

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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

Twentieth Session
Geneva, December 1 to 5, 2008

SUMMARY BY THE CHAIR

approved by the Standing Committee

Agenda Item 1: Opening of the Session

1. Mr. Francis Gurry, Director General, opened the session and welcomed the participants.

Agenda Item 2: Adoption of the Agenda

2. The SCT adopted the Draft Agenda (document SCT/20/1 Prov.) without modifications.

Agenda Item 3: Adoption of the Draft Report of the Nineteenth Session

3. The SCT adopted the Draft Report of the Nineteenth Session (document SCT/19/9 Prov.) with modifications as requested by the Delegations of Canada, the Russian Federation, Spain, the United States of America and the Representative of the International Trademark Association (INTA).

Agenda Item 4: Industrial Designs

4. Discussion was based on documents SCT/19/6 and WIPO/STrad/INF/2 Rev.1.
5. The SCT considered documents SCT/19/6 and WIPO/STrad/INF/2 Rev.1 in detail. The Chair concluded that all comments by delegations would be recorded in the report of the twentieth session of the SCT. All requests for amendment of document WIPO/STrad/INF/2 Rev.1 were noted by the Secretariat and would be reflected in the next edition of that document, as would be additional returns to the Questionnaire on Industrial Design Law and Practice.
6. Furthermore, the Secretariat was requested to prepare a working document for consideration by the SCT at the twenty-first session that would be based on documents SCT/19/6 and WIPO/STrad/INF/2 Rev.1 as well as on the report of the twentieth session of the SCT, and which would identify possible areas for convergence on industrial design law and practice in SCT Members, highlighting particular issues to be addressed in that context and taking into account existing international instruments.

Agenda Item 5: Trademarks*Representation of Non-Traditional Marks – Areas of Convergence*

7. Discussion was based on document SCT/20/2.
8. The SCT confirmed the areas of convergence on the representation of non-traditional marks as agreed by the SCT at its nineteenth session and presented in document SCT/20/2. It further agreed to introduce, in the title of the Annex to that document, a footnote to the term “Non-Traditional Marks” with the following text: “The Resolution by the Diplomatic Conference Supplementary to the Singapore Treaty on the Law of Trademarks and the Regulations Thereunder refers to three-dimensional marks, hologram marks, motion marks, color marks, position marks and marks consisting of non-visible signs as ‘new types of marks’.” It also agreed to add a new Note 1.02 with the following text: “In some jurisdictions, the scope of protection will be restricted to those characteristics disclosed in the original representation.”

Trademark Opposition Procedures – Areas of Convergence

9. Discussion was based on document SCT/20/3.
10. The SCT confirmed the areas of convergence on trademark opposition procedures as agreed by the nineteenth session of the SCT and presented in document SCT/20/3. It further agreed to add a slight amendment to the second sentence of Note 7.02, so as to read: “This could be considered a positive or negative feature, depending on the case and the overall design and management of each specific trademark system.”
11. The SCT agreed that the Secretariat would publish the two afore-mentioned documents, with the amendments as agreed by the SCT at this session, in the WIPO/STrad/INF series of documents, and bring those documents to the attention of the relevant WIPO Assemblies.

12. With regard to the continuation of the SCT's work in the area of trademarks, the SCT agreed to request the Secretariat to prepare two working documents in preparation of the twenty-first session of the SCT, namely one concerning grounds for refusal of all types of marks, and another one on technical and procedural aspects relating to the registration of certification and collective marks. Members were invited to present submissions for those two working documents by February 15, 2009.

13. The SCT also agreed to request the Secretariat to prepare an information document on the subject of letters of consent, for consideration by the SCT at its second session in 2009, and based on information to be collected by the Secretariat by means of a concise list of questions, to be addressed to SCT Members in the first half of 2009.

14. The SCT further agreed to include an item on Article 6ter of the Paris Convention in the Agenda for its next session and invited Members to submit any proposal in that respect by March 2009 at the latest.

Agenda Item 6: Geographical Indications

15. The Chair noted that there were no working documents or proposals for discussion at this meeting.

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16. The Chair announced as tentative dates for SCT/21, June 22 to 26, 2009.

Agenda Item 7: Summary by the Chair

17. The SCT approved the Summary by the Chair as contained in the present document.

Agenda Item 8: Closing of the Session

18. The Chair closed the session on December 5, 2008.

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