

WIPO



SCT/8/6

ORIGINAL:English

DATE:May31,2002

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

E

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

Eighth Session
Geneva, May 27 to 31, 2002

SUMMARY BY THE CHAIR

Agenda Item 1: Opening of the Session

1. Mr. Shozo Uemura, Deputy Director General, opened the meeting and welcomed the delegates on behalf of the Director General. Mr. Ernesto Rubio, Director of the Trademarks, Industrial Designs and Geographical Indications Department, made a brief introduction of the agenda items proposed for discussion.

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

2. Mr. Željko Topić (Croatia), was elected Chair of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT). Mrs. Valentina Orlova (Russian Federation) and Miss Nabila Kadri (Algeria) were elected as Vice-Chairs.

Agenda Item 3: Adoption of the Draft Agenda

3. The SCT adopted the Draft Agenda (document SCT/8/1) without modifications.

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

4. The SCT adopted the Draft Report of the seventh session (document SCT/7/4 Prov.2) with an amendment in paragraph 34.

Agenda Item 5: Trademarks

Proposals for further harmonization of formalities and procedures in the field of marks

5. After an extended discussion, the SCT decided that the International Bureau should revise document SCT/8/2 according to the comments made by the SCT members at the eighth session on Article 8, Article 13 *bis* and Article 13 *ter*, and related rules. The SCT agreed that the revised draft documents should be put on the SCT Electronic Forum as soon as possible and be open for comments on the above mentioned articles.

Suggestions for the further development of international trademark law

6. The SCT decided that the International Bureau should circulate before the ninth session a questionnaire to the SCT members on the different issues having been discussed at this session and prepare an expanded document based notably on the comments made by SCT members at the eighth session and therepliesto the questionnaire.

Agenda Item 6: Geographical Indications

7. The SCT thoroughly discussed the issues of definition of geographical indications, protection of a geographical indication in its country of origin, and protection of geographical indications abroad, on the basis of Document SCT/8/5. The SCT decided that two half days should be devoted at its next session for discussion on the other topics which were not approached (i.e., generics, conflict between trademarks and geographical indications and between homonymous geographical indications). The SCT further decided that the rest of the available time for this agenda item should be devoted to the continuation of the discussions, on the basis of two documents to be prepared by the International Bureau on respectively the questions of definition and territoriality.

8. In this respect, the SCT agreed that the following issues, which came out at the eighth session, should be further developed in two documents to be prepared by the International Bureau: As far as the question of definition is concerned: Application of the definition at the national level by different systems of protection; practical differences between the system of protection of geographical indications such as appellations of origin and the system of protection under collective and certification marks; links, reputation. This part should also address the questions whether the goods on which a geographical indication is used must necessarily be produced in a particular place; if the product needs to be tied to that place and cannot be produced anywhere else; and what can be considered as the size of the place of origin (varying from a tiny wineyard to an entire country). As far as the question of territoriality is concerned, two aspects should be taken into consideration: whether the criteria for eligibility are determined by the country of origin of the geographical indication or by the country where the protection is sought; and how the exceptions are applied, notably relating to the concepts of grandfathering and generics.

Agenda Item 7: Future Work

9. The ninth session would tentatively be held from November 11 to 15, 2002, in Geneva, and would last five full working days. The SCT agreed that the agenda of the ninth session would consist of the following substantive items:

- Trademarks;

-GeographicalIndications;
-IndustrialDesigns

[Endofdocument]