

Special Union for the Protection of Appellations of Origin and their International Registration (Lisbon Union)

Assembly

**Twenty-Eighth (9th Extraordinary) Session
Geneva, October 1 to 9, 2012**

REPORT

adopted by the Assembly

1. The Assembly was concerned with the following items of the Consolidated Agenda (document A/50/1): 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 32, 37 and 38.
2. The reports on the said items, with the exception of item 32 are contained in the General Report (document A/50/18).
3. The report on item 32 is contained in the present document.
4. Ms. Branka Totić (Serbia), Chair of the Assembly, presided over the meeting.

ITEM 32 OF THE CONSOLIDATED AGENDA: LISBON SYSTEM

5. Discussions were based on document LI/A/28/1.

6. The Chair of the Working Group on the Development of the Lisbon System (hereinafter referred to as “the Working Group”), Mr. Mihály Ficsor (Hungary), reported on the activities of the Working Group since the previous session of the Assembly, while recalling that, at its twenty-seventh (19th ordinary) session held in Geneva, from September 26 to October 5, 2011, the Assembly of the Lisbon Union had adopted some amendments to the Regulations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration and taken note of the considerable progress made, and the planned work ahead, in the review of the Lisbon system. Since then, these amendments had entered into force, on January 1, 2012, and two further meetings of the Working Group had taken place – i.e., the fourth session, in December 2011, and the fifth session, in June 2012.

7. He said that, since its fourth session, in December 2011, the Working Group had been discussing the further development of the Lisbon system and the contemplated establishment of an international registration system for geographical indications and appellations of origin on the basis of draft treaty texts. As a result of the discussions held so far under this two-fold mandate, the Working Group had agreed that it would continue its work towards: (i) a revision of the Lisbon Agreement that would involve the refinement of its current legal framework and the inclusion of the possibility of accession by intergovernmental organizations, while preserving the principles and objectives of the Agreement; and (ii) the establishment of an international registration system for geographical indications. However, as further reflection was needed as to how those elements could be combined in substantive and procedural terms, the Working Group had not yet been in a position to recommend: (i) when a diplomatic conference might be convened; and (ii) whether its work should result in a revised Act of the Lisbon Agreement, a protocol supplementing the Lisbon Agreement or an entirely new treaty.

8. At its next session, scheduled for the first week of December 2012, the Working Group would continue its examination of the draft new instrument and draft regulations, on the basis of revised versions prepared by the International Bureau, taking into account the comments and drafting suggestions made during the previous session. In terms of substance, the revised versions should reflect, in particular, that the prevailing view in the Working Group was that the level of protection should be high and the same for both geographical indications and appellations of origin.

9. Finally, the Chair welcomed the establishment by the International Bureau, in line with the desire of the Working Group, of an electronic forum which participants could use to exchange comments and drafting suggestions between Working Group sessions, for information purposes only and without prejudice to the role of the Working Group and the formal discussions therein.

10. In conclusion, the Chair of the Working Group on the Development of the Lisbon System wholeheartedly recommended the Assembly to take note of document LI/A/28/1.

11. The Delegation of Iran (Islamic Republic of) expressed its appreciation for the work carried out by the Working Group on the Development of the Lisbon System to make it more attractive for a greater number of countries. The Delegation further indicated that even though it supported the process of developing the Lisbon system it was also of the view that the refinement of the current legal framework and the establishment of an international registration system for the protection of geographical indications should be in line with the general principles

and objectives of the Lisbon Agreement. The Delegation was of the view that the establishment of a worldwide international registration system for geographical indications would prevent their misuse and misappropriation, which was of particular importance for developing countries, and therefore attached great importance to the work before the Working Group. Lastly, the Delegation welcomed the electronic forum established by the International Bureau for exchanging information between sessions of the Working Group, as it would enrich the formal discussions within the Working Group.

12. The Delegation of Georgia welcomed the efforts of the Working Group to come up with a draft new instrument and regulations, and said that it was flexible as regards the legal form of the new instrument, i.e., whether it would be a revision of the Lisbon Agreement, a new treaty, or a protocol supplementing the Lisbon Agreement. The Delegation underlined the importance of having an adequate international instrument that would confer the same level of protection to geographical indications and appellations of origin and establish an international registration system for geographical indications.

13. The Delegation of the Czech Republic expressed its great satisfaction with the work carried out so far by the Working Group and also welcomed the electronic forum established by the International Bureau.

14. The Delegation of Peru said that it was convinced of the need to strengthen and promote the universalization of the international protection system for geographical indications and appellations of origin established under the Lisbon Agreement. In that regard, the Delegation expressed its support for any proposal that was in line with the objectives embodied in the Agreement, notably its Articles 1 to 4. The Delegation further indicated that it would continue to participate actively in the Working Group on the Development of the Lisbon System and that it was of the view that the documents entitled "Draft New Instrument on the International Registration of Geographical Indications and Appellations of Origin" (document LI/WG/DEV/5/2) and "Draft Regulations under the Draft New Instrument" (document LI/WG/DEV/5/3) were a good basis for the negotiations, in respect of which the Delegation of Peru would continue to make contributions.

15. The Assembly took note of document LI/A/28/1 and of the statements made.

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