

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

**SPECIAL UNION FOR THE PROTECTION OF
APPELLATIONS OF ORIGIN AND THEIR INTERNATIONAL REGISTRATION
(LISBON UNION)**

ASSEMBLY

**Seventeenth (14th Ordinary) Session
Geneva, September 24 to October 3, 2001**

**PROPOSALS FOR THE AMENDMENT OF THE REGULATIONS
UNDER THE LISBON AGREEMENT
(ADDENDUM)**

Document prepared by the International Bureau

1. As mentioned in document LI/A/17/1 (paragraph 10), during the second session of the Working Group on the Modification of the Regulations Under the Lisbon Agreement (March 19 to 22, 2001) the Delegation of Mexico expressed the view that the time had come to consider the possibility of introducing Spanish as a new working language in the Lisbon system (see document LI/GT/2/4, paragraph 17).
2. It will be recalled that at present French is the only procedural language under the Lisbon system. This results from Rule 1(2) of the present Regulations under the Lisbon Agreement, which requires the application for registration to be drawn up in French.
3. The Secretariat had considered at the time that a proposal for the broadening of the language regime of the Lisbon system, as far as Spanish was concerned, was a matter to be dealt with in conjunction with that of the use of Spanish under the Madrid system (see documents LI/GT/2/4, paragraph 18, and LI/A/17/1, paragraph 10).

4. It is now however proposed that the language regime of the Lisbon system be modified independently of that of the Madrid system. In view of the very small number of international registrations of appellations of origin (two in 2000), and of the fact that such registrations contain very little text to be translated, the financial implications of broadening the language regime of the Lisbon system would be negligible and could be absorbed by the International Bureau without any increase in the fees payable.

5. It is therefore proposed that the procedural languages under the Lisbon Agreement be extended to English and Spanish. Such a step could be expected to ease the work of the competent authorities of the member countries of the Lisbon Union and also to facilitate new accessions to the Lisbon Agreement.

6. The Annex to this document contains a revised proposal for Rule 3 of the draft Regulations that appear in the Annex to document LI/A/17/1, and also the modifications that would have to be made to the List of Rules and to Rules 5 and 7 of the said draft.

7. The Assembly of the Lisbon Union is invited, when it adopts the Regulations appearing in the Annex to document LI/A/17/1, to adopt also the modifications to the said Regulations that are contained in the Annex to this document.

[Annex follows]

ANNEX

REGULATIONS UNDER THE LISBON AGREEMENT
FOR THE PROTECTION OF APPELLATIONS OF ORIGIN
AND THEIR INTERNATIONAL REGISTRATION

LIST OF RULES

Chapter 1: General Provisions

- Rule 1: Abbreviated Expressions
- Rule 2: Calculation of Time Limits
- Rule 3: Working Languages
- Rule 4: Competent Authority

Chapter 2: International Applications

- Rule 5: Requirements Concerning the International Application
- Rule 6: Irregular Applications

Chapter 3: International Registration

- Rule 7: Entry of the Appellation of Origin in the International Register
- Rule 8: Date of International Registration

Chapter 4: Declarations of Refusal of Protection

- Rule 9: Notification of a Declaration of Refusal
- Rule 10: Irregular Declaration of Refusal
- Rule 11: Withdrawal of a Declaration of Refusal

Chapter 5: Other Entries Concerning an International Registration

- Rule 12: Period Granted to Third Parties
- Rule 13: Modifications
- Rule 14: Renunciation of Protection
- Rule 15: Cancellation of an International Registration
- Rule 16: Invalidation
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Chapter 6: Miscellaneous Provisions and Fees

- Rule 18: Publication
- Rule 19: Extracts from the International Register and Other Information
Provided by the International Bureau
- Rule 20: Signature
- Rule 21: Date of Dispatch of Various Communications
- Rule 22: Modes of Notification by the International Bureau
- Rule 23: Fees
- Rule 24: Entry into Force

Rule 3
Working Languages

(1) [~~International Application, Communications With the International Bureau, Entries in the International Register and Publications~~] The international application **shall be in English, French or Spanish.**

(2) [**Communications Subsequent to the International Application**] ~~as well as a~~Any communication concerning an international application or an international registration exchanged between the International Bureau and a competent authority shall be in **English, French or Spanish, at the choice of the authority concerned.**

(3) [**Entries in the International Register and Publications**] Entries in the International Register and publications in the Bulletin shall be in **English, French or Spanish. The translations needed for those purposes shall be made by the International Bureau. However, the International Bureau shall not translate the appellation of origin.**

(~~2~~4) [*Transliteration and Translations of the Appellation of Origin*] Where the competent authority gives a transliteration of the appellation of origin in accordance with Rule 5(2)(c) or one or more translations of the appellation of origin, in accordance with Rule 5(3)(ii), the International Bureau shall not check that they are correct.

Rule 5
Requirements Concerning the International Application

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(2) *[Mandatory Contents of the International Applications]* (a) The international application shall indicate:

- (i) the country of origin;
- (ii) the holder or holders of the right to use the appellation of origin, designated collectively or, where collective designation is not possible, by name;
- (iii) the appellation of origin for which registration is sought, in the official language of the country of origin or, where the country of origin has more than one official language, in one or more of those official languages;
- (iv) the product to which the appellation applies;
- (v) the area of production of the product;
- (vi) the title and date of the legislative or administrative provisions, the judicial decisions or the date and number of the registration by virtue of which the appellation of origin is protected in the country of origin.

(b) Where the names of the holder or holders of the right to use the appellation of origin or the area of production of the product are in characters other than Latin characters, they must be indicated in the form of a transliteration into Latin characters; **the transliteration shall use the phonetics of the language of the international application.**

(c) Where the appellation of origin is in characters other than Latin characters, the indication referred to in subparagraph (a)(iii) must be accompanied by a transliteration into Latin characters; **the transliteration shall use the phonetics of the language of the international application.**

(d) The international application shall be accompanied by a registration fee the amount of which is specified in Rule 23.

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Rule 7
Entry of the Appellation of Origin in the International Register

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- (2) [*Contents of the Registration*] An international registration shall contain or indicate:
- (i) all the particulars given in the international application;
 - (ii) the language in which the International Bureau received the international application;**
 - (iii) the number of the international registration;
 - ~~(iii)~~ **iv**) the date of the international registration.

[End of Annex and of document]