

WIPO



SCT/12/6

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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STANDING COMMITTEE ON THE LAW OF TRADEMARKS, INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS

Twelfth Session
Geneva, April 26 to 30, 2004

SUMMARY BY THE CHAIR

Agenda Item 1: Opening of the Session

1. Mr. Ernesto Rubio, Assistant Director General of the World Intellectual Property Organization (WIPO), opened the session and welcomed the delegates on behalf of the Director General of WIPO.

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

2. Mr. Li-Feng Schrock (Germany), was elected as Chair of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT). Mr. Evgeny Zinkevitch (Belarus) and Mr. Jeong In-Sik (Republic of Korea) were elected as Vice-Chairs.

Agenda Item 3: Adoption of the Agenda

3. The Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) adopted the Draft Agenda (document SCT/12/1 Prov.) without modifications.

Agenda Item 4: Adoption of the Draft Report of the Eleventh Session

4. The SCT adopted the Draft Report (document SCT/11/8 Prov.2) with minor modifications.

Agenda Item 5: Revision of the Trademark Law Treaty

5. Discussion was based on the following documents: SCT/12/2 (Draft Revised Trademark Law Treaty (TLT)), SCT/12/3 (Draft Revised Regulations under the Draft Revised Trademark Law Treaty) and SCT/12/4 (Notes).

Article 1
(Abbreviated Expressions)

item (iv). There was consensus on this provision.

item (viii). There was consensus on this provision.

Article 4
(Representation; Address for Service)

There was consensus on this provision.

Rule 4
[Details Concerning Representation and Address for Service]

There was consensus on this provision.

Article 8
(Communications)

(1) [*Means of Transmittal of Communications*]

There was consensus on this provision.

(2) [*Language of Communications*]

There was consensus on this provision.

(3) [*Presentation of a Communication*]

There was consensus on this provision as modified.

(4) [*Signature of Communications*]

There was consensus on this provision.

(5) [*Original of a Communication Filed in Electronic Form or by Electronic Means of Transmittal*]

There was consensus on this provision.

(6) [*Prohibition of Other Requirements*]

There was consensus on this provision.

(7) [*Opportunity to Make Observations in Case of Intended Refusal*]

There was consensus on this provision subject to moving its contents to a separate article and to redrafting.

Rule 6
[Details Concerning the Signature under Article 8(4)]

(1) [*Indications Accompanying Signature*]

There was consensus on this provision.

(2) [*Date of Signing*]

There was consensus on this provision.

(3) [*Signature of Communications on Paper*]

There was consensus on this provision.

(4) [*Signature of Communications Filed in Electronic Form or by Electronic Means of Transmittal Resulting in Graphic Representation of Signature*]

There was consensus on this provision subject to redrafting.

(5) [*Signature of Communications Filed in Electronic Form Not Resulting in Graphic Representation of Signature*]

There was consensus on this provision subject to redrafting.

Rule 7

[Details Concerning Communications]

(1) [*Time Limit*]

There was consensus on this provision.

(2) [*Notification*]

There was consensus on this provision subject to redrafting.

(3) [*Sanctions for Non-Compliance with Requirements*]

There was consensus on this provision subject to redrafting.

Article 14

(Measures in Case of Failure to Comply with Time Limits)

(1) [*Measures*]

It was agreed that this provision should be redrafted in light of the discussion.

(2) [*Exceptions*]

There was consensus on this provision.

(3) [*Fees*]

There was consensus on this provision.

(4) [*Prohibition of Other Requirements*]

There was consensus on this provision.

Rule 10

[Requirements Relating to Measures in Case of Failure to Comply with Time Limits]

It was agreed that this Rule should be redrafted in light of the discussion.

6. The Chair noted that a number of delegations and representatives of observer organizations expressed support for the inclusion of Articles 17 to 21 in the draft Revised TLT. Other delegations expressed their concern as to the inclusion of those provisions in the draft Revised TLT and referred to the debate which had taken place in that respect at the eleventh session of the SCT. Without prejudice to the positions of delegations on that matter in general, the Chair summarized the ensuing discussion as follows:

Article 17
(Request for Recordal of a License)

(1) [*Contents of the Request for Recordal*]

There was consensus on this provision, subject to redrafting.

(2) [*Signature*]

This provision was left open for further discussion.

(3) [*Fees*]

There was consensus on this provision.

(4) [*Single Request Relating to Several Registrations*]

There was consensus on this provision.

(5) [*Prohibition of Other Requirements*]

This provision was left open for further discussion.

(6) [*Evidence*]

There was consensus on this provision subject to redrafting.

(7) [*Requests Relating to Applications*]

There was consensus on this provision.

Article 18

(Request for Amendment or Cancellation of the Recordal of a License)

This provision was left open for further discussion.

Article 19

(Effects of Non-Recordal of a License)

(1) [*Validity of the Registration and Protection of the Mark*]

This provision was left open for further discussion.

(2) [*Certain Rights of the Licensee*]

This provision was left open for further discussion.

Article 20

(Use of a Mark on Behalf of the Holder)

It was agreed that the Article should be redrafted.

Article 21

(Indication of the License)

There was consensus on this provision.

Articles 22 to 31

Following a number of interventions made by several delegations, the Chair noted that these provisions would be left open for further discussion.

7. The Standing Committee agreed to request the Secretariat to convey the following recommendation to the WIPO General Assembly meeting at the fortieth session of the Assemblies of the Member States of WIPO from September 27 to October 5, 2004:

“At its 12th session, which took place in Geneva from April 26 to 30, 2004, the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), with due regard given to the progress which the SCT has made on the work of a revised Trademark Law Treaty (TLT), decided to recommend to the WIPO General Assembly to approve the convening of a diplomatic conference for the adoption of a revised Trademark Law Treaty in the first half of 2006, with the exact dates and venue for such a diplomatic conference to be decided by the preparatory meeting, and to hold two more sessions of the SCT prior to the holding of the diplomatic conference.”

Agenda Item 6: Internet Domain Names and Geographical Indications

8. It was agreed that this item should be kept on the Agenda of the SCT, with due consideration given to the priorities set by the SCT for its work.

Agenda Item 7: Geographical Indications

9. No comments were made on this Agenda item.

Agenda Item 8: Other Matters

10. The SCT took note of document SCT/12/5 and the declaration of the Secretariat that a draft summary document containing the replies to the questionnaire would be circulated to the SCT, if possible prior to its next meeting.
11. The SCT took note of a presentation by the Secretariat of the Article 6ter on-line database.
12. There was no discussion on the issue of registers for well-known marks.

Agenda Item 9: Future Work

13. The SCT decided that priority should be given to the revision of the TLT. The SCT further agreed that its thirteenth session would last five full working days and that the agenda of that session would devote at least four and a half days to work on the TLT, leaving the remaining time, where possible, for consideration of other matters and future work.
14. The provisional date for the thirteenth session of the SCT will be October 25 to 29, 2004.

[End of document]