

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

**Forty-Second Session
Geneva, November 4 to 7, 2019**

SUMMARY BY THE CHAIR

adopted by the Committee

AGENDA ITEM 1: OPENING OF THE SESSION

1. Mr. Alfredo Rendón Algara, Chair of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), opened the forty-second session of the SCT and welcomed the participants.
2. Mr. Francis Gurry, Director General of the World Intellectual Property Organization (WIPO), delivered opening remarks.
3. Mr. Marcus Höpperger (WIPO) acted as Secretary to the SCT.

AGENDA ITEM 2: ADOPTION OF THE AGENDA

4. The SCT adopted the draft Agenda (document SCT/42/1 Prov. 2).

AGENDA ITEM 3: ADOPTION OF THE DRAFT REPORT OF THE FORTY-FIRST SESSION

5. The SCT adopted the draft Report of the forty-first session of the SCT (document SCT/41/11 Prov.).

AGENDA ITEM 4: INDUSTRIAL DESIGNS

Industrial Design Law and Practice-Draft Articles and Draft Regulations

6. The Chair recalled that the WIPO General Assembly, on the occasion of its session in October 2019, had decided that, at its next session in 2020, it will continue considering the convening of a diplomatic conference on the Design Law Treaty (DLT), to take place at the end of the first half of 2021.

7. The Chair concluded that the SCT took note of all statements made by delegations on that item. The SCT noted the decision of the General Assembly to continue considering this matter at its next session in 2020.

Graphical User Interface (GUI), Icon and Typeface/Type Font Designs

8. The SCT considered document SCT/41/2 (Compilation of the Returns to the Questionnaire on Graphical User Interface (GUI), Icon and Typeface/Typefont Designs).

9. The Chair concluded that the Secretariat was requested to:

- keep the document open until January 10, 2020, for further or revised replies by delegations;
- prepare a document analyzing all replies, for consideration of the SCT at its next session.

10. Furthermore, the SCT considered document SCT/42/6 (Proposal by the Delegations of Japan and the United States of America for a Joint Recommendation on Industrial Design Protection for Graphical User Interface (GUI) Designs).

11. The Chair concluded that discussion on document SCT/42/6 would continue at the forty-third session of the SCT.

Temporary Protection Provided to Industrial Designs at Certain International Exhibitions Under Article 11 of the Paris Convention for the Protection of Industrial Property (document SCT/42/2 Prov.)

12. The SCT considered document SCT/42/2 Prov. (Compilation of the Returns to the Questionnaire on the Temporary Protection Provided to Industrial Designs at Certain International Exhibitions Under Article 11 of the Paris Convention for the Protection of Industrial Property).

13. The Chair concluded that the Secretariat was requested to:

- keep the document open until January 10, 2020, for further replies by delegations;
- finalize the document thereafter and present it for consideration by the forty-third session of the SCT;

- organize a half-day information session that would take place during the forty-third session of the SCT, addressing (i) the practices of offices and (ii) the experience of users, with regard to the temporary protection provided to industrial designs under Article 11 of the Paris Convention.

Update by Member States on the Digital Access Service (DAS) for Priority Documents

14. The SCT noted the progress in the implementation of the DAS for industrial designs by members.
15. The Chair concluded that the SCT would revert for an update to this item at its next session.

AGENDA ITEM 5: TRADEMARKS

Revised Proposal by the Delegation of Jamaica (document SCT/32/2).

16. The SCT considered document SCT/32/2.
17. The Chair concluded that the Delegation of Jamaica would present a revised version of this document to the next session of the SCT in light of the comments made during this session.

Proposal by the Delegations of Georgia, Iceland, Indonesia, Jamaica, Liechtenstein, Malaysia, Mexico, Monaco, Peru, Senegal, Switzerland and the United Arab Emirates Concerning the Protection of Country Names and Geographical Names of National Significance (document SCT/39/8 Rev.3).

18. The SCT considered document SCT/39/8 Rev.3.
19. The Chair concluded that the co-sponsors of document SCT/39/8 Rev.3 would present a revised version of their proposal to the next session of the SCT.

Proposal by the Delegations of Georgia, Iceland, Indonesia, Jamaica, Liechtenstein, Malaysia, Mexico, Monaco, Peru, Senegal, Switzerland and the United Arab Emirates Concerning the Protection of Country Names and Geographical Names of National Significance in the DNS (document SCT/41/6).

20. The SCT considered document SCT/41/6.
21. The Chair concluded that discussion on document SCT/41/6 would continue at the forty-third session of the SCT.

Proposal by the Delegation of Peru to Conduct a Survey on Nation-Brand Protection in Member States (document SCT/42/4)

22. The SCT considered document SCT/42/4.

23. The Chair concluded that:

- The Delegation of Peru would send to the Secretariat, before December 31, 2019, a proposal for a draft questionnaire on nation-brand protection in Member States;
- Members were invited to send to the Secretariat, before December 31, 2019, questions they would like to include in the draft questionnaire;
- The Secretariat was requested to compile all questions, for consideration of the draft questionnaire by the SCT at its next session.

Proposal by the Delegation of the Republic of Korea on the Protection of Well-known Marks (document SCT/42/5)

24. The SCT considered document SCT/42/5.

25. The Chair concluded that:

- The Delegation of the Republic of Korea would present a revised version of its proposal on Member States' practices in relation to the protection of internationally well-known marks, taking into account the comments made by delegations, for consideration of the SCT at its next session;
- Members were invited to communicate their contributions to the Delegation of the Republic of Korea before January 31, 2020.

Update on Trademark-Related Aspects of the Domain Name System (DNS)

26. The SCT considered document SCT/42/3 and requested the Secretariat to keep Members informed of future developments in the DNS.

AGENDA ITEM 6: GEOGRAPHICAL INDICATIONS

27. The SCT considered documents SCT/40/5 and SCT/40/6.

28. The Secretariat presented a test version of a database reproducing all returns to Questionnaire I on the National and Regional Systems that Can Provide a Certain Protection to Geographical Indications, and Questionnaire II on the Use/Misuse of Geographical Indications, Country Names and Geographical Terms on the Internet and in the DNS.

29. The Chair concluded that the database would be published on the SCT webpage, and that Members were invited to submit new contributions or updates, as the case may be.

30. The SCT considered a non-paper with proposals for topics for a half-day information session to take place during the forty-third session of the SCT.

31. The Chair concluded that the SCT agreed:
- to hold one half-day information session on geographical indications in conjunction with the forty-third session of the SCT;
 - that the program for that information session would comprise two panels on the following topics: (i) evaluation of the conditions that created the basis for the geographical indication protection and evaluation of any changes to those conditions; (ii) ways to prevent operators profiting from bad faith use and registration of GI intellectual property rights in the DNS.
 - to invite Members to present to the forty-third session of the SCT proposals for topics for an information session on geographical indications, to be held in conjunction with the forty-fourth session of the SCT.

AGENDA ITEM 8: CLOSING OF THE SESSION

32. The Chair closed the session on November 7, 2019.

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