

Working Group for the Preparation of Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement

Second Session
Geneva, April 3 to 5, 2017

SUMMARY BY THE CHAIR

adopted by the Working Group

1. The Working Group for the Preparation of Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement (hereinafter referred to as “the Working Group”) met in Geneva, from April 3 to 5, 2017.
2. The following Contracting Parties of the Lisbon Union were represented at the session: Algeria, Bulgaria, Costa Rica, Czech Republic, France, Gabon, Georgia, Hungary, Iran (Islamic Republic of), Israel, Italy, Mexico, Montenegro, Peru, Portugal, Republic of Moldova, Slovakia, Togo, Tunisia (19).
3. The following States were represented as observers: Albania, Australia, Canada, Chile, China, Colombia, Croatia, El Salvador, Estonia, Germany, Guatemala, Guinea, India, Japan, Kuwait, Latvia, Lebanon, Morocco, Panama, Republic of Korea, Russian Federation, Senegal, Spain, Switzerland, Turkey, Ukraine, Uganda, United States of America (28).
4. Representatives of the following international intergovernmental organizations (IGOs) took part in the session in an observer capacity: African Intellectual Property Organization (OAPI), European Union (EU), Food and Agriculture Organization of the United Nations (FAO), Organisation Internationale de la Francophonie (OIF), World Trade Organization (WTO) (5).
5. Representatives of the following international non-governmental organizations (NGOs) took part in the session in an observer capacity: Centre for International Intellectual Property Studies (CEIPI), European Communities Trade Mark Association (ECTA), International Trademark Association (INTA), International Wine Law Association (AIDV), Organization for an International Geographical Indications Network (oriGIn), MARQUES – Association of European Trademark Owners (6).

6. The list of participants is contained in document LI/WG/PCR/2/INF/1 Prov. 2*.

AGENDA ITEM 1: OPENING OF THE SESSION

7. Mr. Francis Gurry, Director General, opened the session.

AGENDA ITEM 2: ADOPTION OF THE AGENDA

8. The Working Group adopted the draft agenda (document LI/WG/PCR/2/1 Prov. 2) without modification.

AGENDA ITEM 3: ADOPTION OF THE DRAFT REPORT OF THE FIRST SESSION

9. The Working Group adopted the draft report (document LI/WG/PCR/1/6 Prov. 2) without modification.

AGENDA ITEM 4: DRAFT COMMON REGULATIONS UNDER THE LISBON AGREEMENT FOR THE PROTECTION OF APPELLATIONS OF ORIGIN AND THEIR INTERNATIONAL REGISTRATION AND THE GENEVA ACT OF THE LISBON AGREEMENT ON APPELLATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS

10. Discussions were based on documents LI/WG/PCR/2/2, LI/WG/PCR/2/3 and LI/WG/PCR/2/4.

11. The Working Group agreed to recommend to the Lisbon Union Assembly that, at its 2017 session:

(i) the draft Common Regulations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration and the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (hereinafter referred to as “the Common Regulations”), as amended by the Working Group, be adopted;

(ii) the proposal from the Republic of Moldova concerning draft Rule 8(10) of the Common Regulations (“Safeguard of the 1967 Act”), as set out in the Annex to the present document, be considered;

(iii) the amount of the fees referred to in Rule 8(1) of the draft Common Regulations be fixed, following a proposal by the Director General; and

(iv) the entry into force of the Common Regulations be set to coincide with the entry into force of the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.

12. Finally, the Chair requested the Secretariat to take note of the comments made on the draft Administrative Instructions for the Application of the Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration and the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.

* The final list of participants will be made available as an Annex to the Report of the session.

AGENDA ITEM 5: FINANCIAL SUSTAINABILITY OF THE LISBON UNION

13. Discussions were based on document LI/WG/PCR/2/5.
14. The Chair updated the Working Group on the payments of subventions under Article 11(3)(iii) of the Lisbon Agreement already received by the International Bureau from certain members of the Lisbon Union. He also noted that other members had announced their readiness to pay such subventions with a view to eliminating the projected biennial deficit of the Lisbon Union, in accordance with the decisions taken at the 2015 and 2016 Assemblies.
 15. The Working Group took note of the statements made on the importance of the Lisbon System for countries (including developing countries) and on the long-term financial sustainability of the Lisbon Union.
16. The Chair highlighted, in particular, the following main elements emerging from the statements by Lisbon Union members:
 - (i) the need to emphasize promotion activities of the Lisbon System including the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications;
 - (ii) the need to continue reviewing the Lisbon Fee Schedule on a regular basis, while taking into account that an increase in the amount of fees may act as a disincentive to join and use the Lisbon System; and
 - (iii) the need to ensure that any solution to the financial sustainability of the Lisbon System be in line with the existing WIPO budget principles and methodology, as well as with the principle of solidarity among all WIPO unions.
17. The Working Group agreed to recommend to the Lisbon Union Assembly to extend the mandate of the Working Group with a view to allowing further discussions on the development of the Lisbon System, including solutions for its financial sustainability.
18. The Chair also took note of the positions expressed by observer delegations which will be fully reflected in the Report of the session.

AGENDA ITEM 6: ADOPTION OF THE SUMMARY BY THE CHAIR

19. The Working Group approved the Summary by the Chair, as contained in the present document.

AGENDA ITEM 7: CLOSING OF THE SESSION

20. The Chair closed the session on April 5, 2017.

[Annex follows]

Rule 8
Fees

[...]

(10) *[Safeguard of the 1967 Act]* (a) Notwithstanding paragraph (1)(v), a declaration made under Article 7(4) of the Geneva Act, by a Contracting Party of the Geneva Act and the 1967 Act, shall have no effect in the relations with another Contracting Party that is party to the Geneva Act and the 1967 Act.

(b) The Assembly may, by a three-fourths majority, repeal subparagraph (a), or restrict the scope of subparagraph (a) [, after the expiry of a period of 10 years from the entry into force of the Geneva Act, but not before the expiry of a period of five years from the date on which the majority of the Contracting Parties to of the 1967 Act have become party to the Geneva Act]. Only Contracting Parties of the Geneva Act and the 1967 Act shall have the right to vote.

[End of Annex and of document]