Non- paper from the United Kingdom on future work on harmonisation of designs law.

In 2005[1] the delegations of Latvia and Norway, along with the representative of FICPI, all proposed that the Standing Committee undertake work on the harmonisation of design registration formalities and procedures. At the time the delegations and users pointed out that an established pattern in relation to such harmonisation had already emerged with the Revised Trade Mark Law Treaty.

We are now some five years later, work having progressed on designs at every SCT meeting between 2005 and now. We have moved from a detailed questionnaire phase though to a narrowing of those areas which look to be the most promising in terms of convergence.

The latest paper, SCT/23/5, sets out clearly the benefits to users and Offices of converged practices.

Quite rightly, in this delegation's opinion, this work has taken priority on the SCT's agenda. A survey of subjects currently before the SCT suggests this work has at least as much, if not more promise in terms of potential outcome to the benefit of users, of any topic currently before this Committee. Whilst the SCT's *other* work has been and is undoubtedly important, closer scrutiny by the SCT has revealed that harmonisation in relation to that other work may not be a possible or even desirable goal. This is not to demean the other work; much of which we would all agree has proved very fruitful in terms of gaining a better understanding of each other's systems and procedures and of addressing Member's specific concerns.

As with many other delegations, the delegation of the United Kingdom is in close contact with its user groups both having a national remit and an international one. Without exception, they are now saying that the time has now come to translate the valuable work already done. The position of the United Kingdom tries to reflect the views of users, namely, that clear benefits would inevitably flow from harmonisation in this area:

- at a broad level, in the United Kingdom as with many other countries, designs law has become something of a 'poor relation' as compared to other rights. Overlooked, under-used and squeezed out by its more dominant IP partners, designs protection has undoubtedly suffered and harmonisation would help revive interest and focus on the most neglected of IP rights;

- harmonisation of, eg filing date requirements or representation details would enable applicants and their attorneys to use the same material and information in one member state to seek protection in another. Prior to the adoption of the revised trade mark law treaty the case was made very simply: "By creating legal certainty through the adoption of common approaches, significant time and cost savings could be achieved for the users of the many

[1] Document SCT/15/2

different trademark systems that exist worldwide as well as for industrial property offices”:

Much of the ground work for any act has either already been done by this Committee or can be drawn upon in relation to other treaties already concluded in the field of trade marks, such as Singapore of course.

Para 74 (iii) of Document SCT/23/5 poses a very simple question: “that the SCT indicate how it wishes to pursue its work on convergence in industrial design law and practice.”

This delegation respectfully believes that we ought to be in a position *at the end of our next session*, having further intensively discussed the matter at this session and the next, to make a recommendation to the General Assembly to make provision for the conveying of a diplomatic conference in the 2012 – 2013 biennium, assuming there is sufficient progress on the matter to justify such a recommendation.

This delegation believes the Committee ought to impose upon itself an obligation and impetus of review as above in order to avoid the matter potentially drifting indefinitely through successive refinement of the existing paper.