

# WIPO



SCT/2/4

ORIGINAL: English

DATE: March 17, 1999

**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

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

**Second Session, First Part  
Geneva, March 15 to 17, 1999**

### SUMMARY BY THE CHAIR

#### Agenda Item 1: Opening of the session

1. The session was opened by Mr. Albert Tramposch, Director, Industrial Property Law Division, who welcomed the participants.

#### Agenda Item 2: Rules of Procedure

2. The Standing Committee adopted the two special rules of procedure proposed in document SCT/2/2.

#### Agenda Item 3: Election of a Chair and two Vice-Chairs

3. The Standing Committee unanimously elected Ms. Lynne G. Beresford (United States of America) as Chair, and Mr. Knud Wallberg (Denmark) and Mrs. Graciela Road D'Imperio (Uruguay) as Vice-Chairs, for terms consisting of the calendar year 1999. Mr. Albert Tramposch (WIPO) acted as Secretary to the Standing Committee.

Agenda Item 4: Adoption of the Agenda

4. The Agenda (document SCT/2/1) was adopted without modification.

Agenda Item 5: Adoption of the Report of the first session

5. The Report of the first session of the SCT (document SCT/1/6) was adopted, with the addition of a new sentence in paragraph 48, to be located after the first sentence, stating that the Delegations of Chile and Spain agreed in every respect with the position of the Delegation of Canada.

6. The SCT approved the suggestion of the International Bureau that the procedure for circulation of the draft Report for the present session be the same as for the first session, in particular, that the English version of the draft Report would be circulated on the Electronic Forum when it was completed, that the French and Spanish versions would be circulated on the Electronic Forum when they were completed, and that the deadline for submission of comments would be two weeks after the date of circulation of the French and Spanish versions of the Report.

Agenda Item 6: Draft provisions on well-known marks

7. The Standing Committee discussed the document concerning the draft Provisions on Well-Known Marks (document SCT/2/3). The Standing Committee agreed as follows:

Joint Resolution. Adopted with modification.

Draft Article 1

*Item (i).* Adopted with modification.

*Item (ii).* Adopted.

*Item (iii).* Adopted with modification.

*Item (iv).* Deleted. All references to 'territory' in the provisions were also deleted, with appropriate consequential changes (no further mention is made herein of these changes).

*Item (v).* Adopted.

*Item (vi).* Adopted.

Draft Article 2

*Paragraph (1)(a).* Adopted.

*Paragraph (1)(b) and factors 1 to 6.* Adopted.

*Paragraph (1)(c).* Adopted with modification.

*Paragraph (2)(a).* Adopted.

*Paragraph (2)(a), item (i).* Adopted.

*Paragraph (2)(a), item (ii).* Adopted.

*Paragraph (2)(a), item (iii).* Adopted.

*Paragraph (2)(b).* Adopted.

*Paragraph (2)(c).* Adopted with modification.

*Paragraph (2)(d).* Adopted with modification.

*Paragraph (3)(a).* Adopted.

*Paragraph (3)(a), item (i).* Adopted.

*Paragraph (3)(a), item (ii).* Adopted.

*Paragraph (3)(a), item (iii).* Adopted.

*Paragraph (3)(b).* Adopted.

Draft Article 3

*Paragraph (1).* Adopted.

*Paragraph (2).* Adopted with modification, and a further statement in the Notes.

Draft Article 4

*Paragraph (1)(a).* Adopted.

*Paragraph (1)(b).* Adopted.

*Paragraph (1)(b), item (i).* Adopted.

*Paragraph (1)(b), item (ii).* Adopted.

*Paragraph (1)(b), item (iii).* Adopted.

*New Paragraph (1)(bbis).* Adopted as follows: “Notwithstanding Article 2(3)(iii), for the purposes of applying paragraph (b)(ii) and (iii), a Member State may require that the well-known mark be well known to the public at large.”

*Paragraph (1)(c).* Adopted with modification.

*Paragraph (2).* Adopted.

*Paragraph (3)(a).* Adopted with modification.

*Paragraph (3)(b).* Adopted with modification.

*Paragraph (4).* Adopted.

*Paragraph (5).* Adopted with modification.

*New Paragraph (6).* Adopted.

#### Draft Article 5

*Paragraph (1)(a).* Adopted.

*Paragraph (1)(a), item (i).* Adopted.

*Paragraph (1)(a), item (ii).* Adopted.

*Paragraph (1)(a), item (iii).* Adopted.

*New Paragraph (1)(abis).* Adopted as follows: “Notwithstanding Article 2(3)(iii), for the purposes of applying paragraph (a)(ii) and (iii), a Member State may require that the well-known mark be well known to the public at large.”

*Paragraph (1)(b).* Adopted.

*Paragraph (2)(a).* Deleted.

*Paragraph (2)(b).* Deleted.

*Paragraph (3).* Adopted.

*Paragraph (4)(a).* Deleted.

*Paragraph (4)(b).* Adopted.

*Paragraph (4)(c).* Adopted.

#### Draft Article 6

Referred to the International Bureau for redrafting, to be retained in square brackets.

#### Future work

8. The SCT agreed that the second part of the second session of the SCT would be held from June 7 to 11, in Geneva, and that the agenda would consist of two substantive items, namely (i) adoption of the final version of Articles 1 to 5 of the proposed Resolution concerning Provisions on the Protection of Well-Known Marks, to be submitted for adoption by the Paris Union Assembly and the WIPO General Assembly in September 1999, and a decision on whether to include Article 6 in the proposed Resolution, and (ii) discussion concerning the use of trademarks on the Internet. In addition, there would be an item on the agenda to discuss future work concerning geographical indications and other issues currently before the SCT.

#### Agenda Item 7: Brief summary by the Chair

9. The Chair presented a draft Summary (document SCT/2/4 Prov.) and received comments from the participants.

#### Agenda Item 8: Closing of the Session

10. The chair closed the second session, first part, of the Standing Committee.

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