

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

Thirty-Ninth Session
Geneva, April 23 to 26, 2018

DRAFT SUMMARY BY THE CHAIR

AGENDA ITEM 1: OPENING OF THE SESSION

1. Ms. Wang Binying, Deputy Director General of the World Intellectual Property Organization (WIPO), opened the thirty-ninth session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) and welcomed the participants on behalf of the Director General.
2. Mr. David Muls (WIPO) acted as Secretary to the SCT.

AGENDA ITEM 2: ELECTION OF A CHAIR AND TWO VICE-CHAIRS

3. Mr. Adil El Maliki (Morocco) was re-elected Chair. Mr. Alfredo Carlos Rendón Algara (Mexico) and Mr. Simion Levitchi (Republic of Moldova) were re-elected Vice-Chairs.

AGENDA ITEM 3: ADOPTION OF THE AGENDA

4. The SCT adopted the draft Agenda (document SCT/39/1 Prov. 5).

AGENDA ITEM 4: ADOPTION OF THE DRAFT REPORT OF THE THIRTY-EIGHTH SESSION

5. The SCT adopted the draft Report of the thirty-eighth session (document SCT/38/6 Prov.).

AGENDA ITEM 5: INDUSTRIAL DESIGNS

Design Law Treaty (DLT)

6. The Chair recalled that “the [2017] WIPO General Assembly decided that, at its next session in 2018, it will continue considering the convening of a diplomatic conference on the Design Law Treaty (DLT), to take place at the end of the first half of 2019.”

7. The Chair observed that the remaining gaps in positions regarding the convening of the diplomatic conference had been further narrowed at the [2017] WIPO General Assembly, and urged all Member States to make a concerted effort and display the necessary flexibility with a view to overcoming these final hurdles at the next session of the General Assembly to be held from September 24 to October 2, 2018.

Graphical User Interface (GUI), Icon and Typeface/Type Font Designs

8. The SCT considered documents SCT/39/2 and SCT/39/3, as well as the presentation by the Delegation of France of the European Union “Convergence Program 6: Graphical Representation of Designs.”

9. After an exchange of views, the SCT decided as follows:
 - Further work is desirable on certain existing issues identified in documents SCT/39/2 and SCT/39/3, in particular on proposals 1, 3, 9 and 10 in document SCT/39/3, while issues related to novel technological designs could be undertaken in a subsequent phase.
 - The Secretariat will invite Members, Intergovernmental Intellectual Property Organizations with observer status¹ and accredited Non Governmental Organizations (NGOs) to submit further inputs, including detailed questions which they would like to see answered, concerning (1) the requirement for a link between GUIs, Icons, Typeface/Type Font Designs and the article or product and (2) the methods allowed by offices for the representation of animated designs.
 - The above-mentioned invitation will be issued by the Secretariat no later than June 15, 2018, and the inputs and questions by Members, Intergovernmental Intellectual Property Organizations with observer status and accredited NGOs in response thereto are to be received by the Secretariat no later than August 20, 2018.

¹ *i.e.*, organizations which, under their constituting treaty, have responsibility for the protection of industrial property rights.

- The Secretariat will prepare a draft questionnaire on the basis of the received inputs and questions, for consideration of the SCT at its next session.
- At its next session, the SCT will also have a further exchange of views on related matters, such as other novel technological designs.

Update on the Digital Access Service (DAS) for Priority Documents

10. The SCT noted the progress in the implementation of the DAS for industrial designs by Members, as well as by the Secretariat.

11. While continuing to encourage a wider use of the DAS by Members for both industrial designs and trademarks, the Chair concluded that the SCT would take further stock of the progress made in this regard ~~at its forty-first session.~~

AGENDA ITEM 6: TRADEMARKS

Protection of Country Names Against Registration and Use as Trademarks

12. The Chair noted the SCT's satisfaction with the Information Session on Country Names.

13. The Chair requested the Secretariat to prepare a document summarizing the various examination practices regarding trademarks consisting of, or containing, country names, as presented by the panelists at the above Information Session.

14. The SCT had an initial exchange of views regarding document SCT/39/8 Rev.2 and noted document SCT/39/9.

15. The Chair concluded that the SCT will hold further discussions under this agenda item at its next session.

International Non-Proprietary Names for Pharmaceutical Substances (INNs)

16. The SCT noted document SCT/39/4.

17. The Chair requested the Secretariat to provide a progress report on the integration of INN Data into the Global Brand Database at its next session.

Update on Trademark-Related Aspects of the Domain Name System (DNS)

18. The SCT considered document SCT/39/5 and requested the Secretariat to keep Member States informed of future developments in the DNS.

AGENDA ITEM 7: GEOGRAPHICAL INDICATIONS

19. The SCT considered documents SCT/39/6 Rev., SCT/39/6 Rev. Corr. and SCT/39/7.

20. The SCT considered with satisfaction the results of the Secretariat's work on documents SCT/39/6 Rev. and SCT/39/6 Rev. Corr., which permitted it to finalize the Questionnaires.

21. The SCT decided to proceed as follows:

- The Secretariat will issue to Members and Intergovernmental Intellectual Property Organizations with observer status, by June 11, 2018, a first Questionnaire on the national and regional systems that can provide a certain protection to geographical indications and a second Questionnaire on the use/misuse of geographical indications, country names and geographical terms on the Internet and in the DNS. Both Questionnaires, in the agreed format, will be available to Members and the aforementioned Organizations in paper format and online.
- Members and the aforementioned Organizations will provide responses to both Questionnaires to the Secretariat by September 10, 2018. For reasons of efficiency, use of the online version of the Questionnaires for providing responses is encouraged.
- The Secretariat will issue, by October 15, 2018, a document compiling the responses to both Questionnaires, for consideration by the SCT at its next session.

OTHER MATTERS

22. With a view to having sufficient time for a fulsome discussion of all the industrial design, trademark and geographical indication topics on its agenda, the SCT decided that its next session will comprise five days (from November 12 to 16, 2018).

AGENDA ITEM 9: CLOSING OF THE SESSION

23. The Chair closed the session on April 26, 2018.

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