

WIPO



SCT/15/4

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

STANDING COMMITTEE ON THE LAW OF TRADEMARKS, INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS

Fifteenth Session

Geneva, November 28 to December 2, 2005

SUMMARY BY THE CHAIR

Agenda Item 1: Opening of the Session

1. Mr. Ernesto Rubio, Assistant Director General of the World Intellectual Property Organization (WIPO), opened the session and welcomed the delegates on behalf of the Director General of WIPO.

Agenda Item 2: Adoption of the Agenda

2. The SCT adopted the Draft Agenda (document SCT/15/1 Prov.) without modifications.

Agenda Item 3: Adoption of the Draft Report of the Fourteenth Session

3. The SCT adopted the Draft Report (document SCT/14/8 Prov.2) with one modification, as requested by the Delegation of Italy.

Agenda Item 4: Questionnaire on Trademark Law and Practice

4. Discussion was based on document SCT/14/5 Rev.

5. The Chair concluded that this document would be updated periodically on the basis of submissions by Members.

Agenda Item 5: Proposals for the Future Work of the SCT

6. Discussion was based on proposals by Members of the SCT as reflected in document SCT/15/2 (Compilation of Proposals for Future Work of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications) and made in the meeting, and on document SCT/15/3 (Article 6^{ter} of the Paris Convention: Legal and Administrative Aspects).

(a) Trademarks

Harmonization of Substantive Trademark Law

7. The Chair concluded that, while some delegations had indicated their interest in initiating work on harmonizing certain aspects of trademark law, such as on possible grounds for refusal, other delegations had expressed reservations. Therefore, there was, at this point, no agreement in the SCT to move forward on this topic.

New Types of Marks

8. The Chair concluded that the SCT agreed to ask the International Bureau to prepare an issues paper on this matter.

9. During the adoption of the Summary by the Chair, the Delegation of Cuba reserved its position concerning this matter.

Well-Known Marks

10. The Chair concluded that, at this point, there was no agreement in the SCT to take any action on this topic.

Collective and Certification Marks

11. The Chair concluded that, at this point, there was no agreement in the SCT to undertake work on this topic.

Trademarks on the Internet

12. The Chair concluded that the SCT felt that it was important to address this subject so as to enable delegations to assess whether there was a need for further action in that area.

13. During the adoption of the Summary by the Chair, the Delegation of Cuba reserved its position concerning this matter.

Marks and International Nonproprietary Names for Pharmaceutical Substances

14. The Chair concluded that there was consensus to ask the International Bureau to consult with the Secretariat of the World Health Organization on appropriate ways to make information on INNs available to Member States and to report back to the SCT.

Opposition Proceedings

15. The Delegations of Japan and the United States of America proposed that the Committee consider the issue of opposition proceedings.
16. After an exchange of views, the Chair concluded that there was agreement in the SCT to ask the International Bureau to prepare an information document.
17. During the adoption of the Summary by the Chair, the Delegation of Cuba reserved its position concerning this matter.

Trademarks and Copyright

18. The Delegation of Chile proposed that the Committee consider the relationship between trademarks and some aspects of copyright law.
 19. The Chair concluded that there was agreement in the SCT to ask the International Bureau to prepare an issues paper on this matter.
- (b) Article 6ter of the Paris Convention
20. The Chair concluded that the SCT agreed to undertake work on issues concerning Article 6ter and to further explore the specific items to be covered in that context.
 21. The Delegations of Brazil and Cuba reserved their position with regard to the specific items to be dealt with in that context.

(c) Industrial Designs

Industrial Designs and Three-Dimensional Marks

22. The Chair concluded that there was agreement in the SCT to continue work on this item, including the relationship between industrial designs and works of applied art, on the basis of document SCT/9/6.
23. The Delegation of Iran (Islamic Republic of) reserved its position with regard to the protection of three-dimensional marks.

Design Law Treaty

24. The Chair concluded that, at this point, there was no agreement in the SCT to initiate work on the harmonization of formalities concerning the procedures for design registration, but that the SCT was willing to consider that matter further on the basis of an information document to be prepared by the International Bureau.
- (d) Geographical Indications
25. The Chair concluded that all intervening delegations had expressed interest on various aspects of this subject. However, there was no agreement in the SCT on any concrete action to be undertaken.

26. The Chair concluded that the discussion on item 5 of the Agenda had revealed interest of the SCT to undertake work in a number of areas as set out in his conclusions on individual points under that item. However, the SCT was not in agreement as to a particular sequence in which those points should be addressed. There was agreement in the SCT that the draft Agenda for the next session should be based on the Agenda for the current session, it being understood that the International Bureau would prepare the working documents which the SCT had expressly requested.

27. The Chair announced as tentative dates for SCT/16, November 13 to 17, 2006.

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