCES – EXCERPTS RELATING TO COMPOSITION OF THE CONFERENCE

**Diplomatic Conference for the Adoption of a New Act of the Hague Agreement
Concerning the International Deposit of Industrial Designs, Rules of Procedure, H/DC/12,
Rule 2 (Geneva, 1999)**

Rule 2: Composition of the conference

- (1) The Conference shall consist of:
 - (i) delegations of the States members of World Intellectual Property Organization (hereinafter referred to as “the Ordinary Member Delegations”),
 - (ii) the delegations of the African Intellectual Property Organization, the African Regional Industrial Property Organization and the European Community (hereinafter referred to as the “Special Member Delegations”),
 - (iii) the delegations of States members of the United Nations other than the States members of the World Intellectual Property Organization invited to the Conference as observers (hereinafter referred to as “the Observer Delegations”),
 - (iv) representatives of intergovernmental and non-governmental organizations invited to the Conference as observers (hereinafter referred to as “the Observer Organizations”).
- (2) References in these Rules of Procedure to Member Delegations shall be considered as references to the Ordinary Member Delegations and the Special Member Delegations.

**Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty, Rules of
Procedure, TLT/R/DC/2, Rule 2 (Singapore, 2006)**

Rule 2: Composition of the Conference

- (1) The Conference shall consist of:
 - (i) delegations of the States members of the World Intellectual Property Organization (hereinafter referred to as “the Ordinary Member Delegations”);
 - (ii) the delegations of the African Intellectual Property Organization, the African Regional Intellectual Property Organization and the European Community (hereinafter referred to as “the Special Member Delegations”);
 - (iii) the delegations of States members of the United Nations other than the States members of the World Intellectual Property Organization invited to the Conference as observers (hereinafter referred to as “the Observer Delegations”);
 - (iv) representatives of intergovernmental and non-governmental organizations invited to the Conference as observers (hereinafter referred to as “the Observer Organizations”).

(2) References in these Rules of Procedure to "Member Delegations" shall be considered as references to the Ordinary Member Delegations and the Special Member Delegations.

(3) References in these Rules of Procedure to "Delegations" shall be considered as references to the three kinds of Delegations (Ordinary Member, Special Member and Observer) but not to Observer Organizations.

Diplomatic Conference on the Protection of Audiovisual Performances, Draft Rules of Procedure of the Diplomatic Conference, AVP/DC/2, Rule 2 (Beijing, 2012)

Rule 2: Composition of the Conference

(1) The Conference shall consist of:

(i) delegations of the States members of the World Intellectual Property Organization (hereinafter referred to as "the Member Delegations"),

(ii) the special delegation of the European Union (hereinafter referred to as "the Special Delegation"),

(iii) the delegations of States members of the United Nations other than the States members of the World Intellectual Property Organization invited to the Conference as observers (hereinafter referred to as "the Observer Delegations"), and

(iv) representatives of intergovernmental and non-governmental organizations and others invited to the Conference as observers (hereinafter referred to as "the Observers").

(2) References in these Rules of Procedure to "Member Delegations" shall be considered, except as otherwise provided (see Rules 11(2), 33 and 34), as references also to the Special Delegation.

(3) References in these Rules of Procedure to "Delegations" shall be considered as references to the three kinds (Member, Special and Observer) of Delegations but not to Observers.

Diplomatic Conference to Conclude a Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons With Print Disabilities, Rules of Procedure of the Diplomatic Conference, VIP/DC/2, Rule 2 (Marrakech, 2013)

Rule 2: Composition of the Conference

(1) The Conference shall consist of:

(i) delegations of the States members of the World Intellectual Property Organization (hereinafter referred to as "the Member Delegations"),

(ii) the special delegation of the European Union (hereinafter referred to as "the Special Delegation"),

- (iii) the delegations of States members of the United Nations other than the States members of the World Intellectual Property Organization invited to the Conference as observers (hereinafter referred to as "the Observer Delegations"), and
- (iv) representatives of intergovernmental and non-governmental organizations and others invited to the Conference as observers (hereinafter referred to as "the Observers").

[End of Annex and of document]