

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

**Forty-First Session
Geneva, April 8 to 11, 2019**

PROPOSAL BY THE DELEGATION OF THE UNITED STATES OF AMERICA

Document prepared by the Secretariat

In a communication dated February 19, 2019, the Delegation of the United States of America transmitted to the International Bureau of the World Intellectual Property Organization (WIPO) the proposal contained in the Annex to the present document.

[Annex follows]

Proposal from the United States of America

At the 40th Session of the Standing Committee on Trademarks, Industrial Designs and Geographical Indications (SCT) under agenda item 7, Geographical Indications, the Delegation of the United States proposed a series of information sessions. These information sessions would explore, over the course of several future SCT sessions, various geographical indications examination practices identified in the Compilation of Replies to Questionnaire I on the National and Regional Systems that Can Provide a Certain Protection to Geographical Indications (SCT/40/5 Prov.2).

Several delegations supported the idea of structuring the discussions on the Questionnaire in the form of information sessions. The Chair's summary, SCT/40/9, indicates that the SCT will negotiate topics for the information sessions at SCT 41. The Chair invited delegations to submit proposals for topics prior to the 41st Session.

At SCT 40, after consulting with other delegations to solicit topics of interest based on the replies to the Questionnaire, the Delegation of the United States proposed several possible topics as options for discussion in information sessions:

- Nature and extent of proof required to establish the “quality link”
- Scope of protection for evaluating conflicts in examination and in infringement, including a discussion about the weight given to descriptive elements in the conflict analysis
- How to evaluate the potential for anticompetitive effects of an applicant's exercise of control over a geographic term.
- Evaluation of genericness.
- Homonymous GIs, the conditions for mitigating confusion.

Responsive to the invitation to propose topics for the information sessions, the Delegation of the United States formally submits the above previously identified topics to be considered for inclusion in information sessions on geographical indication national and regional examination practices.

[End of Annex and of document]