

WIPO General Assembly

Fifty-Fifth (30th Extraordinary) Session Geneva, July 14 to 22, 2022

MATTERS CONCERNING THE CONVENING OF A DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A DESIGN LAW TREATY (DLT)

Document prepared by the Secretariat

1. At its forty-seventh (22nd ordinary) session, held in Geneva from October 5 to 14, 2015, the World Intellectual Property Organization (WIPO) General Assembly agreed the following (see document WO/GA/47/19, paragraph 123)*:

“That the text of the basic proposal for the Design Law Treaty should be finalized by the SCT at its thirty-fourth and thirty-fifth sessions;

“(i) to convene a diplomatic conference for the adoption of a Design Law Treaty at the end of the first half of 2017, only if the discussions on technical assistance and disclosure have been completed during the thirty-fourth and thirty-fifth sessions of the SCT;

“(ii) that the text of the basic proposal for the Design Law Treaty should be finalized by the SCT at its thirty-fourth and thirty-fifth sessions;

“(iii) that, if a diplomatic conference is convened at the end of the first half of 2017, the date and venue of the diplomatic conference would be decided in a preparatory committee, to be held back-to-back with the thirty-fifth session of the SCT.”

2. The Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), at its thirty-fourth session (November 16 to 18, 2015) and thirty-fifth session (April 25 to 27, 2016), continued discussions on the text of a basic proposal for the Design Law Treaty (DLT), with a view to finalizing the text, as mandated by the WIPO General Assembly.

* For a detailed narrative of WIPO General Assembly sessions dealing with the convening of a diplomatic conference for the adoption of a Design Law Treaty, see document WO/GA/47/8.

3. At the end of the thirty-fifth session of the SCT, the Chair concluded that a number of delegations were of the opinion that the work of the SCT was sufficient to consider that the basic proposal (contained in documents SCT/35/2 and 3) was finalized. Other delegations considered that the work of the SCT constituted a sufficient ground for finalizing the basic proposal and that a few elements needed further work. Other delegations considered that the work of the SCT was not sufficient to finalize the basic proposal (see document SCT/35/7, paragraph 7).
4. At its forty-eighth (26th extraordinary) session, held in Geneva from October 3 to 11, 2016, the WIPO General Assembly:

“decided that, at its next session in October 2017, it will continue considering the convening of a diplomatic conference on the Design Law Treaty, to take place at the end of the first half of 2018” (see document WO/GA/48/17, paragraph 146).
5. At its forty-ninth (23rd ordinary) session, held in Geneva from October 2 to 11, 2017, the WIPO General Assembly:

“decided that, at its next session in 2018, it will continue considering the convening of a diplomatic conference on the Design Law Treaty, to take place at the end of the first half of 2019” (see document WO/GA/49/21, paragraph 149).
6. At its fiftieth (27th extraordinary) session, held in Geneva from September 24 to October 2, 2018, the WIPO General Assembly continued considering the convening of a diplomatic conference on the DLT. At the end of that session, the WIPO General Assembly:

“decided that, at its next session in 2019, it will continue considering the convening of a diplomatic conference on the Design Law Treaty, to take place at the end of the first half of 2020” (see document WO/GA/50/15, paragraph 166).
7. At its fifty-first (24th ordinary) session, held in Geneva from September 30 to October 9, 2019, the WIPO General Assembly continued considering the convening of a diplomatic conference for the adoption of a DLT. At that session, Ambassador Socorro Flores Liera (Mexico) held, on behalf of the Chair of the WIPO General Assembly, informal consultations and presented a compromise proposal to the WIPO General Assembly (see document WO/GA/51/18, paragraph 150). However, this proposal was not adopted and the WIPO General Assembly:

“decided that, at its next session in September 2020, it will continue considering the convening of a diplomatic conference on the Design Law Treaty, to take place at the end of the first half of 2021” (see document WO/GA/51/18, paragraph 155).
8. Following this decision, the SCT held its forty-second session (November 4 to 7, 2019), at which the Chair concluded that “the SCT noted the decision of the General Assembly to continue considering this matter at its next session in 2020” (see document SCT/42/8, paragraph 7).
9. At its fifty-third (29th extraordinary) session, held in Geneva (hybrid) from September 21 to 25, 2020, the WIPO General Assembly did not consider the convening of a diplomatic conference for the adoption of a DLT, due to the fact that the agenda of this session was shortened owing to the COVID-19 pandemic.
10. At its fifty-fourth (25th ordinary) session, held in Geneva (hybrid) from October 4 to 8, 2021, the WIPO General Assembly revisited the matter under consideration. In particular, the Chair, underlining the efforts made to advance on that important issue, referred to the Director General’s statement highlighting the need of more infrastructure for the Organization in

terms of norms, in order to be more efficient and more productive. The Chair said that, while he did not underestimate the different positions expressed by delegations, he believed that a DLT would add strong value to the work and give an impetus to creation. The Chair also thanked former Ambassador Socorro Flores Liera (Mexico), Ambassador Alicia Arango Olmos (Colombia) and Ambassador Muhammadou Kah (the Gambia) for their extraordinary work in the holding of the informal consultations with the different groups. The WIPO General Assembly

“decided that, at its next session, it will continue considering the convening of a diplomatic conference on the Design Law Treaty, to take place no sooner than 2023” (document WO/GA/54/15, paragraphs 109 and 120).

11. Moreover, at its forty-fifth session, which took place in Geneva (hybrid) from March 28 to 30, 2022, the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) considered a proposal by the Delegation of the United States of America to continue discussions on the draft DLT at the forty-fifth session of the SCT and to focus on the remaining areas of seemingly divergent views (namely Article 1*bis*, Article 3 and Rule 2) (document SCT/45/4). The Chair of that session concluded that “the SCT took note of the various interventions, would report accordingly to the forthcoming session of the General Assembly, and, subject to the decision of the General Assembly, would continue the discussion at the next session of the SCT” (document SCT/45/8, paragraph 8).

12. Since the forty-second session of the SCT, held in Geneva from November 4 to 7, 2019, three Member States have expressed their interest to host the diplomatic conference for the adoption of a DLT, in case the WIPO General Assembly takes a decision to convene such diplomatic conference.

13. At its forty-second session, the SCT was informed of a letter by Mr. Alexander Shumilin, Chairman of the State Committee on Science and Technology of Belarus, addressed to Mr. Alfredo Carlos Rendón Algara, Chair of the SCT, concerning the offer by Belarus to host the diplomatic conference for the adoption of a DLT, in case the WIPO General Assembly takes a decision to convene such diplomatic conference (see document SCT/42/7).

14. Moreover, prior to the forty-third session of the SCT, the Secretariat circulated a *Note Verbale* by the Permanent Mission of Indonesia to the United Nations (UN), World Trade Organization (WTO), and other international organizations in Geneva, addressed to the WIPO General Assembly and the Chair of the SCT, concerning the offer by Indonesia to host the diplomatic conference for the adoption of a DLT, in case the WIPO General Assembly takes a decision to convene such diplomatic conference (see document SCT/43/5).

15. By two *Notes Verbales*, dated March 18, 2021, and June 16, 2021, addressed to the International Bureau of WIPO by the Permanent Mission of Saudi Arabia to the UN Office and other international organizations in Geneva, Saudi Arabia expressed its interest to host the diplomatic conference for the adoption of a DLT.

16. *The WIPO General Assembly is invited:*

(i) to consider the contents of the present document; and

(ii) to decide whether to convene a diplomatic conference for the adoption of a Design Law Treaty to take place no sooner than 2023.

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