



LI/A/39/1
ORIGINAL: ENGLISH
DATE: JULY 8, 2022

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

Assembly

**Thirty-Ninth (15th Extraordinary) Session
Geneva, July 14 to July 22, 2022**

PROPOSED AMENDMENTS TO THE COMMON REGULATIONS UNDER THE LISBON AGREEMENT AND THE GENEVA ACT OF THE LISBON AGREEMENT

Document prepared by the Secretariat

INTRODUCTION

1. The entry into force of the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (hereinafter referred to as “the Geneva Act”) on February 26, 2020, brought to light the need to consider amendments to the 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”) to simplify and streamline the procedures under the Lisbon System for the International Registration of Appellations of Origin and Geographical Indications (hereinafter referred to as “the Lisbon System”), also with the aim of providing greater clarity to the users of the Lisbon System.

2. Hence, at its fourth session, which took place from June 14 to 16, 2022, the Working Group on the Development of the Lisbon System (hereinafter referred to as “the Working Group”) recommended amendments to Rules 7, 8, 9, 15 and 16 of the Common Regulations,

for their adoption by the Lisbon Union Assembly at its thirty-ninth (15th extraordinary) session (see paragraph 12 of document LI/WG/DEV-SYS/4/3).

3. Discussions in the Working Group were based on document LI/WG/DEV-SYS/4/2 and on alternative proposals for amendments submitted by Delegations during the Working Group. Relevant background information on the proposed amendments to the Common Regulations is given in the following paragraphs. The proposed amendments are reproduced in the Annex to the present document (proposed amendments are underlined or struck through).

PROPOSED AMENDMENTS TO THE COMMON REGULATIONS

4. The proposed amendments to Rule 7(4)(a) would clarify that, in case of ratification of, or accession to, the Geneva Act by a State party to the 1967 Act, only those modifications concerning a mandatory element listed under Rule 5(2) of the Common Regulations would be subject to payment of the modification fee specified in Rule 8(1), while those modifications effected in order to comply with any additional notification-based requirement under Rule 5(3) or 5(4) of the Common Regulations would not be subject to payment of the modification fee.

5. The proposed amendments to Rule 8(1)(ii) would streamline the amount of the fee to be paid in respect of one or several modifications submitted in the same request. The fee for one modification only would remain at 500 Swiss francs, while it is proposed to introduce a complementary fee for one or several additional modifications submitted in the same request for a total additional amount of 300 Swiss francs. The proposed amendments to the footnote clarify that these amounts would be reduced to 50 per cent for those international registrations referring to a geographical area of origin located in a least developed country (LDC).

6. The proposed amendments to Rule 9(1)(b) and (c) of the Common Regulations are merely editorial and seek to correct an ambiguity that exists in Rule 9(1), as currently drafted. More specifically, the proposed amendments would clarify that the general principle introduced in subparagraph (c) to facilitate the identification of the start date of the refusal period, would apply to all refusals received in accordance with subparagraph (b). Subparagraph (b) should indeed be read in conjunction with subparagraph (c), rather than separately.

7. With respect to modifications concerning beneficiaries, the proposed amendments to Rule 15(1) would merge subparagraphs (i) and (ii) into a single subparagraph (i) in order to streamline the procedure concerning the request for those modifications and reduce error for the users of the Lisbon System.

8. The proposed amendments to Rules 16(2) and 15(1)(vi) of the Common Regulations would make the extension of the geographical coverage of international registrations more accessible for the users of the Lisbon System in the case of a renunciation under Rule 6(1)(d). Holders of international registrations, who decide to withdraw a renunciation under Rule 6(1)(d), would simply need to correct the irregularity with respect to a requirement based on a notification under Rule 5(3) or (4), or on a declaration made under Article 7(4) of the Geneva Act, to extend the protection of their international registration to a Contracting Party that requested any of those additional requirements. The withdrawal of renunciation would not be classified as a modification and would not be subject to payment of the modification fee.

DATE OF ENTRY INTO FORCE

9. The Working Group recommended that the proposed amendments to Rules 7, 8, 9, 15 and 16 of the Common Regulations, as reproduced in the Annex to the present document, enter into force on January 1, 2023 (see paragraph 12 of document LI/WG/DEV-SYS/4/3).

10. The Assembly of the Lisbon Union is invited to adopt the amendments to the 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, as set out in the Annex to document LI/A/39/1, with January 1, 2023, as their date of entry into force.

[Annex follows]

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

as in force on [January 1, 2023](#)~~December 8, 2021~~

[...]

Chapter II
Application and International Registration

Rule 7

Entry in the International Register

[...]

(4) *[Implementation of Articles 29(4) and 31(1) of the Geneva Act]*

(a) In case of the ratification of, or accession to, the Geneva Act by a State that is party to the 1967 Act, Rules 5(2) to (4) shall apply *mutatis mutandis* with regard to international registrations or appellations of origin effective under the 1967 Act in respect of that State. The International Bureau shall verify with the Competent Authority concerned any modifications to be made, in view of the requirements of Rules 3(1) and 5(2) to (4), for the purpose of their registration under the Geneva Act and shall notify international registrations thus effected to all other Contracting Parties that are party to the Geneva Act. Modifications [relating to Rule 5\(2\)](#) shall be subject to payment of the fee specified in Rule 8(1)(ii).

[...]

Rule 8

Fees

(1) *[Amount of Fees]* The International Bureau shall collect the following fees, payable in Swiss francs:

(i)	fee for international registration ³	1000
(ii)	fee for each one modification of an international registration ³ complementary fee for additional modification(s) submitted in the same request	500 300
(iii)	fee for providing an extract from the International Register	150
(iv)	fee for providing an attestation or any other written information concerning the contents of the International Register	100
(v)	individual fees as referred to in paragraph (2).	

[...]

³ For an international registration referring to a geographical area located in a least developed country (LDC), in accordance with the lists established by the United Nations, the fee is reduced to 50 per cent of the prescribed amount (rounded to the nearest full figure). In such case, the fee will amount to 500 Swiss francs for an international registration referring to a geographical area of origin located in an LDC, ~~and~~ to 250 Swiss francs for ~~each one~~ modification of an international registration referring to a geographical area of origin located in an LDC, ~~and to 150 Swiss francs for a complementary fee for additional modification(s) submitted in the same request.~~ These fee reductions will apply three years after the entry into force of the Geneva Act.

Chapter III Refusal and Other Actions in Respect of International Registration

Rule 9 Refusal

(1) *[Notification to the International Bureau]*

[...]

(b) The refusal shall be notified within a period of one year from the receipt of the notification of the international registration under Article 5(2) of the 1967 Act or under ~~the~~ Article 6(4) of the Geneva Act. In the case of Article 29(4) of the Geneva Act, this time limit may be extended by another year.

(c) Unless demonstrated to the contrary by the Competent Authority referred to in subparagraph (a), the notification of an international registration referred to in subparagraph (b) shall be deemed to have been received by the Competent Authority 20 days after the date indicated in the notification.

[...]

Rule 15 Modifications

(1) *[Permissible Modifications]* The following modifications may be recorded in the International Register:

(i) a modification of the beneficiaries consisting in the addition or deletion of a beneficiary or some beneficiaries, or a modification of the names or addresses of the beneficiaries or of the natural person or legal entity referred to in Article 5(2)(ii) of the Geneva Act;

(ii) ~~a modification of the names or addresses of the beneficiaries or of the natural person or legal entity referred to in Article 5(2)(ii) of the Geneva Act; [Deleted]~~

(iii) a modification of the limits of the geographical area of production or the geographical area of origin of the good or goods to which the appellation of origin, or the geographical indication, applies;

(iv) a modification relating to the legislative or administrative act, the judicial or administrative decision, or the registration referred to in Rule 5(2)(a)(vii);

(v) a modification relating to the Contracting Party of Origin that does not affect the geographical area of production or the geographical area of origin of the good or goods to which the appellation of origin, or the geographical indication, applies.;

(vi) ~~a modification under Rule 16. [Deleted]~~

[...]

Rule 16
Renunciation of Protection

[...]

(2) *[Withdrawal of a Renunciation]* (a) Any renunciation, including a renunciation under Rule 6(1)(d), may be withdrawn, in whole or in part, at any time by the Competent Authority of the Contracting Party of Origin or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act or the Competent Authority of the Contracting Party of Origin, subject to ~~payment of the fee for a modification and, in the case of a renunciation under Rule 6(1)(d),~~ the correction of the irregularity in the case of a renunciation under Rule 6(1)(d).

[...]

[End of Annex and of document]