

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

**Twenty-Eighth Session
Geneva, December 10 to 14, 2012**

PROPOSAL BY THE AFRICAN GROUP

Document prepared by the Secretariat

In a communication dated December 10, 2012, the African Group transmitted to the International Bureau of the World Intellectual Property Organization (WIPO) the proposal contained in the Annex to this document.

[Annex follows]

DRAFT TREATY ON INDUSTRIAL DESIGN LAW AND PRACTICE

General Note: The following Articles are to be introduced in the Draft Treaty on Industrial Design Law and Practice.

Article A

Special and Differential Treatment for Developing and Least – Developed Countries

In cases where fees are charged, applicants from developing countries shall benefit from a fee reduction of at least fifty per cent. Applicants from LDCs shall benefit from a fee waiver.

Article B

Technical, Financial Assistance and Capacity Building

- (1) With a view to facilitating the implementation of the Treaty in those Contracting Parties that are considered as developing countries and LDCs, as well as to facilitate the domestic users from those countries to make effective use of the formalities for any application, request or communication in relation to the registration of an industrial design in any other national or regional Office, WIPO shall provide targeted additional, appropriate and adequate technical assistance comprising technological, legal and other forms of support to strengthen the national capacity, in those countries to implement the Treaty and enable those countries and their domestic users to take full advantage of the provisions of the Treaty.
- (2) Such technical assistance shall be development-oriented, demand-driven, needs based and transparent, taking into account the priorities and the special needs of developing countries, particularly LDCs, as well as the technological and economic development of the beneficiary country.
- (3) WIPO and its Developed Member States shall, at the request of interested Contracting Parties that are developing countries, provide full financial support for all activities and measures that have to be taken by those countries to implement the Treaty and the Regulations under the Treaty, for at least the first five years from the date the Treaty enters into force for the relevant Contracting Party.
- (4) WIPO and its Developed Member States shall provide full financial support to all the Contracting Parties that are Least Developed Countries for all activities and measures that have to be taken to implement the Treaty and the Regulations under the Treaty for as long as a country remains a least developed country.
- (5) WIPO shall, at the request of interested Contracting Parties that are developing countries and all the Contracting Parties that are LDCs, provide all the appropriate equipment and technology, including information and communications technology, as well as the required infrastructure and other facilities, and appropriate training to the staff from the Offices of these countries for operating such equipment or technology.
- (6) The Assembly will monitor and evaluate, at every ordinary session, WIPO's implementation of the abovementioned provisions. To facilitate the monitoring and evaluation by the Assembly, an independent monitoring and evaluation report shall be submitted by WIPO to the ordinary session of the Assembly.

Article C

Facilitating Participation of Developing and Least – Developed Countries in the Assembly

Contracting Parties that are regarded as developing countries and LDCs shall be granted adequate financial assistance by WIPO to facilitate the participation of at least one delegate of such Contracting Parties in all ordinary and extraordinary sessions of the Assembly, and any inter-sessional meeting, working group, revision conference or diplomatic conference in relation to this Treaty and the Regulations under the Treaty.

Article E

Exchange of Information relating to Registered Design

With a view to protect misappropriation of traditional design and simplifying substantive examination of industrial design in each Member States, Contracting Parties shall communicate all registered design information to all Member States. To this effect, WIPO shall be responsible to receive such information and communicate it to its Member States through appropriate means.

[End of Annex and of document]