

WIPO



SCT/22/8

ORIGINAL: English

DATE: November 26, 2009

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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

Twenty-Second Session
Geneva, November 23 to 26, 2009

SUMMARY BY THE CHAIR

approved by the Standing Committee

Agenda Item 1: Opening of the Session

1. Mr. Francis Gurry, Director General, opened the twenty-second session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) and welcomed the participants.
2. Mr. Ernesto Rubio, Assistant Director General, reported on the work done by the International Bureau in preparation for the twenty-second session of the SCT in connection with each of the topics proposed for discussion.
3. Mr. Marcus Höpferger (WIPO) acted as Secretary to the SCT.

Agenda Item 2: Adoption of the Agenda

4. The SCT adopted the Draft Agenda (document SCT/22/1 Prov.) without modifications.

Agenda Item 3: Adoption of the Draft Report of the Twenty-First Session

5. The SCT adopted the Report of the Twenty-First Session based on document SCT/21/8 Prov., with modifications as requested by the Delegations of Canada, Jamaica, Spain, Sweden, the United States of America, Uruguay and by the Representative of CEIPI.

Agenda Item 4: Industrial Designs*Possible Areas of Convergence in Industrial Design Law and Practice*

6. Discussion was based on document SCT/22/6.

7. The SCT considered document SCT/22/6 in detail. The Chair concluded that all comments by delegations would be recorded in the report of the twenty-second session of the SCT. The Secretariat was requested to provide a revised working document on possible areas for convergence on industrial design law and practice in SCT Members, to be considered by the SCT at its twenty-third session, highlighting the potential benefits that users and industrial design administrations could derive from convergence among Member States in industrial design law and practice. This document should take into account the proposals made at the twenty-second session and include comments made by delegations and observer representatives during that session. It should set out already identified possible areas of convergence, as well as indicate tendencies in the law and practice of SCT Members and areas where no concrete convergence could be established at this time.

Digital Access Service for Priority Documents

8. Discussion was based on document SCT/22/7.

9. The Chair concluded that the SCT had taken note of document SCT/22/7 and had requested the Secretariat to advance work on the establishment of a Digital Access Service for Priority Documents for industrial designs and for trademarks, in a way that would ensure the largest possible participation of interested offices in such a service.

Agenda Item 5: Trademarks*Grounds for Refusal of all Types of Marks*

10. Discussion was based on document SCT/22/2.

11. The SCT considered document SCT/22/2 in detail. The Chair concluded that the work of the SCT on grounds for refusal of all types of marks was of great interest for IP Offices of SCT Members. All comments by delegations would be recorded in the report of the twenty-second session of the SCT. The Secretariat was requested to revise document SCT/22/2, taking into consideration all comments made by delegations at the twenty-second session. Furthermore, delegations will be given the opportunity to present comments in writing for inclusion into the revised working document. Such comments should reach the Secretariat by the

end of January 2010. The revised working document should take the form of a SCT reference document on grounds for refusal of all types of marks. This reference document would be presented to the twenty-third session of the SCT for final review and should be published thereafter.

Technical and Procedural Aspects Relating to the Registration of Certification and Collective Marks

12. Discussion was based on document SCT/22/3.

13. The SCT considered document SCT/22/3 in detail. The Chair concluded that all comments by delegations would be recorded in the report of the twenty-second session of the SCT. The Secretariat was requested to prepare a revised working document on technical and procedural aspects relating to the registration of certification and collective marks, taking into consideration the comments made by delegations during the twenty-second session. Furthermore, delegations will be given the opportunity to present comments in writing for inclusion into the revised version of the working document. Such comments should reach the Secretariat by the end of January 2010. After reconsideration of the document by the twenty-third session of the SCT, the document will be published for reference purposes.

Article 6ter of the Paris Convention

14. The SCT considered document SCT/22/4. The Chair concluded that the Secretariat was requested to revise the draft questionnaire concerning the protection of official names of States against registration or use as trademarks contained in the Annex to document SCT/22/4, taking into account all comments made by delegations at the twenty-second session. Furthermore, the Secretariat will publish an intermediary version of the revised draft questionnaire on the SCT Electronic Forum for further comments. A revised version of the draft questionnaire, taking into account the comments from the twenty-second session as well as the comments on the intermediary version published on the SCT Electronic Forum will be presented to the twenty-third session of the SCT for adoption and subsequent circulation.

Replies to the Questionnaire on Letters of Consent

15. Discussion was based on document SCT/22/5 Prov.

16. The Chair concluded that the Secretariat was requested to finalize the Summary of replies contained in document SCT/22/5 Prov., in line with the comments made by delegations on specific answers contained in the table and on the comments section of the document, with a view to publishing the final version of this document for future reference.

Agenda Item 6: Geographical Indications

17. The Chair noted that there were no working documents or proposals for discussion at this meeting. The Chair concluded that this item will remain on the agenda for the next session of the SCT, at which moment delegations would have an opportunity to express their opinions whether they wished to pursue work under that agenda item on the basis of a specific working document.

Twenty-Third Session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT/23)

18. The Chair announced the week from April 19 to 23, 2010, as tentative dates for SCT/23 and the session of the Working Group for reviewing possible amendments to the Regulations under the Singapore Treaty on the Law of Trademarks, which will meet back-to-back with the twenty-third session of the SCT.

Agenda Item 7: Summary by the Chair

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

Agenda Item 8: Closing of the session

20. The Chair closed the session on November 26, 2009.

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