

Special Union for the Protection of Appellations of Origin and their International Registration (Lisbon Union)

Assembly

**Thirty-Fourth (22nd Ordinary) Session
Geneva, October 2 to 11, 2017**

REPORT

adopted by the Assembly

1. The Assembly was concerned with the following items of the Consolidated Agenda (document A/57/1): 1, 2, 3, 4, 5, 6, 10, 12, 23, 30 and 31.
2. The reports on the said items, with the exception of item 23, are contained in the General Report (document A/57/12).
3. The report on item 23 is contained in the present document.
4. Mr. João Pina de Moraes (Portugal) was elected Chair of the Assembly; Mr. Reza Dehghani (Iran (Islamic Republic of)) and Mr. Csaba Baticz (Hungary) were elected Vice-Chairs.

ITEM 23 OF THE CONSOLIDATED AGENDA

LISBON SYSTEM

5. Discussions were based on documents LI/A/34/1, LI/A/34/2 and LI/A/34/3.

6. The Chair of the Lisbon Union Assembly recalled a number of developments concerning the Lisbon System since the last meeting of the Lisbon Union Assembly the previous year. First, he indicated that 37 new international applications had been submitted under the Lisbon System, namely nine applications from Iran (Islamic Republic of), 26 applications from Italy, one application from Mexico and one application from Slovakia, which in turn brought the total number of international registrations under the Lisbon System to 1,097, of which 991 were in force. Such increase of registrations brought the total number of registrations from Iran (Islamic Republic of) to 41, those from Italy to 168, those from Mexico to 15, and those from Slovakia to eight. He further indicated that in the past 10 years, there had been a growth in registrations of approximately 26 per cent and that the share of registrations of appellations of origin from developing countries had doubled in the past 10 years, rising from 5 per cent in 2007 to 10 per cent in 2017. He added that those numbers confirmed once again the renewed interest of Lisbon Union members in the System. Turning to the three documents included on the agenda, he indicated that they referred to two different sets of issues, the first two documents concerning the proposed Common Regulations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration and the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (hereinafter referred to as “the Common Regulations”) (documents LI/A/34/1 and LI/A/34/2) would be addressed together, while the third document concerning financial matters (document LI/A/34/3) would be addressed separately.

Proposed Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement and Proposed Schedule of Fees Prescribed by the Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement

7. Discussions were based on documents LI/A/34/1 and LI/A/34/2.

8. Introducing the two documents under consideration, the Secretariat drew the attention of the Assembly to some editing errors concerning the text of the Common Regulations reproduced in Annex I of document LI/A/34/1, namely: in the seventh line of the English version of Rule 7(4)(a), the word “shall” should be added before the word “notify”; in the third line of the English version of Rule 7bis(3), the expression “party to” should be used instead of the expression “party of”; in the title of Rule 7bis of all relevant linguistic version, the word “date” should be in singular; and in all linguistic version of Rule 25(1) the text appearing in the square brackets should be amended in order to indicate the date of entry into force of the Common Regulations following the decision of the Lisbon Union.

9. Referring to the proposed Common Regulations, the Delegation of Iran (Islamic Republic of) commended the efforts made by the Lisbon Union members, the Chair of the Lisbon Working Group and the Secretariat. The Delegation expressed the view that the adoption of the Common Regulations would be an astonishing step towards a better protection of geographical indications under an international intellectual property registration system, since the proposed Common Regulations had been designed to streamline the legal framework of the Lisbon System not only for the benefit of the Competent Authorities of the members of the Lisbon System, but also for the users of the System and the International Bureau. The Delegation said that it looked forward to the adoption of the proposed Common Regulations at the present session, together with the proposed Schedule of Fees.

10. The Delegation of Portugal noted with satisfaction that there had been an increase of international registrations under the Lisbon Agreement, especially from developing countries. The Delegation also welcomed the results achieved by the Working Group in so far as they had allowed it to propose the adoption of the Common Regulations under consideration together with a proposed Schedule of Fees and a safeguard clause, all of which would continue to guarantee the smooth running of the Lisbon System.

11. Referring to documents LI/A/34/1 and LI/A/34/2, the Delegation of the Czech Republic supported the proposed adoption of the Common Regulations, including the proposed Schedule of Fees and the proposed date of entry into force of the Common Regulations. The Delegation was of the view that the proposed Common Regulations would simplify the legal framework of the Lisbon System for the benefit of the users.

12. Upon thanking the Chair of the Lisbon Working Group for the excellent work done during the past two sessions of the Working Group, the Delegation of France expressed the view that the proposed Common Regulations would constitute an effective and useful tool. As a result, the Delegation favored the adoption of the proposed Common Regulations, as set out in document LI/A/34/1. The Delegation further indicated that it also agreed with the proposed date of entry into force of the Common Regulations and the proposed Schedule of Fees contained in document LI/A/34/2.

13. The Delegation of Hungary noted with satisfaction the progress made by the Lisbon Working Group over the past two years. In that regard, the Delegation recalled that its own experts had actively contributed to the discussions at the past two meetings of the Lisbon Working Group. Upon thanking the Chair of the Lisbon Working Group for his dedicated work and tireless efforts over the past two years, the Delegation said that it favored the adoption of the proposed Common Regulations with the proposed date of entry into force. The Delegation also supported the proposed Schedule of Fees under Rule 8(1) of the Common Regulations.

14. Referring to the two documents under consideration, the Delegation of Italy shared the views expressed by the Delegations of Iran (Islamic Republic of), Portugal, France, the Czech Republic and Hungary. The Delegation also favored the adoption of the proposed Common Regulations, as set out in document LI/A/34/1. The Delegation further indicated that it also supported the safeguard clause under Rule 8(10) that was contained in Annex II of the document, as well as the Schedule of Fees proposed in document LI/A/34/2.

15. The Delegation of Georgia indicated that it supported the adoption of the proposed Common Regulations, together with the proposed safeguard clause and the proposed Schedule of Fees.

16. The Delegation of the United States of America indicated that it had been following the work of the Lisbon Working Group with interest. Upon recognizing that the Lisbon Union had the right to revise the Regulations pertaining to the Lisbon Agreement, the Delegation expressed the view that the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (hereinafter referred to as "the Geneva Act") was a different agreement with a broader scope and a potentially different membership. In that regard, the Delegation further pointed out that as provided in Article 22(2)(a)(iii) of the Geneva Act "the Assembly shall amend the Regulations", and also that pursuant to Article 22(4)(c), on matters concerning either the Lisbon Agreement or the Geneva Act, only the Contracting Parties to each of those agreements could decide. As a result, the Delegation was of the view that it would be premature to decide those matters on behalf of the possible future Contracting Parties to the Geneva Act. Moreover, the Delegation reiterated that it was still unclear whether WIPO would be the appropriate forum in which decisions regarding the Geneva Act would take place. Upon noting that under the WIPO Convention, the WIPO General Assembly, the Paris Union Assembly and the Berne Union Assembly could agree to approve measures proposed by the

Director General to administer a new agreement, the Delegation pointed out that no such measures had been proposed, nor adopted, with respect to the Geneva Act. The Delegation recognized that there was a divergence of views as to whether such measures would be necessary, in particular since Lisbon Union members had argued that the WIPO Convention was required to perform the administrative tasks of the special unions established in relation to the Paris Union. Upon recalling that there was a fundamental disagreement in that regard, the Delegation expressed the view that Lisbon Union members could easily resolve the issue by asking the Director General to propose measures to administer a new agreement so as to let the full WIPO membership decide whether the Geneva Act should be administered by WIPO or not. Until such time as the full WIPO membership would support the administration of the Geneva Act by WIPO, the Delegation believed that WIPO could not and should not do so. As a result, because the Geneva Act was neither in force nor a WIPO administered treaty, and because the Contracting Parties to the Geneva Act also had to have a say as regards the adoption of the proposed Common Regulations, the Delegation expressed the view that it would be premature for the Lisbon Union to submit Common Regulations to the Lisbon Union Assembly at the present time. The adoption of such Common Regulations would wrongly assume that WIPO would indeed administer the Geneva Act in the absence of an agreement of the full WIPO membership to that effect. Since the administration of the Geneva Act would entail significant expenses for WIPO, the Delegation expressed the view that until such time as the Assemblies of the WIPO Member States would formally accept that WIPO be entrusted with the administration of the Geneva Act, any decision by the Lisbon Union Assembly requiring the administration of the Geneva Act by WIPO would go beyond the powers of the Assembly. In that regard, the Delegation recalled that the Director General had stated that it would not be appropriate for the Secretariat to take a position on that issue and that it was for the WIPO membership to decide. The Delegation supported that statement and thus could not favor the adoption of the draft Common Regulations under consideration. Furthermore, the Delegation expressed its disappointment to see that the Lisbon Union was not considering any increase in the application fee or the modification fee, nor did it appear that the Lisbon Union was considering collecting a fee for those registrations effected under the 1967 Act to be considered as applications under the Geneva Act. Referring to the proposal that was made two years ago by the Director General for a fee increase of 3,350 Swiss francs for an international application and 1,500 Swiss francs for a modification fee, the Delegation saw no evidence of that proposal having being discussed further. All it had heard instead was that the Lisbon Union would monitor the Schedule of Fees. The Delegation went on to say that it had seen no discussion on the amount of income that the Lisbon Union would need to collect and the fees that it would therefore need to charge in order to pay for the direct and indirect costs of the Lisbon Union. Along the same lines, the Delegation pointed out that there had been no discussion of the cost of promotion or technical assistance and no discussion of the indirect costs that the Lisbon Union should pay to the Organization as other registration unions did. The Delegation expressed the view that the Lisbon Union had not carried its fair share of the Organization's costs and that was the reason why it had requested a discussion of an alternative allocation methodology for indirect costs within the Program and Budget Committee (PBC). Those costs had to be considered when targeting an appropriate level of the fee income for the Lisbon Union, yet the Delegation had not seen any discussion in that regard. Additionally, the Delegation recalled that the United States of America had asked but had never received a plausible explanation as to where in the Geneva Act it was said that existing international registrations under the Lisbon Agreement would be given automatic legal effect as international registrations effective under the Geneva Act, without the need for filing a separate international application nor paying the required application fee. In that regard, the Delegation pointed out that Article 29(4) of the Geneva Act directed that when a new Contracting Party acceded to the Geneva Act it had to protect the existing registrations effected under the Geneva Act prior to the date of accession, meanwhile it did not say that those new Contracting Parties had to protect the existing registrations effected under prior international agreements. The Delegation went on to say that under Rule 15 of the Geneva Act, a modification was considered to be a request for

a change of address for the holder or a change of the authorized beneficiaries. In that connection, the Delegation indicated that it had initially regarded the increase of the modification fee from 200 to 500 Swiss francs the previous year as a significant increase, until it had subsequently determined that the reason for the proposed modification fee was to actually function as a half-priced international application fee for existing Lisbon Union members seeking protection for their old appellations under the Geneva Act. The modification fee was supposed to cover the amendments that had to be made, if any, to legacy registrations for purposes of adapting them to the requirements of the Geneva Act. In that regard, the Delegation pointed out the unfairness of having a modification fee of 500 Swiss francs for those legacy registrations, while an international application fee of 1,000 Swiss francs would be requested from new Contracting Parties to the Geneva Act. In other words, all new Contracting Parties to the Geneva Act would have to pay the full application fee, while the existing Contracting Parties to the Lisbon Agreement would get a significant discount for their 800 or 900 registrations recorded under the Lisbon Agreement or the 1967 Act. The Delegation failed to see any provision in the Geneva Act that would authorize the existing international registrations to simply be grandfathered into the Geneva Act and saw no basis for some Geneva Act members to be able to register a term under the Geneva Act for a discounted price of 500 Swiss francs, while other members would be expected to pay more. The Delegation expressed the view that the unfairness of treatment between old Lisbon Union members and the new Contracting Parties to the Geneva Act highlighted the inequity in allowing a new treaty to be drafted only by a small group that had made every effort to preserve the provisions that benefited them, while pushing the higher costs on to the new Contracting Parties to the Geneva Act. The Delegation concluded by saying that a true accounting of the direct costs of operating the Lisbon System Registry appeared to be necessary. Such accounting would have to incorporate the direct costs of providing the significant amount of technical assistance that would be required to implement those difficult treaties, as well as the indirect costs of contributing to the activities of the Organization as a whole, in order to determine how to move that situation forward in the best way for the Organization.

17. Upon indicating that it fully supported the adoption of the Common Regulations contained in document LI/A/34/1, the Delegation of the Republic of Moldova said that it was convinced that with the adoption of the Common Regulations and the respective Schedule of Fees, the members of the Geneva Act and those of the Lisbon Agreement would benefit from the system to the greatest extent. The Delegation also thanked the Lisbon Union members for supporting its proposal to introduce a safeguard clause under Rule 8(10) of the proposed Common Regulations.

18. The Delegation of Australia acknowledged the willingness displayed by Lisbon Union members to address the short-term deficit for the current biennium. Meanwhile, in relation to long-term financial issues and in relation to the proposed Schedule of Fees, the Delegation said that it remained unconvinced that the proposed increase in registration fees would be sufficient to set the Lisbon System on a self-sustaining path. The Delegation, therefore, encouraged Lisbon Union members to draft an enduring and robust framework to ensure financial sustainability and to consider other mechanisms that could generate more income for the Lisbon System.

19. The Delegation of Georgia, speaking on behalf of the Group of Central European and Baltic States (CEBS), said that it appreciated the work carried out and the efforts made by the Lisbon Union members, while it also acknowledged the progress made towards reaching appropriate solutions to eliminate the budget deficit of the Lisbon Union and to ensure its long-term financial sustainability. The Delegation reiterated the importance of the promotion of the Lisbon System, including the Geneva Act, which could help to further develop potential geographical indications in the Contracting Parties.

20. The Representative of the Centre for International Intellectual Property Studies (CEIPI) pointed out a translation error in the first two lines of the French version of Rule 5(2)(vii) that was contained in Annex I of document LI/A/34/1 and therefore suggested that the wording be amended as follows “(vii) *les données servant à identifier l'enregistrement, y compris sa date et, le cas échéant, son numéro, l'acte législatif ou réglementaire, ou la décision judiciaire [..]*”.

21. The Delegation of France supported the proposed correction put forward by the Representative of CEIPI.

22. Upon thanking the Lisbon Working Group for the work accomplished over the past two years, the Delegation of the Democratic People's Republic of Korea said that it supported the adoption of the proposed Common Regulations.

23. As regards the “Proposed Schedule of Fees Prescribed by the Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement” (document LI/A/34/2), the Assembly of the Lisbon Union:

- (i) considered the proposed Schedule of Fees referred to in paragraph 2 of document LI/A/34/2; and
- (ii) fixed the amount of fees under Rule 8(1) of the draft Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement, as proposed in paragraph 2 of document LI/A/34/2.

24. As regards the “Proposed Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement” (document LI/A/34/1), the Assembly of the Lisbon Union:

- (i) adopted the Common Regulations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration and the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, as reproduced in Annex I of document LI/A/34/1, including the amount of fees under Rule 8(1) as proposed in paragraph 2 of document LI/A/34/2;
- (ii) decided that the entry into force of the Common Regulations shall coincide with the entry into force of the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications; and
- (iii) considered the proposal for a new Rule 8(10) of the Common Regulations (“Safeguard of the 1967 Act”), and agreed to introduce a new paragraph 10 in Rule 8 of the Common Regulations, as reproduced in Annex II of document LI/A/34/1, without the text appearing in the square brackets.

25. For ease of reference, the Annex to this report contains the version of the Common Regulations, as adopted by the decision set out in paragraph 24, above.

Financial Matters Concerning the Lisbon Union

26. Discussions were based on document LI/A/34/3.

27. The Chair pointed out that the subventions paid by Lisbon Union members to the present date amounted to a total of 1,250,604 Swiss francs for a projected biennial deficit of approximately 1.5 million Swiss francs. He further indicated that, on the basis of the discussions he had with some Lisbon Union members, it was his understanding that more subventions could still be paid until the end of the current year, which in turn meant that the gap

between what the Lisbon Union members had already paid and the estimated deficit could be even narrower.

28. The Delegation of Estonia, speaking on behalf of the European Union and its member states, reiterated that the European Union attached great importance to the protection of its member states geographical product names outside the European Union through the Lisbon System. The European Union was of the view that the protection of geographical indications had the potential to support sustainable development, to preserve cultural heritage and international trade in specialized products and it would, therefore, like to see the Lisbon Union successful and viable as well as attracting new members. The European Union and its member states appreciated the work and efforts of the Lisbon Union members in tackling the deficit of the current biennium through voluntary contributions as well as the discussions of measures aimed at preventing any future budget deficit of the Lisbon Union for purposes of ensuring its long-term financial viability. The Delegation welcomed the numerous ideas which had been brought forward in the Working Group and acknowledged the progress made towards reaching an appropriate solution. The Delegation further indicated that the European Union and its member states were convinced that a way could be found to provide financial support to the Lisbon Union while securing full respect of the long-standing principles of solidarity and equality of treatment for each area of intellectual property. The Delegation expressed the view that it should be possible to find a long-term financing model for the Lisbon Union that would ensure its financial sustainability, and that would also be acceptable to all WIPO Member States. In that regard, the Delegation stressed the importance of placing the Lisbon Union on an equal footing with all other WIPO-administered unions. As a means for ensuring the long-term financial viability of the Lisbon Union, the Delegation reiterated the need for a robust promotion of the Lisbon System, including the Geneva Act, underlining the development potential of geographical indications with a view to attracting new Contracting Parties.

29. Regarding the financial matters concerning the Lisbon Union, the Delegation of Hungary reiterated that the viability of the Lisbon System for the global protection of geographical indications and appellations of origin was of key importance to Hungary's agriculture and economy. The Delegation was, therefore, of the view that a reasonable and balanced solution had to be found in order to ensure the long-term financial sustainability of the Lisbon System. In that regard, the Delegation pointed out that the Lisbon Union members had shown the utmost commitment in fulfilling the mandate they had received from the Lisbon Union Assembly in 2015. The Delegation recalled that many Lisbon Union members, including Hungary, had paid a significant amount of subventions to help eliminate the projected deficit for the current biennium. That was made possible by unprecedented decisions taken by their respective Governments which, therefore, deserved appreciation. The Delegation supported the extension of the mandate of the Lisbon Working Group with the aim of continuing discussions on pertinent issues, including the long-term viability of the Lisbon System. Nevertheless, the Delegation emphasized that the difficulties facing the Lisbon Union could only be solved in an open-minded, trustful and reasonable manner, which had to remain the standard process in an international organization where solidarity, trust and equal treatment had always been the basic principles of decision-making. The Delegation was convinced that all future measures regarding the Lisbon System would have to respect the principle of financial solidarity among unions and budget programs, as well as the capacity to pay and the need for administrative cooperation among unions. All the more, as the financial situation of the Organization, which administered those unions, was extremely solid. Lastly, the Delegation thanked the Government of Italy for the excellent exhibition on geographical indications it had organized in the margins of the present Assemblies. That event had proved, once more, that tradition and quality went hand in hand and that those values had to be protected through a well-functioning global geographical indications registration system.

30. The Delegation of the Czech Republic associated itself with the statement made by the Delegation of Estonia on behalf of the European Union and its member states. Regarding the

proposal contained in document LI/A/34/3, the Delegation said that it fully agreed with the extension of the mandate of the Working Group with a view to allowing further discussions on the development of the Lisbon System, including solutions for its financial sustainability. The Delegation appreciated the efforts made by the Lisbon Union members in taking measures aimed at eliminating the budget deficit of the Lisbon Union. Upon pointing out that the Czech Republic had also contributed to reducing the current deficit through a voluntary contribution, the Delegation said that it was ready to engage in further discussions regarding the long-term financial sustainability of the Lisbon Union. The Delegation expressed the view that any solution adopted to that effect would have to be in line with the existing WIPO budget principles and methodology, as well as with the principle of solidarity among all WIPO unions. Upon reiterating that the promotion of the Lisbon System would have to continue, the Delegation thanked the Secretariat for the inclusion of the Lisbon System on the WIPO main website.

31. The Delegation of New Zealand, speaking on behalf of Australia, said that Australia appreciated the efforts made by Lisbon Union members to address the short-term deficit. In relation to the long-term financial issues, the Delegation was not convinced that an increase in registration would be sufficient to set the Lisbon System on a self-sustaining path. The Delegation, therefore, suggested that additional sources of funding for the Lisbon System be considered under the new Geneva Act and, to the extent possible, under the Common Regulations. The Delegation expressed the view that the introduction of maintenance fees would assist in supporting the Lisbon System in the future, whereas the full application fee for any new geographical indication would also have to be payable in respect of geographical indications already registered by current Lisbon Union members, when being notified to new members joining the Geneva Act. The Delegation was of the view that such equal treatment would be especially important in the context of self-sustainability. The Delegation was convinced that any promotion in relation to systems for the international protection of geographical systems would have to be conducted in a balanced manner across all relevant fora and in relation to the main mechanisms used to protect geographical indications. The Delegation expressed the view that WIPO Member States' funds from other WIPO registration systems should not be used to promote the Lisbon System. Lastly, in the interest of achieving the long-term financial sustainability of the Lisbon System, the Delegation said that Australia could support extending the mandate of the Working Group.

32. The Delegation of the United States of America recognized with appreciation the efforts made by the Lisbon Union members to better enable the Lisbon Union to cover its expenses so that only a small loan ended up being necessary for the current biennium. The Delegation also expressed its appreciation for the willingness of the Lisbon Union members to continue to address the financial well-being of the Lisbon Union. As a member of the PCT, Madrid and Hague Unions, the Delegation said that the United States of America was supportive of those Unions on equal footing with the Lisbon Union, which generated sufficient income to cover their expenses and which contributed towards the activities of the Organization as a whole. The Delegation further indicated that during the next biennium it would work within the PCT, the Madrid and the Hague Systems to ensure that the financial commitments of those Unions are met. In considering financial sustainability, the Delegation pointed out that one option for the Lisbon Union could also be to include international registration renewal fees in the future. Alternatively, because it was never too late, the Delegation indicated that the Lisbon Union members could still consider re-opening the Geneva Act so as to enable the wider WIPO membership to join.

33. The Representative of oriGIn encouraged Lisbon Union members to find a viable solution for purposes of ensuring the financial sustainability of the Lisbon System given the importance of the Lisbon System for geographical indication stakeholders worldwide. Upon recalling that oriGIn represented some 500 geographical indications around the world from different sectors and different countries, he indicated that those were not the only existing geographical

indications. The compilation of existing geographical indications that would be released in the coming weeks showed that about 9,000 geographical indications had already been recognized across the globe. Clearly, geographical indications represented an important market and most geographical indications faced problems when trying to obtain recognition in foreign markets. Convinced that a system for the international recognition and protection of geographical indications was extremely important, he encouraged WIPO Member States to start ratifying the Geneva Act. He also drew the attention of delegations to the fact that there was a proliferation of bilateral agreements concerning geographical indications, sometimes free trade agreements, sometimes specific geographical indication agreements, that created confusion internationally because they established different rules, often in contradiction with existing international treaties. He, therefore, reiterated the importance of having an international registration and protection system. Referring to the flexibilities that were contained in the Lisbon Agreement and the Geneva Act, he insisted that those flexibilities could accommodate different views and different interpretations regarding geographical indications or appellations of origin. He referred, in particular, to the possibility that was given to countries to refuse the protection of a particular geographical indication or appellation of origin.

34. Regarding the financial matters concerning the Lisbon Union, the Delegation of Portugal fully supported the proposed extension of the mandate of the Working Group to continue to discuss the sustainability of the Lisbon System. In that regard, the Delegation underscored the efforts that had already been made by the Lisbon Union members in adopting measures to eliminate the projected deficit for the 2016/17 biennium through the payment of voluntary contributions that had managed to cover practically all of the current deficit. The Delegation was convinced that the Geneva Act would help improve the financial situation of the Lisbon System by attracting new members and new registrations which, in turn, would lead to a better financial sustainability of the System. The Delegation also stressed the importance of enhancing the promotion of the System through the Secretariat and the Member States. Lastly, the Delegation reiterated its willingness to continue to think about the best ways of fostering the use of the Lisbon System, thereby also ensuring its smooth functioning and its long-term financial sustainability.

35. Referring to an earlier discussion that had taken place with respect to document LI/A/34/2, the Delegation of Switzerland clarified that the Geneva Act revised the Lisbon Agreement, a treaty that was administered by WIPO and that had been so administered for decades. Given that the Geneva Act was not a new treaty, it unequivocally was a treaty administered by WIPO. Referring to the document LI/A/34/3, the Delegation said that it appreciated the important efforts made by the members of the Lisbon Agreement in contributing to the financing of the Lisbon System, which was a pillar of the global management of intellectual property titles of WIPO. The Delegation further pointed out that the Lisbon System, thanks to its modernization through the Geneva Act, stood ready to take on a new dimension because more countries could now accede to it. This was in the interest of producers for whom the geographical indication or appellation of origin constituted their main intellectual property asset, regardless of the development level of the country in which producers are located. The Delegation, therefore, believed that the Lisbon System was indispensable since the economy of whole regions, on all continents, depended in large parts, sometimes essentially, on the adequate protection of the geographical indication or appellation of origin which distinguished their production and incorporated the reputation that conferred it a particular place on the global market. The Delegation expressed its wish that the Lisbon System would develop efficiently and fulfil the needs of its members. It thus supported, as an observer, the extension of the mandate of the Working Group, a necessary platform for exchanging views between current members of the Lisbon System and other countries that would be interested in acceding to the Geneva Act.

36. The Delegation of Congo said that the adoption of the Geneva Act in May 2015 had been a very important event for the Lisbon Union Assembly, for WIPO and for Congo as a Lisbon Union member. In particular, because the extension of protection to geographical indications

represented major progress at the international level, but also because the Geneva Act allowed the accession of international organizations such as the African Intellectual Property Organization (OAPI), of which Congo was also a member. The Delegation went on to say that it fully supported all initiatives designed to guarantee the financial viability of the Lisbon System. In that regard, the Delegation was of the view that the proposals of the Working Group, together with the proposals made by those delegations that had already taken the floor, also had to be taken into account as such inclusiveness would help attract new member countries to the Geneva Act. Thereby, this would increase the number of registrations and thus the financial income of the Lisbon System. The Delegation expressed the view that the financing of the Lisbon System should also be supported by the Madrid and the PCT Unions under the principle of solidarity between unions. The Delegation went on to say that it would not be a good idea for each Union to operate separately and to forget that they were all members of WIPO.

37. The Delegation of Georgia, speaking on behalf of the CEBS Group, said that it appreciated the work and efforts of the Lisbon Union members and also acknowledged the progress made towards reaching appropriate solutions while trying to eliminate the budget deficit of the Lisbon Union and ensure its long-term financial sustainability. The Delegation believed that on the basis of the long-standing principles of equal treatment and financial solidarity among unions, an appropriate solution would be found. Lastly, the Delegation reiterated the importance of the promotion of the Lisbon System, including the Geneva Act, which would, in turn help, to further develop potential geographical indications and attract new Contracting Parties.

38. The Assembly of the Lisbon Union:

- (i) took note of "Financial Matters Concerning the Lisbon Union" (document LI/A/34/3); and
- (ii) extended the mandate of the Working Group with a view to allowing further discussions on the development of the Lisbon System, including solutions for its financial sustainability.

[Annex follows]

DRAFT COMMON REGULATIONS UNDER THE LISBON AGREEMENT FOR THE PROTECTION OF APPELLATIONS OF ORIGIN AND THEIR INTERNATIONAL REGISTRATION AND THE GENEVA ACT OF THE LISBON AGREEMENT ON APPELLATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS

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Chapter I **Introductory and General Provisions**

Rule 1 **Definitions**

(1) *[Abbreviated Expressions]* For the purposes of these Regulations, unless expressly stated otherwise:

- (i) "Geneva Act" means the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications of May 20, 2015;
- (ii) abbreviated expressions which are used in these Regulations and are defined in Articles 1 and 2(1) of the Geneva Act shall have the same meaning as in that Act;
- (iii) whenever the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of October 31, 1958, is applicable rather than the 1967 Act, any reference to the 1967 Act shall be understood to refer to the Lisbon Agreement of October 31, 1958;
- (iv) "Rule" refers to a rule of these Regulations;
- (v) "Administrative Instructions" means the Administrative Instructions referred to in Rule 24;
- (vi) "Official Form" means a form drawn up by the International Bureau;
- (vii) "communication" means any application or any request, declaration, notification, invitation or information relating to or accompanying an application or an international registration that is addressed to a Competent Authority, the International Bureau, or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act;
- (viii) "application governed by the 1967 Act" means an application that is filed under the 1967 Act where the mutual relations of the Contracting Parties involved are governed by the 1967 Act;
- (ix) "application governed by the Geneva Act" means an application that is filed under the Geneva Act where the mutual relations of the Contracting Parties involved are governed by the Geneva Act;
- (x) "refusal" means the declaration referred to in Article 5(3) of the 1967 Act or in Article 15 of the Geneva Act.

(2)¹ *[Correspondence Between Some Expressions Used in the 1967 Act and the Geneva Act]*
For the purposes of these Regulations,

- (i) reference to "Contracting Party" shall be deemed, where appropriate, to include a reference to "country" as referred to in the 1967 Act;
- (ii) reference to "Contracting Party of Origin" shall be deemed, where appropriate, to include a reference to "country of origin" as referred to in the 1967 Act;
- (iii) reference to "publication" in Rule 19 shall be deemed, where appropriate, to include a reference to a publication in the periodical referred to in Article 5(2) of the 1967 Act, whatever the medium used for its publication.

¹ In the English version, reference to "good" shall be deemed, where appropriate, to include a reference to "product", as referred to in the 1967 Act.

Rule 2

Calculation of Time Limits

- (1) *[Periods Expressed in Years]* A period expressed in years shall expire in the subsequent year on the same day and month as the day and month of the event from which the period starts to run, except that, where the event occurred on February 29, the period shall expire on February 28 of the subsequent year.
- (2) *[Periods Expressed in Months]* A period expressed in months shall expire in the relevant subsequent month on the same day as the day of the event from which the period starts to run, except that, where the relevant subsequent month has no day with the same number, the period shall expire on the last day of that month.
- (3) *[Expiry on a Day Which Is Not a Working Day for the International Bureau or a Competent Authority]* If the period of a time limit applying to the International Bureau or a Competent Authority expires on a day which is not a working day for the International Bureau or a Competent Authority, the period shall, notwithstanding paragraphs (1) and (2), expire for the International Bureau or the Competent Authority, as the case may be, on the first subsequent working day.

Rule 3

Working Languages

- (1) *[Application]* The application shall be in English, French or Spanish.
- (2) *[Communications Subsequent to the Application]* Any communication concerning an application or an international registration shall be in English, French or Spanish, at the choice of the Competent Authority concerned or, in the case of Article 5(3) of the Geneva Act, at the choice of the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act. Any translation needed for the purposes of these procedures shall be made by the International Bureau.
- (3) *[Entries in the International Register and Publication]* Entries in the International Register and publication of such entries by the International Bureau shall be in English, French and Spanish. The translations needed for those purposes shall be made by the International Bureau. However, the International Bureau shall not translate the appellation of origin or the geographical indication.
- (4) *[Transliteration of the Appellation of Origin or Geographical Indication]* Where the application contains a transliteration of the appellation of origin or the geographical indication in accordance with Rule 5(2)(b), the International Bureau shall not check whether the transliteration is correct.
- (5) *[Translations of the Appellation of Origin for Applications Governed by the 1967 Act]* Where an application governed by the 1967 Act contains one or more translations of the appellation of origin, in accordance with Rule 5(6)(v), the International Bureau shall not check whether the translations are correct.

Rule 4
Competent Authority

- (1) *[Notification to the International Bureau]* Each Contracting Party shall notify the International Bureau of the name and contact details of its Competent Authority, i.e. the authority it has designated to present applications and other communications to, and receive communications from, the International Bureau.
- (2) *[One Authority or Different Authorities]* The notification referred to in paragraph (1) shall, preferably, indicate a single Competent Authority. When a Contracting Party notifies different Competent Authorities, this notification shall clearly indicate their respective competence in respect of the presentation of applications and other communications to, and the receipt of communications from, the International Bureau.
- (3) *[Information on Applicable Procedures]* The Competent Authority shall make available information on the applicable procedures in its territory to challenge and enforce rights in appellations of origin and geographical indications.
- (4) *[Modifications]* Contracting Parties shall notify the International Bureau of any change in the particulars referred to in paragraphs (1) and (3). However, the International Bureau may *ex officio* take cognizance of a change in the absence of a notification where it has clear indications that such a change has taken place.

Chapter II
Application and International Registration

Rule 5
Requirements Concerning the Application

- (1) *[Filing]* The application shall be filed with the International Bureau on the Official Form provided to that end and shall be signed by the Competent Authority presenting it or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act.
- (2) *[Application – Mandatory Contents]* (a) The application shall indicate:
- (i) the Contracting Party of Origin;
 - (ii) the Competent Authority presenting the application or, in the case of Article 5(3) of the Geneva Act, contact details of the beneficiaries or of the natural person or legal entity referred to in Article 5(2)(ii) of that Act;
 - (iii) the beneficiaries, designated collectively or, where collective designation is not possible, by name, or in the case of an application governed by the Geneva Act the natural person or legal entity having legal standing under the law of the Contracting Party of Origin to assert the rights of the beneficiaries or other rights in the appellation of origin or the geographical indication;
 - (iv) the appellation of origin or the geographical indication for which registration is sought, in the official language of the Contracting Party of Origin or, where the Contracting Party of Origin has more than one official language, in the official language or languages in which the appellation of origin or the geographical indication is contained in the registration, act or decision, by virtue of which protection is granted in the Contracting Party of Origin²;

² The application of Rule 5(2)(a)(iv) and Rule 5(2)(b) is subject to the provisions of Rule 3(3) and (4).

- (v) the good or goods to which the appellation of origin, or the geographical indication, applies, as precisely as possible;
 - (vi) the geographical area of production or the geographical area of origin of the good or goods;
 - (vii) the identifying details of the registration, including its date and number if applicable, of the legislative or administrative act, or of the judicial or administrative decision, by virtue of which protection is granted to the appellation of origin, or to the geographical indication, in the Contracting Party of Origin.
- (b) If they are not in Latin characters, the application shall include a transliteration of the names of the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of the Geneva Act, of the geographical area of production or the geographical area of origin, and of the appellation of origin or the geographical indication for which registration is sought. The transliteration shall use the phonetics of the language of the application².
- (c) The application shall be accompanied by the registration fee and any other fees, as specified in Rule 8.

- (3) *[Application Governed by the Geneva Act – Particulars Concerning the Quality, Reputation or Characteristic(s)]* (a) To the extent that a Contracting Party of the Geneva Act requires that, for the protection of a registered appellation of origin or geographical indication in its territory, the application governed by the Geneva Act further indicate particulars concerning, in the case of an appellation of origin, the quality or characteristics of the good and its connection with the geographical environment of the geographical area of production, and, in the case of a geographical indication, the quality, reputation or other characteristic of the good and its connection with the geographical area of origin, it shall notify that requirement to the Director General.
- (b) In order to meet such a requirement, particulars as referred to in subparagraph (a) shall be provided in a working language, but they shall not be translated by the International Bureau.
- (c) An application that is not in accordance with a requirement as notified by a Contracting Party under subparagraph (a) shall, subject to Rule 6, have the effect that protection is renounced in respect of that Contracting Party.

- (4) *[Application Governed by the Geneva Act – Signature and/or Intention to Use]* (a) To the extent that a Contracting Party of the Geneva Act requires that for protection of a registered appellation of origin or geographical indication the application governed by the Geneva Act be signed by a person having legal standing to assert the rights conferred by such protection, it shall notify that requirement to the Director General.
- (b) To the extent that a Contracting Party requires that for protection of a registered appellation of origin or geographical indication the application governed by the Geneva Act be accompanied by a declaration of intention to use the registered appellation of origin or geographical indication in its territory or a declaration of intention to exercise control over the use by others of the registered appellation of origin or geographical indication in its territory, it shall notify that requirement to the Director General.
- (c) An application governed by the Geneva Act that is not signed in accordance with subparagraph (a), or that is not accompanied by a declaration indicated in subparagraph (b), shall, subject to Rule 6, have the effect that protection is renounced in respect of the Contracting Party requiring such signature or declaration, as notified under subparagraphs (a) and (b).

(5) *[Application Governed by the Geneva Act – Protection Not Claimed for Certain Elements of the Appellation of Origin or the Geographical Indication]* The application governed by the Geneva Act shall indicate whether or not, to the best knowledge of the applicant, the registration, the legislative or administrative act, or the judicial or administrative decision, by virtue of which protection is granted to the appellation of origin, or to the geographical indication, in the Contracting Party of Origin, specifies that protection is not granted for certain elements of the appellation of origin or the geographical indication. Any such elements shall be indicated in the application in a working language and in the official language or languages of the Contracting Party of Origin referred to in paragraph (2)(a)(iv), together with any transliteration referred to in paragraph (2)(b).

(6) *[Application – Optional Contents]* (a) The application may indicate or contain:

- (i) the addresses of the beneficiaries or, in the case of an application governed by the Geneva Act, and without prejudice to paragraph (2)(a)(ii), the natural person or legal entity referred to in Article 5(2)(ii) of that Act;
 - (ii) a declaration that protection is renounced in one or more Contracting Parties;
 - (iii) a copy in the original language of the registration, the legislative or administrative act, or the judicial or administrative decision, by virtue of which protection is granted to the appellation of origin or the geographical indication in the Contracting Party of Origin;
 - (iv) a statement to the effect that protection is not claimed for certain elements of the appellation of origin for applications governed by the 1967 Act, or for certain elements, other than those referred to in paragraph (5), of the appellation of origin or the geographical indication for applications governed by the Geneva Act;
 - (v) one or more translations of the appellation of origin, in as many languages as the Competent Authority of the country of origin wishes for applications governed by the 1967 Act;
 - (vi) any further information the Competent Authority of the Contracting Party of Origin that is party to the 1967 Act wishes to provide concerning the protection granted to the appellation of origin in that country, such as additional particulars of the area of production of the product and a description of the connection between the quality or characteristics of the good and its geographical environment.
- (b) Notwithstanding Rule 3(3), particulars as referred to in subparagraph (a)(i) and (vi) shall not be translated by the International Bureau.

Rule 6

Irregular Applications

(1) *[Examination of the Application and Correction of Irregularities]* (a) Subject to paragraph (2), if the International Bureau finds that an application does not satisfy the conditions set out in Rule 3(1) or Rule 5, it shall defer registration and invite the Competent Authority or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act, to remedy the irregularity found within a period of three months from the date on which the invitation was sent.

(b) If the irregularity found is not corrected within two months of the date of the invitation referred to in subparagraph (a), the International Bureau shall send a reminder of its invitation. The sending of such a reminder shall have no effect on the three-month period referred to in subparagraph (a).

(c) If the correction of the irregularity is not received by the International Bureau within the three-month period referred to in subparagraph (a), the application shall, subject to subparagraph (d), be rejected by the International Bureau, which shall inform the Competent Authority or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person

or legal entity referred to in Article 5(2)(ii) of that Act as well as the Competent Authority, accordingly.

(d) In the case of an irregularity with respect to a requirement based on a notification made under Rule 5(3) or (4), or on a declaration made under Article 7(4) of the Geneva Act, if the correction of the irregularity is not received by the International Bureau within the three-month period referred to in subparagraph (a), the protection resulting from the international registration shall be considered to be renounced in the Contracting Party that has made the notification or the declaration.

(e) Where, in accordance with subparagraph (c), the application is rejected, the International Bureau shall refund the fees paid in respect of the application, after deduction of an amount corresponding to half the registration fee referred to in Rule 8.

(2) *[Application Not Considered as Such]* If the application is not filed by the Competent Authority of the Contracting Party of Origin or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act, it shall not be considered as such by the International Bureau and shall be returned to the sender.

Rule 7

Entry in the International Register

(1) *[Registration]* (a) Where the International Bureau finds that the application satisfies the conditions set out in Rules 3(1) and 5, it shall enter the appellation of origin or the geographical indication in the International Register.

(b) The International Bureau shall indicate per Contracting Party whether the international registration is governed by the Geneva Act or by the Lisbon Agreement of October 31, 1958, or the 1967 Act.

(2) *[Contents of the Registration]* The international registration shall contain or indicate:

- (i) all the particulars given in the application;
- (ii) the language in which the International Bureau received the application;
- (iii) the number of the international registration;
- (iv) the date of the international registration.

(3) *[Certificate and Notification]* The International Bureau shall:

(i) send a certificate of international registration to the Competent Authority of the Contracting Party of Origin or, in the case of Article 5(3) of the Geneva Act, to the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act that requested the registration; and

(ii) notify the international registration to the Competent Authority of each Contracting Party.

(4) *[Implementation of Articles 29(4) and 31(1) of the Geneva Act]* (a) In case of the ratification of, or accession to, the Geneva Act by a State that is party to the 1967 Act, Rules 5(2) to (4) shall apply *mutatis mutandis* with regard to international registrations or appellations of origin effective under the 1967 Act in respect of that State. The International Bureau shall verify with the Competent Authority concerned any modifications to be made, in view of the requirements of Rules 3(1) and 5(2) to (4), for the purpose of their registration under the Geneva Act and shall notify international registrations thus effected to all other Contracting Parties that are party to the Geneva Act. Modifications shall be subject to payment of the fee specified in Rule 8(1)(ii).

(b) Any refusal or invalidation issued by a Contracting Party of the Geneva Act and of the 1967 Act shall remain effective under the Geneva Act in respect of an international registration referred to in subparagraph (a), unless the Contracting Party notifies a withdrawal of

refusal under Article 16 of the Geneva Act or a statement of grant of protection under Article 18 of the Geneva Act.

(c) Where subparagraph (b) does not apply, any Contracting Party of the Geneva Act and of the 1967 Act shall, upon receipt of a notification under subparagraph (a), continue to protect the appellation of origin concerned thenceforth also under the Geneva Act, unless the Contracting Party indicates otherwise within the time period specified in Article 5(3) of the 1967 Act and, for its remainder, in Article 15(1) of the Geneva Act. Any period granted under Article 5(6) of the 1967 Act and still effective at the time the notification under subparagraph (a) is received shall, for its remainder, be subject to the provisions of Article 17 of the Geneva Act.

(d) The Competent Authority of a Contracting Party of the Geneva Act but not of the 1967 Act which receives a notification under subparagraph (a) may, in accordance with Article 15 of the Geneva Act, notify the International Bureau of the refusal of the effects of any of those international registrations in its territory. The refusal shall be addressed to the International Bureau by such Competent Authority within the period specified in Rule 9(1)(b) and (c). Rules 6(1)(d) and 9 to 12 shall apply *mutatis mutandis*.

Rule 7bis

Date of International Registration Effected Under the 1967 Act and Date of Its Effects

(1) *[Date of International Registration]* (a) Subject to subparagraph (b), the date of the international registration for an application filed under the 1967 Act shall be the date on which the application was received by the International Bureau.

(b) Where the application does not contain all the following particulars:

- (i) the Contracting Party of Origin;
- (ii) the Competent Authority presenting the application;
- (iii) the details identifying the beneficiaries;
- (iv) the appellation of origin for which international registration is sought;
- (v) the good or goods to which the appellation of origin applies;

the date of the international registration shall be the date on which the last of the missing particulars is received by the International Bureau.

(2) *[Date of Effects of International Registration]* (a) Subject to subparagraph (b) and to paragraph (3), an appellation of origin that is the subject of an international registration effected under the 1967 Act shall, in each Contracting Party of the 1967 Act that has not refused in accordance with Article 5(3) of the 1967 Act the protection of the appellation of origin, or that has sent to the International Bureau a statement of grant of protection in accordance with Rule 12, be protected from the date of the international registration.

(b) A Contracting Party of the 1967 Act may, in a declaration, notify the Director General that, in accordance with its legislation, a registered appellation of origin referred to in subparagraph (a) is protected from a date that is mentioned in the declaration, which date shall however not be later than the date of expiry of the period of one year referred to in Article 5(3) of the 1967 Act.

(3) *[Date of Effects of International Registration Following Adhesion to the Geneva Act]* Following the ratification of, or accession to, the Geneva Act by a Contracting Party of Origin that is party to the 1967 Act, an appellation of origin that is the subject of an international registration effected under the 1967 Act shall, in each Contracting Party that is party to the Geneva Act but not to the 1967 Act and that has not refused protection in accordance with Article 15 of the Geneva Act, or that has sent to the International Bureau a statement of grant of protection in accordance with Article 18 of the Geneva Act, and in the absence of any irregularity under Rule 6(1)(d), be protected from the date on which the ratification of, or accession to, the Geneva Act by the Contracting Party of Origin becomes effective, subject to Article 6(5)(b) of the Geneva Act.

Rule 8
Fees

(1) *[Amount of Fees]* The International Bureau shall collect the following fees, payable in Swiss francs:

(i)	fee for international registration	1000
(ii)	fee for each modification of an international registration	500
(iii)	fee for providing an extract from the International Register	150
(iv)	fee for providing an attestation or any other written information	100
(v)	individual fees as referred to in paragraph (2).	

concerning the contents of the International Register

(2) *[Establishment of the Amount of Individual Fees for Applications Governed by the Geneva Act]* (a) Where a Contracting Party of the Geneva Act makes a declaration as referred to in Article 7(4) of the Geneva Act that it wants to receive an individual fee in relation to an application governed by the Geneva Act, as referred to in that provision, the amount of such fee shall be indicated in the currency used by the Competent Authority.

(b) Where the fee is indicated in the declaration referred to in subparagraph (a) in a currency other than Swiss currency, the Director General shall, after consultation with the Competent Authority of the Contracting Party, establish the amount of the fee in Swiss currency on the basis of the official exchange rate of the United Nations.

(c) Where, for more than three consecutive months, the official exchange rate of the United Nations between the Swiss currency and the currency in which the amount of an individual fee has been indicated by a Contracting Party is higher or lower by at least 5 per cent than the last exchange rate applied to establish the amount of the fee in Swiss currency, the Competent Authority of that Contracting Party may ask the Director General to establish a new amount of the fee in Swiss currency according to the official exchange rate of the United Nations prevailing on the day preceding the day on which the request is made. The Director General shall proceed accordingly. The new amount shall be applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount on the website of the Organization.

(d) Where, for more than three consecutive months, the official exchange rate of the United Nations between the Swiss currency and the currency in which the amount of an individual fee has been indicated by a Contracting Party is lower by at least 10 per cent than the last exchange rate applied to establish the amount of the fee in Swiss currency, the Director General shall establish a new amount of the fee in Swiss currency according to the current official exchange rate of the United Nations. The new amount shall be applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount on the website of the Organization.

(3) *[Crediting of Individual Fees for Applications Governed by the Geneva Act to the Accounts of the Contracting Parties Concerned That Are Party to the Geneva Act]* Any individual fee paid to the International Bureau in respect of a Contracting Party of the Geneva Act shall be credited to the account of that Contracting Party with the International Bureau within the month following the month in the course of which the recording of the international registration for which that fee has been paid was effected.

(4) *[Obligation to Use Swiss Currency]* All payments made under these Regulations to the International Bureau shall be in Swiss currency irrespective of the fact that, where the fees are paid through the Competent Authority, such Competent Authority may have collected those fees in another currency.

- (5) *[Payment]* (a) Subject to subparagraph (b), the fees shall be paid directly to the International Bureau.
(b) The fees payable in connection with an application may be paid through the Competent Authority if the Competent Authority accepts to collect and forward such fees and the beneficiaries so wish. Any Competent Authority which accepts to collect and forward such fees shall notify that fact to the Director General.
- (6) *[Modes of Payment]* Fees shall be paid to the International Bureau in accordance with the Administrative Instructions.
- (7) *[Indications Accompanying the Payment]* At the time of the payment of any fee to the International Bureau, an indication must be given of the appellation of origin or the geographical indication concerned and the purpose of the payment.
- (8) *[Date of Payment]* (a) Subject to subparagraph (b), any fee shall be considered to have been paid to the International Bureau on the day on which the International Bureau receives the required amount.
(b) Where the required amount is available in an account opened with the International Bureau and that Bureau has received instructions from the holder of the account to debit it, the fee shall be considered to have been paid to the International Bureau on the day on which the International Bureau receives an application or a request for the recording of a modification.
- (9) *[Change in the Amount of the Fees]* Where the amount of any fee is changed, the amount valid on the date on which the fee was received by the International Bureau shall be applicable.
- (10) *[Safeguard of the 1967 Act]* (a) Notwithstanding paragraph (1)(v), a declaration made under Article 7(4) of the Geneva Act, by a Contracting Party of the Geneva Act and the 1967 Act, shall have no effect in the relations with another Contracting Party that is party to the Geneva Act and the 1967 Act.
(b) The Assembly may, by a three-fourths majority, repeal subparagraph (a), or restrict the scope of subparagraph (a). Only Contracting Parties of the Geneva Act and the 1967 Act shall have the right to vote.

Chapter III **Refusal and Other Actions in Respect of International Registration**

Rule 9 **Refusal**

- (1) *[Notification to the International Bureau]* (a) A refusal shall be notified to the International Bureau by the Competent Authority of the concerned Contracting Party and shall be signed by that Competent Authority.
(b) The refusal shall be notified within a period of one year from the receipt of the notification of the international registration under Article 5(2) of the 1967 Act or under the Article 6(4) of the Geneva Act. In the case of Article 29(4) of the Geneva Act, this time limit may be extended by another year.
(c) Unless demonstrated to the contrary by the Competent Authority referred to in subparagraph (a), the notification of an international registration shall be deemed to have been received by the Competent Authority 20 days after the date indicated in the notification.

- (2) *[Contents of the Notification of Refusal]* A notification of refusal shall indicate or contain:
- (i) the Competent Authority notifying the refusal;
 - (ii) the number of the relevant international registration, preferably accompanied by further information enabling the identity of the international registration to be confirmed, such as the denomination constituting the appellation of origin or the indication constituting the geographical indication;
 - (iii) the grounds on which the refusal is based;
 - (iv) where the refusal is based on the existence of a prior right, the essential particulars of that prior right and, in particular, if it is constituted by a national, regional or international trademark application or registration, the date and number of such application or registration, the priority date (where appropriate), the name and address of the holder, a reproduction of the trademark, together with the list of relevant goods and services given in the trademark application or registration, it being understood that the list may be submitted in the language of the said application or registration;
 - (v) where the refusal concerns only certain elements of the appellation of origin, or the geographical indication, an indication of the elements that it concerns;
 - (vi) the judicial or administrative remedies available to contest the refusal, together with the applicable time limits.

- (3) *[Entry in the International Register and Notifications by the International Bureau]* Subject to Rule 10(1), the International Bureau shall enter in the International Register any refusal, together with the date on which the notification of refusal was sent to the International Bureau, and shall communicate a copy of the notification of refusal to the Competent Authority of the Contracting Party of Origin or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act as well as the Competent Authority of the Contracting Party of Origin.

Rule 10

Irregular Notification of Refusal

- (1) *[Notification of Refusal Not Considered as Such]* (a) A notification of refusal shall not be considered as such by the International Bureau:
- (i) if it does not indicate the number of the international registration concerned, unless other information given in the notification enables the registration to be identified without ambiguity;
 - (ii) if it does not indicate any ground for refusal;
 - (iii) if it is sent to the International Bureau after the expiry of the relevant time limit referred to in Rule 9(1);
 - (iv) if it is not notified to the International Bureau by the Competent Authority.
- (b) Where subparagraph (a) applies, the International Bureau shall inform the Competent Authority that submitted the notification of refusal that the refusal is not considered as such by the International Bureau and has not been entered in the International Register, shall state the reasons therefore and shall, unless it is unable to identify the international registration concerned, communicate a copy of the notification of refusal to the Competent Authority of the Contracting Party of Origin or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act as well as the Competent Authority of the Contracting Party of Origin.
- (2) *[Irregular Notification]* If the notification of refusal contains an irregularity other than those referred to in paragraph (1), the International Bureau shall nevertheless enter the refusal in the International Register and shall communicate a copy of the notification of refusal to the Competent Authority of the Contracting Party of Origin or, in the case of Article 5(3) of the

Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act as well as the Competent Authority of the Contracting party of Origin. At the request of that Competent Authority or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act, the International Bureau shall invite the Competent Authority that submitted the notification of refusal to regularize the notification without delay.

Rule 11
Withdrawal of Refusal

- (1) *[Notification to the International Bureau]* A refusal may be withdrawn, in part or in whole, at any time by the Competent Authority that notified it. The withdrawal of a refusal shall be notified to the International Bureau by the relevant Competent Authority and shall be signed by such authority.
- (2) *[Contents of the Notification]* The notification of withdrawal of a refusal shall indicate:
- (i) the number of the international registration concerned, preferably accompanied by other information enabling the identity of the international registration to be confirmed, such as the denomination constituting the appellation of origin or the indication constituting the geographical indication;
 - (ii) the reason for the withdrawal and, in case of a partial withdrawal, the particulars referred to in Rule 9(2)(v);
 - (iii) the date on which the refusal was withdrawn.

- (3) *[Entry in the International Register and Notifications by the International Bureau]* The International Bureau shall enter in the International Register any withdrawal referred to in paragraph (1) and shall communicate a copy of the notification of withdrawal to the Competent Authority of the Contracting Party of Origin or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act as well as the Competent Authority of the Contracting Party of Origin.

Rule 12
Grant of Protection

- (1) *[Optional Statement of Grant of Protection]* (a) The Competent Authority of a Contracting Party which does not refuse the effects of an international registration may, within the time limit referred to in Rule 9(1), send to the International Bureau a statement confirming that protection is granted to the appellation of origin, or the geographical indication, that is the subject of an international registration.
- (b) The statement of grant of protection shall indicate:
- (i) the Competent Authority of the Contracting Party making the statement;
 - (ii) the number of the international registration concerned, preferably accompanied by other information enabling the identity of the international registration to be confirmed, such as the denomination constituting the appellation of origin, or the indication constituting the geographical indication; and
 - (iii) the date of the statement.

(2) *[Optional Statement of Grant of Protection Following a Refusal]* (a) Where a Competent Authority that has previously submitted a notification of refusal wishes to withdraw that refusal, it may, instead of notifying the withdrawal of refusal in accordance with Rule 11(1), send to the International Bureau a statement to the effect that protection is granted to the relevant appellation of origin or geographical indication.

(b) The statement of grant of protection shall indicate:

- (i) the Competent Authority of the Contracting Party making the statement;
- (ii) the number of the international registration concerned, preferably

accompanied by other information enabling the identity of the international registration to be confirmed, such as the denomination constituting the appellation of origin, or the indication constituting the geographical indication;

(iii) the reason for the withdrawal and, in case of a grant of protection that amounts to a partial withdrawal of refusal, the particulars referred to in Rule 9(2)(v); and

- (iv) the date on which protection was granted.

(3) *[Entry in the International Register and Notifications by the International Bureau]*

The International Bureau shall enter in the International Register any statement of grant of protection referred to in paragraphs (1) or (2) and communicate a copy of such statement to the Competent Authority of the Contracting Party of Origin or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act as well as the Competent Authority of the Contracting Party of Origin.

Rule 13

Invalidation of the Effects of an International Registration in a Contracting Party

(1) *[Notification of Invalidation to the International Bureau]* Where the effects of an international registration are invalidated in a Contracting Party, in whole or in part, and the invalidation is no longer subject to appeal, the Competent Authority of the concerned Contracting Party shall transmit to the International Bureau a notification of invalidation. The notification shall indicate or contain:

(i) the number of the international registration concerned, preferably accompanied by other information enabling the identity of the international registration to be confirmed, such as the denomination constituting the appellation of origin, or the indication constituting the geographical indication;

(ii) the authority that pronounced the invalidation;

(iii) the date on which the invalidation was pronounced;

(iv) where the invalidation is partial, the particulars referred to in Rule 9(2)(v);

(v) the grounds on the basis of which the invalidation was pronounced;

(vi) a copy of the decision that invalidated the effects of the international registration.

(2) *[Entry in the International Register and Notifications by the International Bureau]* The International Bureau shall enter the invalidation in the International Register together with the particulars referred to in items (i) to (v) of paragraph (1) and shall communicate a copy of the notification to the Competent Authority of the Contracting Party of Origin or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act as well as the Competent Authority of the Contracting Party of Origin.

Rule 14

Transitional Period Granted to Third Parties

(1) *[Notification to the International Bureau]* Where a third party has been granted a defined period of time in which to terminate the use of a registered appellation of origin, or a registered geographical indication, in a Contracting Party, in accordance with Article 5(6) of the 1967 Act or Article 17(1) of the Geneva Act, the Competent Authority of that Contracting Party shall notify the International Bureau accordingly. The notification shall be signed by that Authority and shall indicate:

- (i) the number of the international registration concerned, preferably accompanied by other information enabling the identity of the international registration to be confirmed, such as the denomination constituting the appellation of origin, or the indication constituting the geographical indication;
- (ii) the identity of the third party concerned;
- (iii) the period granted to the third party, preferably accompanied by information about the scope of the use during the transitional period;
- (iv) the date from which the defined period begins, it being understood that the date may not be later than one year and three months from the receipt of the notification of international registration under Article 5(2) of the 1967 Act or Article 6(4) of the Geneva Act or, in the case of Article 29(4) of the Geneva Act, no later than two years and three months from such receipt.

(2) *[Duration Under Article 17 of the Geneva Act]* The duration of the period granted to a third party under Article 17 of the Geneva Act shall not be longer than 15 years, it being understood that the period may depend on the specific situation of each case and that a period longer than ten years would be exceptional.

(3) *[Entry in the International Register and Notifications by the International Bureau]* Subject to the notification referred to in paragraph (1) being sent by the Competent Authority to the International Bureau before the date referred to in paragraph (1)(iv), the International Bureau shall enter such notification in the International Register together with the particulars shown therein and shall communicate a copy of the notification to the Competent Authority of the Contracting Party of Origin or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act as well as the Competent Authority of the Contracting Party of Origin.

Rule 15

Modifications

(1) *[Permissible Modifications]* The following modifications may be recorded in the International Register:

- (i) the addition or deletion of a beneficiary or some beneficiaries;
- (ii) a modification of the names or addresses of the beneficiaries or of the natural person or legal entity referred to in Article 5(2)(ii) of the Geneva Act;
- (iii) a modification of the limits of the geographical area of production or the geographical area of origin of the good or goods to which the appellation of origin, or the geographical indication, applies;
- (iv) a modification relating to the legislative or administrative act, the judicial or administrative decision, or the registration referred to in Rule 5(2)(a)(vii);
- (v) a modification relating to the Contracting Party of Origin that does not affect the geographical area of production or the geographical area of origin of the good or goods to which the appellation of origin, or the geographical indication, applies;
- (vi) a modification under Rule 16.

(2) *[Procedure]* (a) A request for entry of a modification referred to in paragraph (1) shall be presented to the International Bureau and shall be signed by the Competent Authority of the Contracting Party of Origin or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act, and shall be accompanied by the fee specified in Rule 8.

(b) A request for entry of a modification referred to in paragraph (1) shall, where it concerns a newly established trans-border geographical area of production or geographical area of origin as referred to in Article 1(xiii) of the Geneva Act, be presented to the International Bureau and shall be signed by the commonly designated Competent Authority as referred to in Article 5(4) of the Geneva Act.

(3) *[Entry in the International Register and Notification to the Competent Authorities]* The International Bureau shall enter in the International Register any modification requested in accordance with paragraphs (1) and (2) together with the date of receipt of the request by the International Bureau, confirm the entry to the Competent Authority that requested the modification, and communicate such modification to the Competent Authorities of the other Contracting Parties.

(4) *[Optional Alternative for International Registration Effected Under the Geneva Act]* In the case of Article 5(3) of the Geneva Act, paragraphs (1) to (3) shall apply *mutatis mutandis*, it being understood that a request from the beneficiaries or from the natural person or legal entity referred to in Article 5(2)(ii) of the Geneva Act must indicate that the change is requested because of a corresponding change to the registration, the legislative or administrative act, or the judicial or administrative decision, on the basis of which the appellation of origin, or the geographical indication, had been granted protection in the Contracting Party of Origin that made a declaration in accordance with Article 5(3) of the Geneva Act; and that the entry of the modification in the International Register shall be confirmed to the concerned beneficiaries or natural person or legal entity by the International Bureau, which shall also inform the Competent Authority of the Contracting Party of Origin that made a declaration in accordance with Article 5(3) of the Geneva Act.

Rule 16

Renunciation of Protection

(1) *[Notification to the International Bureau]* The Competent Authority of the Contracting Party of Origin, or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act or the Competent Authority of the Contracting Party of Origin, may at any time notify the International Bureau that protection of the appellation of origin, or the geographical indication, is renounced, in whole or in part, in respect of one or some but not all of the Contracting Parties. The notification of renunciation of protection shall state the number of the international registration concerned, preferably accompanied by other information enabling the identity of the international registration to be confirmed, such as the denomination constituting the appellation of origin, or the indication constituting the geographical indication and shall be signed by the Competent Authority or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act.

(2) *[Withdrawal of a Renunciation]* (a) Any renunciation, including a renunciation under Rule 6(1)(d), may be withdrawn, in whole or in part, at any time by the Competent Authority of the Contracting Party of Origin or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act or the Competent

Authority of the Contracting Party of Origin, subject to payment of the fee for a modification and, in the case of a renunciation under Rule 6(1)(d), the correction of the irregularity.

(b) Subject to Article 6(5)(b) of the Geneva Act, in each Contracting Party in which a renunciation has effect, a registered appellation of origin or geographical indication shall be protected from the date on which:

- (i) the withdrawal of renunciation is received by the International Bureau in the case of a renunciation referred to in paragraph (1); and
- (ii) the correction of the irregularity is received by the International Bureau in the case of a renunciation referred to in Rule 6(1)(d).

(3) *[Entry in the International Register and Notification to the Competent Authorities]* The International Bureau shall enter in the International Register any renunciation of protection referred to in paragraph (1), or any withdrawal of a renunciation referred to in paragraph (2), confirm the entry to the Competent Authority of the Contracting Party of Origin and, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity, while also informing the Competent Authority of the Contracting Party of Origin, and shall communicate the entry of such modification in the International Register to the Competent Authorities of each Contracting Party to which the renunciation, or the withdrawal of the renunciation, relates.

(4) *[Application of Rules 9 to 12]* The Competent Authority of a Contracting Party that receives a notification of the withdrawal of a renunciation may notify the International Bureau of the refusal of the effects of the international registration in its territory. The declaration shall be addressed to the International Bureau by such Competent Authority within a period of one year from the date of receipt of the notification by the International Bureau of the withdrawal of the renunciation. Rules 9 to 12 shall apply *mutatis mutandis*.

Rule 17

Cancellation of an International Registration

(1) *[Request for Cancellation]* The Competent Authority of the Contracting Party of Origin, or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act or the Competent Authority of the Contracting Party of Origin, may at any time request the International Bureau to cancel their international registration. The request for cancellation shall state the number of the international registration concerned, preferably accompanied by other information enabling the identity of the international registration to be confirmed, such as the denomination constituting the appellation of origin or the indication constituting the geographical indication and shall be signed by the Competent Authority or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act.

(2) *[Entry in the International Register and Notification to the Competent Authorities]* The International Bureau shall enter in the International Register any cancellation together with the particulars given in the request, confirm the entry to the Competent Authority of the Contracting Party of Origin or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act, while also informing the Competent Authority of the Contracting Party of Origin, and shall communicate the cancellation to the Competent Authorities of the other Contracting Parties.

Rule 18
Corrections Made to the International Register

- (1) *[Procedure]* If the International Bureau, acting *ex officio* or at the request of the Competent Authority of the Contracting Party of Origin, finds that the International Register contains an error with respect to an international registration, it shall correct the Register accordingly.
- (2) *[Optional Alternative for International Registration Under the Geneva Act]* In the case of Article 5(3) of the Geneva Act, a request under paragraph (1) can also be submitted by the beneficiaries or by the natural person or legal entity referred to in Article 5(2)(ii) of that Act. The beneficiaries or the natural person or legal entity shall be notified by the International Bureau of any correction concerning the international registration.
- (3) *[Notification of Corrections to the Competent Authorities]* The International Bureau shall notify any correction of the International Register to the Competent Authorities of all Contracting Parties as well as, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act.
- (4) *[Application of Rules 9 to 12]* Where the correction of an error concerns the appellation of origin or the geographical indication, or the good or goods to which the appellation of origin or the geographical indication applies, the Competent Authority of a Contracting Party has the right to declare that it cannot ensure the protection of the appellation of origin or geographical indication after the correction. The declaration shall be addressed to the International Bureau by such Competent Authority within a period of one year from the date of receipt of the notification by the International Bureau of the correction. Rules 9 to 12 shall apply *mutatis mutandis*.

Chapter IV
Miscellaneous Provisions

Rule 19
Publication

The International Bureau shall publish all entries made in the International Register.

Rule 20
Extracts from the International Register and Other Information
Provided by the International Bureau

- (1) *[Information on the Contents of the International Register]* Extracts from the International Register or any other information on the contents of the Register shall be provided by the International Bureau to any person so requesting, on payment of the fee specified in Rule 8.
- (2) *[Communication of Provisions, Decisions or the Registration Under Which an Appellation of Origin or a Geographical Indication Is Protected]* (a) Any person may request from the International Bureau a copy in the original language of the provisions, the decisions or the registration referred to in Rule 5(2)(a)(vii), on payment of the fee specified in Rule 8.
(b) Where such documents have already been communicated to the International Bureau, the latter shall transmit without delay a copy to the person who has made the request.

(c) If such a document has never been communicated to the International Bureau, the latter shall request a copy of it from the Competent Authority of the Contracting Party of Origin and shall transmit the document, on receipt, to the person who has made the request.

Rule 21
Signature

Where the signature of a Competent Authority is required under these Regulations, such signature may be printed or replaced by the affixing of a facsimile or an official seal.

Rule 22
Date of Dispatch of Various Communications

Where the notifications referred to in Rules 9(1), 14(1), 16(4) and 18(4) are communicated through a postal service, the date of dispatch shall be determined by the postmark. If the postmark is illegible or missing, the International Bureau shall treat the communication concerned as if it had been sent 20 days before the date on which it was received. Where such notifications are sent through a mail delivery service, the date of dispatch shall be determined by the information provided by such delivery service on the basis of the details of the mailing as recorded by it. Such notifications may also be communicated by facsimile or by electronic means, as provided for in the Administrative Instructions.

Rule 23
Modes of Notification by the International Bureau

Any notification by the International Bureau referred to in these Regulations shall be addressed to the Competent Authorities or, in the case of Article 5(3) of the Geneva Act, to the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act by any means enabling the International Bureau to establish that the notification has been received.

Rule 24
Administrative Instructions

(1) *[Establishment of Administrative Instructions; Matters Governed by Them]* (a) The Director General shall establish Administrative Instructions and may modify them. Before establishing or modifying the Administrative Instructions, the Director General shall consult the Competent Authorities of the Contracting Parties which have direct interest in the proposed Administrative Instructions or their proposed modification.

(b) The Administrative Instructions shall deal with matters in respect of which these Regulations expressly refer to such Instructions and with details in respect of the application of these Regulations.

(2) *[Supervision by the Assembly]* The Assembly may invite the Director General to modify any provision of the Administrative Instructions and the Director General shall act upon any such invitation.

(3) *[Publication and Effective Date]* (a) The Administrative Instructions and any modification thereof shall be published.

(b) Each publication shall specify the date on which the published provisions become effective. The dates may be different for different provisions, provided that no provision may be declared effective prior to its publication.

(4) *[Conflict with the Act or These Regulations]* In the case of conflict between, on the one hand, any provision of the Administrative Instructions and, on the other hand, any provision of the Act or these Regulations, the latter shall prevail.

Rule 25
Entry into Force; Transitional Provisions

(1) *[Entry into Force]* These Regulations shall enter into force on *[the date of entry into force of these Regulations will coincide with the entry into force of the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications]³*, and shall, as from that date, replace the Regulations under the 1967 Act for the Protection of Appellations of Origin and their International Registration as in force on January 1, 2016 (hereinafter referred as “the Regulations under the Agreement”).

(2) *[Transitional Provisions]* Notwithstanding paragraph (1),

(i) an application governed by the 1967 Act which was received by the International Bureau before the date referred to in paragraph (1) shall, to the extent that it conforms to the requirements of the Regulations under the 1967 Act, be deemed to conform to the applicable requirements for the purposes of Rule 7;

(ii) a communication of refusal, withdrawal of refusal, statement of grant of protection, notification of invalidation of effects of an international registration in a Contracting Party, transitional period granted to third parties, modification, renunciation of protection, or cancellation of an international registration effected under the 1967 Act which was received by the International Bureau before the date referred to in paragraph (1), shall, to the extent that it conforms to the requirements of the Regulations under the 1967 Act, be deemed to conform to the applicable requirements for the purposes of Rules 9(3), 11(3), 12(3), 13(2), 14(3), 15(3), 16(3) and 17(2), respectively.

[End of Annex and of document]

³ See decision of the Lisbon Union Assembly in document LI/A/34/4.