

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A REVISED TRADEMARK LAW TREATY

Singapore, March 13 to 31, 2006

**AGREED STATEMENT TO BE ADOPTED
BY THE DIPLOMATIC CONFERENCE**

Proposal by the Delegation of Nigeria on Behalf of the African Group

1. When Adopting the Revised Trademark Law Treaty, the Diplomatic Conference understood that the words “procedure before the Office” in Article I(viii) would not cover judicial procedures under the Contracting Party’s legislation.
2. With a view to facilitating the implementation of the above-mentioned Treaty in African (developing) countries and especially the Least Developed Countries (LDCs), the Diplomatic Conference requests the Assembly and the Contracting Parties to provide these countries with additional technical assistance to meet their obligations under the Treaty, even before its entry into force.
3. The LDCs, recognized as such by the United Nations, shall only be required to undertake the implementation of this Treaty in so far as they are able to, within the limits of their financial, technical and administrative resources.
4. The lack of technological requirements relevant to the implementation of the Treaty shall not prevent African (developing) countries and LDCs from benefiting from the potential advantages of the Treaty.

5. The Diplomatic Conference further urges the developed countries to provide technical and financial assistance to African (developing) countries and LDCs to build up their administrative and institutional capacities.
6. The Assembly, in the process of the development of this Treaty, shall address the concerns of the African (developing) countries and LDCs, with the view to enabling their Offices implement the Treaty.
7. The Diplomatic Conference further requests the Assembly, once the Treaty has entered into force, to monitor and evaluate the progress and impact of the assistance given, at every ordinary session.
8. In case of harmonization in trademarks, the technological capabilities, as well as intellectual property (IP) infrastructures of African (developing) countries and LDCs in registering the marks, shall be taken into account.
9. The Diplomatic Conference further urges the World Intellectual Property Organization (WIPO) to take advantage of the Digital Solidarity Fund (DSF) to enable African (developing) countries and LDCs to modernize their information and communication technology (ICT) infrastructures in order to provide them with institutional and administrative capacities to implement the Treaty.
10. The Diplomatic Conference also calls upon WIPO to provide legal and technical assistance to African (developing) countries and LDCs in the implementation of the Treaty.
11. The Diplomatic Conference agreed that any dispute that may arise between two or more Contracting Parties with respect to the interpretation or the application of this Treaty shall be settled amicably through consultation and mediation under the auspices of the Director General. In the event of failure to reach a settlement, the Director General shall refer the dispute to the Assembly for determination.

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