

Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications

Twenty-Fourth Session
Geneva, November 1 to 4, 2010

SUMMARY BY THE CHAIR

adopted by the Committee

Agenda Item 1: Opening of the Session

1. The Chair opened the twenty-fourth session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), welcomed the participants and invited Mr. Francis Gurry, Director General of WIPO, to deliver an opening address.
2. Mr. Marcus Höpferger (WIPO) acted as Secretary to the SCT.

Agenda Item 2: Adoption of the Agenda

3. The SCT adopted the Draft Agenda (document SCT/24/1 Prov.) without modifications.

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

4. Discussion was based on document SCT/23/7 Prov.2.
5. The SCT adopted the Revised Draft Report of the twenty-third session based on document SCT/23/7 Prov.2.

Agenda Item 4: Industrial Designs

Industrial Design Law and Practice-Draft Provisions

6. Discussion was based on document SCT/24/3.
7. The SCT considered document SCT/24/3 in detail.
8. The Chair concluded that all delegations supported the advancement of the work of the SCT on industrial design law and practice and that the twenty-fourth session made significant progress in that regard. He noted that the Secretariat was requested to prepare a revised text for consideration at the next session of the SCT, which would take into consideration all comments made at the current session and which should present provisions on two levels, namely one general level setting out provisions of a broader and general nature, and a second subordinate level of provisions addressing in detail specific aspects of the general provisions. Moreover, the revised text should address certain horizontal issues that were not dealt with in the present text, such as definitions, representation before the Office, communications in general and electronic communications. As to the continuation of the work, he noted that a number of delegations called for the convening of a diplomatic conference for the adoption of a treaty on industrial design registration formalities in the next biennium 2012-2013, while other delegations were of the view that further discussions were needed on the revised text before considering the convening of a diplomatic conference. The Chair concluded that, on the basis of the revised text, the next session of the SCT should be in a position to decide its future work concerning that aspect.

Digital Access Service for Priority Documents (DAS)

9. Discussions were based on an oral briefing presented by the Secretariat.
10. The Chair concluded that a number of delegations had taken note with satisfaction of the progress made so far towards the extension of the DAS to trademark and industrial design priority documents, and took note of the future plans concerning the work. In this context, a possible extension of the system for digital registration certificates was likewise encouraged.

Agenda Item 5: Trademarks

Trademarks and the Internet

11. Discussion was based on document SCT/24/4.
12. The Chair noted that a number of delegations and representatives of observer organizations expressed the need for effective protection of intellectual property rights in the Domain Name System (DNS), in particular in the context of the expansion of the Domain Name System planned by the Internet Corporation for Assigned Names and Numbers (ICANN). A concern was expressed by several delegations regarding initiatives at ICANN to review and possibly amend the WIPO-initiated Uniform Domain Name Dispute Resolution Policy (UDRP). The Chair concluded that the SCT supported and endorsed the contribution that the WIPO Secretariat was making in the area of Internet Domain Names as outlined in Annex III of document SCT/24/4, and that the Secretariat was requested to report on all relevant developments at the next session of the SCT.

13. Regarding the Joint Recommendation Concerning Provisions on the Protection of Marks and Other Industrial Property Rights in Signs on the Internet, the Chair concluded that the Secretariat was requested to examine in preparation of the next session of the SCT the Joint Recommendation with a view to determining, in particular, whether the types of trademark uses on the Internet, as described in Annex I of document SCT/24/4 were adequately addressed. Furthermore, SCT members and observers delegations were requested to carry out a similar analysis and to submit their contributions for consideration at the next session of the SCT. Moreover, the SCT might wish to consider at its next session any other possible action or work related to that matter.

International Nonproprietary Names for Pharmaceutical Substances (INNs)

14. Discussion was based on document SCT/24/5.
15. The Chair concluded that a large number of Delegations supported the change in notification procedures as described in document SCT/24/5 and that the proposal contained in paragraph 8 of that document was approved.

Protection of Names of States

16. Discussion was based on document SCT/24/6 Prov.
17. The Chair noted that all requests for amendments and corrections would be taken into account by the Secretariat in preparing the final version of document SCT/24/6 Prov., which would be presented to the next session of the SCT. Furthermore, the SCT requested the Secretariat to prepare a draft reference document for consideration at its next session, based on the Committee's work in that area so far and offering a comprehensive overview of the law and practice of Member States with regard to the protection of country names against registration and use as trademarks.

Agenda Item 6: Geographical Indications

18. The Chair noted the interest of a number of delegations in this Agenda item, whereas other delegations indicated that the priorities of the SCT at this stage should be given to work on industrial designs and trademarks and the Internet.
19. The Chair concluded that this item would be kept on the Agenda and that the SCT would reexamine that question at its next session.

Twenty-Fifth Session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT/25)

20. The Chair announced the week from March 28 to April 1, 2011, as tentative dates for SCT/25.

Agenda Item 7: Summary by the Chair

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

Agenda Item 8: Closing of the session

17. The Chair closed the session on November 4, 2010.

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