

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

### **Assembly**

**Fortieth (25<sup>th</sup> Ordinary) Session**  
**Geneva, July 6 to 14, 2023**

### **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 fifth session, which took place from January 24 to 26, 2023, the Working Group on the Development of the Lisbon System (hereinafter referred to as “the Working Group”) recommended amendments to Rule 5 of the Common Regulations as well as corrections of the Spanish version of the Common Regulations, for their adoption by the Lisbon Union Assembly at its fortieth (25<sup>th</sup> ordinary) session (see paragraphs 13 and 16 of document LI/WG/DEV-SYS/5/4).

3. Relevant background information on the proposed amendments to the Common Regulations is given in the following paragraphs.

## **PROPOSED AMENDMENTS TO THE COMMON REGULATIONS**

### **AMENDMENTS TO RULE 5 OF THE COMMON REGULATIONS**

4. In the course of the discussions at the fourth session of the Working Group, which took place from June 14 to 16, 2022, the Delegation of the European Union suggested deleting Rule 5(4) of the Common Regulations. Upon taking note of the positions expressed by delegations in that regard, the Chair invited the Delegation of the European Union to resubmit a written proposal for further consideration at the fifth session of the Working Group (see paragraph 13 of document LI/WG/DEV-SYS/4/3).

5. Consequently, in a communication dated December 2, 2022, the Permanent Delegation of the European Union on behalf of the European Union and its member states transmitted to the International Bureau of the World Intellectual Property Organization (WIPO) a proposal suggesting the deletion of Rule 5(4) of the Common Regulations (see Annex to document LI/WG/DEV-SYS/5/2).

6. Discussions in the Working Group were based on document LI/WG/DEV-SYS/5/2. The proposed amendments relating to the deletion of Rule 5(4) of the Common Regulations are reproduced in the Annex to the present document (proposed amendments are underlined or struck through).

### **PROPOSED CORRECTIONS OF THE SPANISH VERSION OF THE COMMON REGULATIONS**

7. Following the adoption of the amendments to the Common Regulations by the Assembly of the Lisbon Union, at its thirty-ninth (15<sup>th</sup> extraordinary) session, which took place from July 14 to 22, 2022 (see paragraph 20 of document LI/A/39/2), and the corresponding update of all the language versions of the Common Regulations, a number of translation inaccuracies were identified in the Spanish version of the Common Regulations.

8. The International Bureau therefore proposed, at the fifth session of the Working Group, that the Spanish version of the Common Regulations be corrected to further align the Spanish version of the Common Regulations with the other language versions thereof.

9. Discussions in the Working Group were based on document LI/WG/DEV-SYS/5/3. The proposed corrections of the Spanish version of the Common Regulations are only set out in Annex II of the Spanish version of document LI/A/40/1.

## **DATE OF ENTRY INTO FORCE**

10. Taking into account the nature of the amendments to the Common Regulations recommended by the Working Group at its fifth session, it is proposed that they enter into force with immediate effect, namely on July 14, 2023, instead of October 1, 2023 (see paragraph 13 of document LI/WG/DEV-SYS/5/4).

11. *The Assembly of the Lisbon Union is invited to:*

*(i) 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/40/1, and*

*(ii) adopt the proposed corrections to the Spanish version of the Common Regulations, as set out in the Spanish version of document LI/A/40/1,*

*with July 14, 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 ~~July 14, 2023~~ January 1, 2023

[...]

**Chapter II**  
**Application and International Registration**

**Rule 5**  
Requirements Concerning the Application

[...]

4) ~~*[Application Governed by the Geneva Act — Signature and/or Intention to Use]*~~ (a) ~~To the extent that a Contracting Party of the Geneva Act requires that for protection of a registered appellation of origin or geographical indication the application governed by the Geneva Act be signed by a person having legal standing to assert the rights conferred by such protection, it shall notify that requirement to the Director General.~~

~~(b) — To the extent that a Contracting Party requires that for protection of a registered appellation of origin or geographical indication the application governed by the Geneva Act be accompanied by a declaration of intention to use the registered appellation of origin or geographical indication in its territory or a declaration of intention to exercise control over the use by others of the registered appellation of origin or geographical indication in its territory, it shall notify that requirement to the Director General.~~

~~(c) — An application governed by the Geneva Act that is not signed in accordance with subparagraph (a), or that is not accompanied by a declaration indicated in subparagraph (b), shall, subject to Rule 6, have the effect that protection is renounced in respect of the Contracting Party requiring such signature or declaration, as notified under subparagraphs (a) and (b). [\[Deleted\]](#)~~

[...]

**Rule 6**  
Irregular Applications

[...]

(1) *[Examination of the Application and Correction of Irregularities]*

[...]

(d) In the case of an irregularity with respect to a requirement based on a notification made under Rule 5(3) ~~or (4)~~, or on a declaration made under Article 7(4) of the Geneva Act, if the correction of the irregularity is not received by the International Bureau within the three-month period referred to in subparagraph (a), the protection resulting from the international registration shall be considered to be renounced in the Contracting Party that has made the notification or the declaration.

[...]

## 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 and (3) 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 and (3) 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).

[...]

[End of Annex and of document]