

Preparatory Committee of the Diplomatic Conference for the Adoption of a Revised Lisbon Agreement on Appellations of Origin and Geographical Indications

Geneva, October 30 and 31, 2014

PROPOSAL BY THE DELEGATIONS OF ARGENTINA, AUSTRALIA, CANADA,
CHILE, ISRAEL, JAPAN, NEW ZEALAND, PANAMA, REPUBLIC OF KOREA,
SINGAPORE, UNITED STATES OF AMERICA AND URUGUAY

prepared by the Secretariat

In a communication dated October 13, 2014, the Delegations of Australia, Chile, Israel, New Zealand, Panama, Republic of Korea, Singapore, United States of America and Uruguay transmitted to the International Bureau of the World Intellectual Property Organization (WIPO) the proposal contained in the present document. By subsequent communications, the Delegations of Argentina, Canada and Japan requested to be added to the list of co-sponsors of the proposal.

PROPOSAL TO IMPROVE THE DRAFT RULES OF PROCEDURE OF THE DIPLOMATIC CONFERENCE, AND THE LIST OF INVITEES TO THE DIPLOMATIC CONFERENCE

The “Draft Rules of Procedure of the Diplomatic Conference” (document LI/R/PM/2) and the “List of Invitees to the Diplomatic Conference and the Texts of the Draft Letters of Invitation” (document LI/R/PM/3) for the Diplomatic Conference for the Adoption of a Revised Lisbon Agreement on Appellations of Origin and Geographical Indications are noted.

WIPO Diplomatic Conferences are normally open for full participation and voting by all WIPO Members. However, the current draft of document LI/R/PM/2 proposes a closed model, limiting full participation and voting rights to only current Lisbon Members. Examples of final rules of procedure regarding composition and rights of participants for previous WIPO Diplomatic Conferences are provided in the Annex.

To allow for full and equal participation by all WIPO Members, we propose revising document LI/R/PM/2 as follows:

DRAFT RULES OF PROCEDURE OF THE DIPLOMATIC CONFERENCE

Rule 2: Composition of the Conference

(1) The Conference shall consist of:

(i) delegations of the States members of the World Intellectual Property OrganizationLisbon Union (hereinafter referred to as “the Member Delegations”),

(ii) the delegations of the African Intellectual Property Organization and the European Union (hereinafter referred to as “the Special Delegations”),

(iii) ~~the delegations of States members of the World Intellectual Property Organization which are not members of the Lisbon Union and~~ the delegations of States members of the United Nations which are not members of the World Intellectual Property Organization (hereinafter referred to as “the Observer Delegations”) and

(iv) representatives of intergovernmental and non-governmental organizations and others invited to the Conference as observers (hereinafter referred to as “the Observers”).

(2) References in these Rules of Procedure to “Member Delegations” shall be considered, except as otherwise provided (see Rules 11(2), 33 and 34), as references also to the Special Delegations.

(3) References in these Rules of Procedure to “Delegations” shall be considered as references to the three kinds (Member, Special and Observer) of Delegations but not to Observers.

THE LIST OF INVITEES TO THE DIPLOMATIC CONFERENCE

With the changes to the Rules of Procedure set forth above, corresponding changes would also need to be made to the List of Invitees (document LI/R/PM/3), as indicated below.

In document LI/R/PM/3, we propose that the following changes be made:

A. In paragraph 1, “which are members of the Lisbon Union” be deleted.

The paragraph would then read:

1. Member Delegations: It is proposed that the Member States of WIPO ~~which are members of the Lisbon Union~~ be invited to the Diplomatic Conference as “Member Delegations”, that is, with the right to vote (see the draft Rules of Procedure of the Diplomatic Conference in document LI/R/PM/2 (“draft Rules of Procedure”), Rule 2(1)(i)). The list of those States and the draft of the invitation to be addressed to them are attached (Annex I).

B. In paragraph 3, we propose that “the Member States of WIPO which are not members of the Lisbon Union and” be deleted.

The paragraph would then read:

3. Observer Delegations: It is proposed that ~~the Member States of WIPO which are not Members of the Lisbon Union and~~ the States members of the United Nations which are not members of WIPO be invited to the Diplomatic Conference as “Observer Delegations”, that is, *inter alia*, without the right to vote (see draft Rules of Procedure, Rule 2(1)(iii)). The list of those States and the draft of the invitation to be addressed to them are attached (Annex III).

Corresponding changes should be made to the remainder of document LI/R/PM/3.

[Annex follows]

Examples of Final Rules of Procedure for Previous WIPO Diplomatic Conferences – Excerpts
Relating to Composition of the Conference

**Diplomatic Conference for the Adoption of a New Act of the Hague Agreement
Concerning the International Deposit of Industrial Designs, Rules of Procedure, H/DC/12,
Rule 2 (Geneva, 1999)**

Rule 2: Composition of the Conference

- (1) The Conference shall consist of:
- (i) delegations of the States members of World Intellectual Property Organization (hereinafter referred to as “the Ordinary Member Delegations”),
 - (ii) the delegations of the African Intellectual Property Organization, the African Regional Industrial Property Organization and the European Community (hereinafter referred to as the “Special Member Delegations”),
 - (iii) the delegations of States members of the United Nations other than the States members of the World Intellectual Property Organization invited to the Conference as observers (hereinafter referred to as “the Observer Delegations”),
 - (iv) representatives of intergovernmental and non-governmental organizations invited to the Conference as observers (hereinafter referred to as “the Observer Organizations”).
- (2) References in these Rules of Procedure to Member Delegations shall be considered as references to the Ordinary Member Delegations and the Special Member Delegations.

**Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty, Rules of
Procedure, TLT/R/DC/2, Rule 2 (Singapore, 2006)**

Rule 2: Composition of the Conference

- (1) The Conference shall consist of:
- (i) delegations of the States members of the World Intellectual Property Organization (hereinafter referred to as “the Ordinary Member Delegations”);
 - (ii) the delegations of the African Intellectual Property Organization, the African Regional Intellectual Property Organization and the European Community (hereinafter referred to as “the Special Member Delegations”);
 - (iii) the delegations of States members of the United Nations other than the States members of the World Intellectual Property Organization invited to the Conference as observers (hereinafter referred to as “the Observer Delegations”);
 - (iv) representatives of intergovernmental and non-governmental organizations invited to the Conference as observers (hereinafter referred to as “the Observer Organizations”).
- (2) References in these Rules of Procedure to “Member Delegations” shall be considered as references to the Ordinary Member Delegations and the Special Member Delegations.

(3) References in these Rules of Procedure to “Delegations” shall be considered as references to the three kinds of Delegations (Ordinary Member, Special Member and Observer) but not to Observer Organizations.

Diplomatic Conference on the Protection of Audiovisual Performances, Draft Rules of Procedure of the Diplomatic Conference, AVP/DC/2, Rule 2 (Beijing, 2012)

Rule 2: Composition of the Conference

(1) The Conference shall consist of:

- (i) delegations of the States members of the World Intellectual Property Organization (hereinafter referred to as “the Member Delegations”),
- (ii) the special delegation of the European Union (hereinafter referred to as “the Special Delegation”),
- (iii) the delegations of States members of the United Nations other than the States members of the World Intellectual Property Organization invited to the Conference as observers (hereinafter referred to as “the Observer Delegations”), and
- (iv) representatives of intergovernmental and non-governmental organizations and others invited to the Conference as observers (hereinafter referred to as “the Observers”).

(2) References in these Rules of Procedure to “Member Delegations” shall be considered, except as otherwise provided (see Rules 11(2), 33 and 34), as references also to the Special Delegation.

(3) References in these Rules of Procedure to “Delegations” shall be considered as references to the three kinds (Member, Special and Observer) of Delegations but not to Observers.

Diplomatic Conference to Conclude a Treaty to Facilitate Access to Published Works by Visually Impaired Persons and Persons with Print Disabilities, Rules of Procedure of the Diplomatic Conference, VIP/DC/2, Rule 2 (Marrakech, 2013)

Rule 2: Composition of the Conference

(1) The Conference shall consist of:

- (i) delegations of the States members of the World Intellectual Property Organization (hereinafter referred to as “the Member Delegations”),
- (ii) the special delegation of the European Union (hereinafter referred to as “the Special Delegation”),
- (iii) the delegations of States members of the United Nations other than the States members of the World Intellectual Property Organization invited to the Conference as observers (hereinafter referred to as “the Observer Delegations”), and
- (iv) representatives of intergovernmental and non-governmental organizations and others invited to the Conference as observers (hereinafter referred to as “the Observers”).

[End of Annex and of document]