

WIPO General Assembly

Fifty-Seventh (31st Extraordinary) Session Geneva, July 9 to 17, 2024

REPORT ON THE STANDING COMMITTEE ON THE LAW OF TRADEMARKS, INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS (SCT)

prepared by the Secretariat

1. During the period under consideration, the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) held two sessions, namely the Third Special Session* (October 2 to 6, 2023) and the forty-seventh session (March 18 to 20, 2024).
2. At its fifty-fifth (30th extraordinary) session, held in Geneva from July 14 to 22, 2022, the World Intellectual Property Organization (WIPO) General Assembly decided as follows (see document [WO/GA/55/12](#), paragraph 309):

“The General Assembly:

- “(a) considered the contents of document WO/GA/55/4;
- “(b) decided to convene a Diplomatic Conference to conclude and adopt a Design Law Treaty to take place no later than 2024;

* Third Special Session – Preparation of the Basic Proposal for the Diplomatic Conference to Conclude and Adopt a Design Law Treaty (DLT).

“(c) decided to convene a Preparatory Committee in the second half of 2023, to establish the necessary modalities of the Diplomatic Conference. The Preparatory Committee will consider at this time, the draft Rules of Procedure to be presented for adoption to the Diplomatic Conference, the list of invitees to participate in the conference, and the text of the draft letters of invitation, as well as any other document or organizational question relating to the Diplomatic Conference. The Preparatory Committee will also approve the Basic Proposal for the administrative and final provisions of the Treaty;

“(d) welcomed with gratitude the offer by some Member States to host the Diplomatic Conference no later than 2024;

“(e) directed the SCT to meet in a special session for five days in the second half of 2023, preceding the Preparatory Committee, to further close any existing gaps to a sufficient level. It is understood that the Preparatory Committee will invite Observer Delegations and Observers:

“(f) agreed that documents SCT/35/2 and SCT/35/3 as well as the 2019 proposal considered by the WIPO General Assembly, on draft Articles and Regulations on Industrial Design Law and Practice, will constitute the substantive articles of the Basic Proposal for the Diplomatic Conference. The Preparatory Committee shall incorporate in the Basic Proposal such further agreements of the SCT as are reached pursuant to paragraph (e) above, with the understanding that any Member State and the Special Delegation of the European Union may make proposals at the Diplomatic Conference.

“The WIPO General Assembly decided to convene Diplomatic Conferences to conclude and adopt international legal instruments relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources, and the Design Law Treaty, no later than 2024.”

3. In accordance with paragraph (e) of the above-noted WIPO General Assembly decision, the SCT met from October 2 to 6, 2023, for a special session of five days to work on the basic proposal for the Design Law Treaty and to close any existing gaps to a sufficient level. The session was chaired by Mr. Sergio Chuez Salazar (Peru) and attended by 127 delegations. The Summary by the Chair of the Third Special Session is published as document [SCT/S3/9](#).

4. The SCT considered two documents containing draft Articles and draft Regulations on Industrial Design Law and Practice (documents [SCT/S3/4](#) and [SCT/S3/5](#), respectively) as well as several proposals presented by delegations at the special session. The resulting text is reproduced in the Annex to document [SCT/S3/9](#) and was incorporated in the Basic Proposal for the Diplomatic Conference by a decision of the Preparatory Committee of the Diplomatic Conference to Conclude and Adopt a Design Law Treaty (DLT) (document [DLT/2/PM/6](#), paragraph 8).

5. In accordance with the above-noted WIPO General Assembly decision, the Preparatory Committee of the Diplomatic Conference to Conclude and Adopt a Design Law Treaty met from October 9 to 11, 2023. At this meeting, the Preparatory Committee considered and adopted the draft Rules of Procedure to be presented for adoption to the Diplomatic Conference, the list of invitees to participate in the conference, and the text of the draft letters of invitation (documents [DLT/2/PM/3](#), [DLT/2/PM/4 Rev.](#), and [DLT/2/PM/6](#), paragraphs 11 and 12). Furthermore, the Preparatory Committee approved the Basic Proposal for the administrative provisions and final clauses of the Treaty to be considered by the Diplomatic Conference (documents [DLT/2/PM/2](#) and [DLT/2/PM/6](#), paragraph 9, as contained in the Annex to document [DLT/2/PM/6](#)). The Preparatory Committee also approved that the Diplomatic Conference be hosted by the Government of the Kingdom of Saudi Arabia in Riyadh, from

November 11 to 22, 2024, and the related draft Agenda of the Diplomatic Conference (document [DLT/2/PM/6](#), paragraph 13).

FORTY-SEVENTH SESSION OF THE SCT

6. The forty-seventh session of the SCT was chaired by Ms. Loreto Bresky (Chile) and held in hybrid mode. The session was attended by 131 delegations. The Summary by the Chair of the forty-seventy session is published as document [SCT/47/3](#).

7. The SCT elected, for the forty-eighth session, Mr. Liu Jian (China) as Chair, and Ms. Lina Mickienė (Lithuania) and Mr. Sergio Chuez Salazar (Peru) as Vice-Chairs.

TRADEMARKS

8. The SCT considered a Joint Proposal Concerning the Protection of Country Names and Geographical Names of National Significance (document [SCT/43/6 Rev.2](#)), presented by the Delegations of Georgia, Iceland, Indonesia, Jamaica, Liechtenstein, Malaysia, Mexico, Monaco, Peru, Senegal, Switzerland and the United Arab Emirates. The Chair concluded that the SCT would continue the discussion on a revised version of that proposal at its next session.

9. The SCT also considered a Revised Proposal by the Delegation of Jamaica for a Joint Recommendation Concerning Provisions on the Protection of Country Names (document [SCT/43/9](#)) and concluded to maintain document [SCT/43/9](#) on the agenda of the SCT and to re-open the discussion thereof upon receipt of a revised proposal providing new developments.

10. The SCT further considered a joint proposal by the Delegations of Brazil, Ecuador, Georgia, Iceland, Indonesia, Jamaica, Liechtenstein, Malaysia, Mexico, Monaco, Peru, Senegal, Switzerland and the United Arab Emirates Concerning the Protection of Country Names and Geographical Names of National Significance in the Domain Name System (DNS) (document [SCT/41/6 Rev.2](#)) and decided to maintain this document on the agenda of the SCT and to re-open the discussion thereof upon new developments.

11. In addition, the SCT considered document [SCT/43/8 Rev.4](#), which contains additional and updated replies to the Questionnaire on Nation-Brand Protection in Member States. By way of background, the Questionnaire, proposed by the Delegations of Ecuador and Peru at the forty-second session of the SCT, was launched online in 2020. The Secretariat compiled all the returns into a document, presented to the SCT for consideration at its forty-third session (document [SCT/43/8](#)). The Questionnaire was re-opened for additional and updated replies, following the forty-third, forty-fourth, and forty-sixth sessions of the SCT. Document [SCT/43/8 Rev.4](#) reflects the overall number of replies received from Member States until May 3, 2023, *i.e.*, 78 replies. In this context, the SCT took note of the announcement by the Delegation of Ecuador to present a proposal on this topic for discussion at the next session of the SCT.

12. Finally, the SCT considered document [SCT/47/2](#) presenting updates on trademark-related aspects of the DNS and requested the Secretariat to keep members informed of future developments in the DNS.

13. A half-day Information Session on Nation Brands took place on March 18, 2024. The information session was presented in two parts, where speakers first explained the importance of nation brands in public policies and strategies and their impact on socioeconomic development and, in the second part, shared experiences on nation brand protection and their mechanisms.

14. The program and presentations of the information session are available at: https://www.wipo.int/meetings/en/details.jsp?meeting_id=81588.

INDUSTRIAL DESIGNS

15. The SCT considered an Updated Proposal by the Delegations of Canada, Israel, Japan, the Republic of Korea, the United Kingdom, the United States of America and the European Union and its Member States for a Joint Recommendation Concerning Industrial Design Protection for Designs for Graphical User Interfaces (document [SCT/44/6 Rev.4](#)) as well as a Proposal by the African Group for a Study on the Impact of Design Protection for Graphical User Interface (GUI) Designs on Innovation (document [SCT/46/5](#)).

16. The SCT agreed to request the Secretariat to organize a virtual Information Session on GUI design protection prior to the next session of the SCT and to continue, at its next session, the discussion on document [SCT/44/6 Rev.4](#) and a revised version of document [SCT/46/5](#).

17. The SCT also noted the progress in the implementation of the Digital Access Service (DAS) for industrial designs by members and the Chair concluded that the SCT would revert for an update to this item at its next session.

GEOGRAPHICAL INDICATIONS

18. The SCT considered proposals for topics for an Information Session on Geographical Indications and agreed to hold two half-day Information Sessions on Geographical Indications in conjunction with the forty-eighth session of the SCT. The program for these information sessions will consist of the following topics: (i) value of geographical indications around the world; and (ii) recognition of geographical indications as valid rights in domain name dispute resolution procedures. Moreover, the SCT invited members to submit to the forty-eighth session of the SCT, proposals for topics for an Information Session on Geographical Indications, to be held in conjunction with the forty-ninth session of the SCT.

19. In conjunction with the forty-seventh session of the SCT, a half-day Information Session on Geographical Indications took place on March 19, 2024, on the topic “Trademarks and Geographical Indications - Prior Rights Grounds for Refusal”. The information session addressed the topic in two parts, each one of which looking at it from a different angle. In the first part, speakers explained how they examine (*sui generis*) geographical indication applications against prior rights, including prior trademarks. In the second part, speakers explained examination of trademark applications against prior rights, in particular prior geographical indications.

20. The program and presentations of the information session are available at: https://www.wipo.int/meetings/en/details.jsp?meeting_id=81589.

21. *The WIPO General Assembly is invited to take note of the “Report on the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT)” (document WO/GA/57/5).*

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