

WIPO



SCT/21/7

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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

Twenty-First Session
Geneva, June 22 to 26, 2009

SUMMARY BY THE CHAIR

approved by the Standing Committee

Agenda Item 1: Opening of the Session

1. Mr. Francis Gurry, Director General, opened the session and welcomed the participants.
2. Mr. Ernesto Rubio, Assistant Director General, reported on the work done by the International Bureau in preparation for the twenty-first session of the Standing Committee in connection with each of the topics proposed for discussion.
3. Mr. Marcus Höpperger (WIPO) acted as Secretary to the Standing Committee.

Agenda Item 2: Election of a Chair and two Vice-Chairs

4. Mr. Park Seong-Joon (Republic of Korea) was elected as Chair of the twenty-first session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), and Mr. Adil El Maliki (Morocco) was elected as Chair of the twenty-second session of the SCT. Mr. Imre Gonda (Hungary) and Mr. Joseph Kahwagi Rage (Mexico) were elected as Vice-Chairs for the twenty-first and the twenty-second sessions of the SCT.

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Agenda Item 3: Adoption of the Agenda

5. The SCT adopted the Draft Agenda (document SCT/21/1 Prov.) without modifications.

Agenda Item 4: Adoption of the Draft Report of the Twentieth Session

6. The SCT adopted the Draft Report of the Twentieth Session (document SCT/20/5 Prov.2) with modifications as requested by the Delegations of Guatemala, Jamaica, Japan, Spain, the Republic of Korea and the United States of America.

Agenda Item 5: Industrial Designs

Possible Areas of Convergence in Industrial Design Law and Practice

7. Discussion was based on document SCT/21/4.
8. The SCT considered document SCT/21/4 in detail. The Chair concluded that all comments by delegations would be recorded in the report of the twenty-first session of the SCT. The Secretariat was requested to prepare a revised working document on possible areas for convergence on industrial design law and practice in SCT Members to be considered by the SCT at its twenty-second session. This document should indicate the changes suggested during the twenty-first session of the SCT and contain a summary of the comments made by delegations at that session.. The preparation of this revised working document will be without prejudice to the position delegations may have with regard to any possible area of convergence on industrial design law and practice.
9. Furthermore, the SCT requested the Secretariat to prepare a working document, for consideration at its twenty-second session, examining the possible extension of the WIPO Digital Access Service for Priority Documents “DAS” to priority documents for industrial designs and for trademarks.

Agenda Item 6: Trademarks

Grounds for Refusal of all Types of Marks

10. Discussion was based on document SCT/21/2.
11. The SCT considered document SCT/21/2 in detail. The Chair concluded that all comments by delegations would be recorded in the report of the twenty-first session of the SCT. The Secretariat was requested to prepare a revised working document on grounds for refusal of all types of marks to be considered by the SCT at its twenty-second session, taking into consideration the comments made by delegations during the twenty-first session. Moreover, SCT Members were invited to present submissions on individual items of document SCT/21/2 concerning, in particular, trademark office practice in specific cases and, where available, specific graphic examples, by July 31, 2009.

Technical and Procedural Aspects Relating to the Registration of Certification and Collective Marks

12. Discussion was based on document SCT/21/3.

13. The SCT considered document SCT/21/3 in detail. The Chair concluded that all comments by delegations would be recorded in the report of the twenty-first session of the SCT. The Secretariat was requested to prepare a revised working document on technical and procedural aspects relating to the registration of certification and collective marks, taking into consideration the comments made by delegations during the twenty-first session. After reconsideration of the document by the twenty-second session of the SCT, the document will be made available on the WIPO webpage for reference purposes.

14. In that context, the Chair suggested that the Secretariat create a dedicated webpage that would allow users to identify SCT reference documents by subject matter.

Article 6ter of the Paris Convention

15. The SCT considered documents SCT/21/5 and SCT/21/6. The Chair concluded that the Secretariat was requested to prepare a draft questionnaire concerning the protection of official names of States against registration or use as trademarks for consideration by the SCT at its twenty-second session. That questionnaire should also make reference to the concept of geographical deceptiveness. Following the twenty-second session of the SCT, the final version of the questionnaire will be circulated to SCT Members. Returns to the questionnaire will be compiled by the Secretariat and presented for consideration at the twenty-third session of the SCT.

Agenda Item 7: Geographical Indications

16. The Chair noted that there were no working documents or proposals for discussion at this meeting.

Twenty-Second Session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT/22)

Agenda Item 8: Summary by the Chair

17. The SCT approved the Summary by the Chair as contained in the present document.

18. The Chair announced as tentative dates for SCT/22, November 23 to 26, 2009.

Agenda Item 9: Closing of the Session

19. The Chair closed the session on June 26, 2009.

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