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## **WIPO General Assembly**

### **Fiftieth (27<sup>th</sup> Extraordinary) Session Geneva, September 24 to October 2, 2018**

#### **MATTERS CONCERNING THE CONVENING OF A DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A DESIGN LAW TREATY (DLT)**

*Document prepared by the Secretariat*

1. At its forty-seventh (22<sup>nd</sup> ordinary) session, held in Geneva from October 5 to 14, 2015, the World Intellectual Property Organization (WIPO) General Assembly agreed the following (see document WO/GA/47/19, paragraph 123)\*:

“That the text of the basic proposal for the Design Law Treaty should be finalized by the SCT at its thirty-fourth and thirty-fifth sessions;

“(i) to convene a diplomatic conference for the adoption of a Design Law Treaty at the end of the first half of 2017, only if the discussions on technical assistance and disclosure have been completed during the thirty-fourth and thirty-fifth sessions of the SCT;

“(ii) that the text of the basic proposal for the Design Law Treaty should be finalized by the SCT at its thirty-fourth and thirty-fifth sessions;

“(iii) that, if a diplomatic conference is convened at the end of the first half of 2017, the date and venue of the diplomatic conference would be decided in a preparatory committee, to be held back-to-back with the thirty-fifth session of the SCT.”

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\* For a detailed narrative of WIPO General Assembly sessions dealing with the convening of a diplomatic conference for the adoption of a Design Law Treaty, see document WO/GA/47/8.

2. The Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), at its thirty-fourth session (November 16 to 18, 2015) and thirty-fifth session (April 25 to 27, 2016), continued discussions on the text of a basic proposal for the Design Law Treaty (DLT), with a view to finalizing the text, as mandated by the WIPO General Assembly.

3. At the end of the thirty-fifth session of the SCT, the Chair concluded that a number of delegations were of the opinion that the work of the SCT was sufficient to consider that the basic proposal (contained in documents SCT/35/2 and 3) was finalized. Other delegations considered that the work of the SCT constituted a sufficient ground for finalizing the basic proposal and that a few elements needed further work. Other delegations considered that the work of the SCT was not sufficient to finalize the basic proposal (see document SCT/35/7, paragraph 7).

4. At its forty-eighth (26<sup>th</sup> extraordinary) session, held in Geneva from October 3 to 11, 2016, the WIPO General Assembly:

“decided that, at its next session in October 2017, it will continue considering the convening of a diplomatic conference on the Design Law Treaty, to take place at the end of the first half of 2018” (see document WO/GA/48/17, paragraph 146).

5. At its forty-ninth (23<sup>rd</sup> ordinary) session, held in Geneva from October 2 to 11, 2017, the WIPO General Assembly continued considering the convening of a diplomatic conference on the Design Law Treaty. At the end of that session, the 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, to take place at the end of the first half of 2019” (see document WO/GA/49/21, paragraph 149).

6. Following this decision, the SCT held two sessions, namely the thirty-eighth session (October 30 to November 2, 2017) and the thirty-ninth session (April 23 to 26, 2018).

7. At the thirty-eighth session of the SCT, the Chair “concluded that, while the DLT would remain on its Agenda, the SCT should abide by the decision of the [WIPO] General Assembly” (see document SCT/38/6, paragraphs 34 to 37).

8. At the thirty-ninth session of the SCT, the Chair recalled the decision of the [2017] WIPO General Assembly and his conclusion at the previous session of the SCT. He further 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” (see document SCT/39/10, paragraph 7).

9. *The WIPO General Assembly is invited:*

*(i) to consider the contents of the present document; and*

*(ii) to decide whether to convene a diplomatic conference for the adoption of a Design Law Treaty at the end of the first half of 2019, at a date and venue to be decided by a preparatory committee.*

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