

Working Group on the Development of the Lisbon System (Appellations of Origin)

Third Session
Geneva, May 23 to 27, 2011

SUMMARY BY THE CHAIR

approved by the Working Group

1. The Working Group on the Development of the Lisbon System (Appellations of Origin) (hereinafter referred to as “the Working Group”) met in Geneva from May 23 to 26, 2011.
2. The following Contracting Parties of the Lisbon Union were represented at the session: Algeria, Bulgaria, Burkina Faso, Congo, Czech Republic, France, Haiti, Hungary, Iran (Islamic Republic of), Italy, Mexico, Nicaragua, Peru, Portugal, Republic of Moldova, Serbia, Togo, Tunisia (18).
3. The following States were represented as observers: Australia, Chile, China, El Salvador, Germany, Iraq, Madagascar, Romania, Spain, Switzerland, United Arab Emirates, United States of America (12).
4. Representatives of the following international intergovernmental organizations took part in the session in an observer capacity: African Intellectual Property Organization (OAPI), European Union (EU) (2).
5. Representatives of the following international non-governmental organizations took part in the session in an observer capacity: Centre for International Intellectual Property Studies (CEIPI), European Communities Trade Mark Association (ECTA), International Trademark Association (INTA), MARQUES (Association of European Trademark Owners), Organization for an International Geographical Indications Network (OriGIn) (5).

6. The list of participants is contained in document LI/WG/DEV/3/INF/1 Prov. 2*.

Agenda Item 1: Opening of the Session

7. Mr. Francis Gurry, Director General, opened the session, recalled the mandate of the Working Group and introduced the draft agenda, as contained in document LI/WG/DEV/3/1 Prov.

Agenda Item 2: Election of a Chair and two Vice-Chairs

8. Mr. Mihály Ficsor (Hungary) was unanimously elected as Chair of the Working Group, Mr. Hossein Gharibi (Iran (Islamic Republic of)) and Mr. Alberto Monjaras Osorio (Mexico) were elected as Vice-Chairs.
9. Mr. Matthijs Geuze (WIPO) acted as Secretary to the Working Group.

Agenda Item 3: Adoption of the Agenda

10. The Working Group adopted the draft agenda (document LI/WG/DEV/3/1 Prov.) without modification.

Agenda Item 4: Adoption of the Draft Report of the Second Session of the Working Group

11. The Working Group adopted the Revised Draft Report of the Second Session of the Working Group (document LI/WG/DEV/2/5 Prov. 2) without modification.

Agenda Item 5: Draft Provisions on Certain Matters Addressed by the Working Group in the Context of the Review of the Lisbon System

12. Discussions were based on document LI/WG/DEV/3/2.
13. Following discussion of Annex I of document LI/WG/DEV/3/2, the Chair concluded that the Working Group had agreed that the International Bureau submit to the Assembly of the Lisbon Union, for adoption at its session of September/October 2011, the proposed amendments to Rule 5(3) and Rule 16(1) of the Lisbon Regulations, as set out in the Annex to the present document.
14. Following discussion of Annex II of document LI/WG/DEV/3/2, the Chair concluded that the Working Group had agreed that the Assembly of the Lisbon Union be requested to take note, at its session of September/October 2011:

* The final list of participants will be made available as an Annex to the report of the session.

- (i) that the Working Group had made considerable progress on the development of the Lisbon system and that work would continue with a view to further preparing a process that might result in a revision of the Lisbon Agreement and/or the conclusion of a protocol or a new treaty supplementing the Lisbon Agreement;
- (ii) that the Working Group had requested the Secretariat to prepare a draft new instrument containing the draft provisions set out in Annex II, as revised on the basis of comments made in the present session of the Working Group, as well as any further draft provisions the inclusion of which would be necessary for making the draft new instrument as complete as possible;
- (iii) that further meetings of the Working Group would be convened and would be held more frequently, preferably twice a year.

Agenda Item 6: Other Matters

15. The Working Group took note of a statement by the Delegation of the European Union (EU) expressing support for the work on possible improvements to the procedures under the Lisbon Agreement and the preparation of a process that might result in a revision of the Lisbon system. At the same time, the Delegation informed the Working Group of recent developments in the European Union concerning the protection of geographical indications for non-agricultural products, notably the anticipated launch of a feasibility study involving an analysis of existing legal frameworks in the member States of the European Union, an in-depth assessment of stakeholders' problems and needs, the potential economic impact of protection for non-agricultural geographical indications and the possible creation of a new EU title for such protection.

Agenda Item 7: Summary by the Chair

16. The Working Group approved the Summary by the Chair as contained in the present document.
17. A draft of the full report of the session of the Working Group will be made available on the WIPO website for comments by the delegations and representatives that participated in the meeting. Any such comments can be submitted within two months from its publication date, after which the draft report will be amended, as required, and made available to delegations on the WIPO website, for its formal adoption in due course.

Agenda Item 8: Closing of the Session

18. The Chair closed the session on May 26, 2011.

[Annex follows]

REVISED TEXT OF THE PROPOSED AMENDMENTS TO THE LISBON REGULATIONS
CONTAINED IN ANNEX I OF DOCUMENT LI/WG/DEV/3/2

Rule 5

Requirements Concerning the International Application

[...]

(3) [*Optional Contents of the International Application*] The international application may indicate or contain:

- (i) the addresses of the holders of the right to use the appellation of origin;
- (ii) one or more translations of the appellation of origin, in as many languages as the competent authority of the country of origin wishes;
- (iii) a statement to the effect that protection is not claimed for certain elements of the appellation of origin;
- (iv) a declaration that protection is renounced in one or more contracting countries, designated by name;
- (v) a copy in the original language of the provisions, decisions or registration referred to in paragraph (2)(a)(vi);
- (vi) ~~a statement summarizing the grounds on the basis of which protection had been granted to the appellation of origin in question, including information or data concerning the boundaries of the production area and the connection between the specific quality or characteristics of the product and its geographical environment, used in support of its grant.~~ any further information the competent authority of the country of origin wishes to provide concerning the protection granted to the appellation of origin in that country, such as additional particulars of the area of production of the product and a description of the connection between the quality or characteristics of the product and its geographical environment.

Rule 16

Invalidation

(1) [*Notification of Invalidation to the International Bureau*] Where the effects of an international registration are invalidated in a contracting country and the invalidation is no longer subject to appeal, the invalidation shall be notified to the International Bureau by the competent authority of that contracting country. The notification shall indicate or contain:

- (i) the number of the international registration concerned, preferably accompanied by other information enabling the identity of the international registration to be confirmed, such as the name of the appellation of origin;
- (ii) the authority that pronounced the invalidation;
- (iii) the date on which the invalidation was pronounced;
- (iv) where the invalidation concerns certain elements only of the appellation of origin, the elements concerned;
- (v) ~~the grounds on the basis of which the invalidation has been~~ was pronounced;
- (vi) a copy of the decision that invalidated the effects of the international registration.