

## **Preparatory Committee of the Diplomatic Conference to Conclude and Adopt a Design Law Treaty (DLT)**

**Geneva, October 9, 2023**

REPORT

*adopted by the Preparatory Committee*

## INTRODUCTION

1. The meeting of the Preparatory Committee of the Diplomatic Conference to conclude and adopt a Design Law Treaty (DLT) (hereinafter referred to as “the Preparatory Committee”) was held in Geneva on October 9, 2023.

2. The following States Members of WIPO were represented at the meeting: Algeria, Argentina, Australia, Austria, Belarus, Belgium, Bhutan, Botswana, Brazil, Bulgaria, Cambodia, Canada, Chile, China, Colombia, Croatia, Czech Republic, Democratic People’s Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kuwait, Kyrgyzstan, Lithuania, Malaysia, Mauritania, Mexico, Morocco, Nepal, Netherlands (Kingdom of the), Niger, Nigeria, North Macedonia, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Saudi Arabia, Singapore, Slovenia, South Africa, Spain, Sudan, Sweden, Switzerland, Thailand, Togo, Trinidad and Tobago, Tunisia, Türkiye, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

3. The following Intergovernmental Organizations participated in the meeting in an observer capacity: African Union, Eurasian Patent Organization, European Union.

## ITEM 1 OF THE AGENDA

### OPENING OF THE MEETING

4. Opening the meeting of the Preparatory Committee, the Director General made the following statement:

“Excellencies,

”Distinguished Delegates,

“Ladies and Gentlemen,

“Good morning and welcome to this meeting of the Preparatory Committee of the Diplomatic Conference to Conclude and Adopt a Design Law Treaty (DLT).

“This is the latest step in realizing the landmark decision reached at last year’s WIPO Assemblies to convene, no later than 2024, a Diplomatic Conference on the DLT.

“As you know, this process has been subject to careful negotiations since 2005. It is a testament to your work, commitment, imagination and creativity that we were able to achieve a major breakthrough last year, proving that, even in challenging times, it is possible to move multilateralism forward and to achieve consensus on complex and longstanding issues.

“I appeal to all of you to summon the same constructive and collaborative spirit this week, as we lay the groundwork for a Diplomatic Conference.

“As we do so, we must keep in mind what the DLT aims to achieve. At its heart, this agreement will help our innovators, creators and designers to access faster, easier and cost-effective design protection at home and abroad.

“We know that a growing number of businesses, big and small, are turning toward design protection. And we also know that many of these designers are in Small and Medium-sized Enterprises (SMEs). Close to 1.2 million design applications were filed around the world in 2021, up 50 percent over the last ten years, with use of WIPO’s Hague System hitting new heights again last year.

“By accelerating protection procedures and by cutting down on red tape, the proposed DLT aims to strengthen and streamline the process for obtaining design protection in domestic and international markets, making the registration of designs simpler and more effective.

“Of course, like in any negotiation, the devil is in the detail, and that is why we held a Special Session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) last week to carefully consider the draft articles and rules, and to further develop the basic proposal for the Design Law Treaty.

“I understand that it was a successful meeting last week and that we closed a number of gaps in the text, with delegations converging their positions on various technical matters. I would like to take this opportunity to thank the Chair of the SCT, Mr. Sergio Chuez, and all delegations, for their outstanding work during last week’s meeting.

“While it is natural that Member States will continue to hold divergent views at this stage in negotiations, the progress made at the Special Session is very encouraging and we look forward with optimism to concluding our work.

“I commend once more the hard work and dedication of the negotiators, and I pledge the Secretariat’s continued support for these discussions, as well as for any other regional meetings that may be needed to further our work.

“We now turn our attention to the details of the Diplomatic Conference itself.

“Over the next three days, you will consider the Draft Rules of Procedure of the Diplomatic Conference, the Draft Final Clauses of the DLT text, the list of invitees, as well as the draft letters of invitation.

“This Committee will also approve the agenda, dates and venue of the Diplomatic Conference, and I would like to take this opportunity to acknowledge and thank the Kingdom of Saudi Arabia for their generous offer to host us in Riyadh next year in November.

“Ladies and Gentlemen,

“Let me conclude by wishing you well in your work, and by encouraging Member States to be bold and imaginative as we pick up the DLT baton so that we, as one WIPO community, can deliver for innovators, creators and designers everywhere in the world.

“Thank you very much”.

5. Noting that there were a number of countries that had expressed a wish to make a statement, the Director General invited the delegations to do so.

6. The Delegation of the United States of America thanked the Director General and announced that the United States strongly condemned the terrorist attacks by Hamas against Israel and noted that its support for Israel’s right to defend itself is unwavering. The Delegation expressed solidarity with the Government and the people of Israel and offered its condolences to the victims of the terrorist attacks against Israel.

7. The Delegation of Spain, speaking on behalf of the European Union and its Member States, also condemned, in the strongest possible terms, the multiple and discriminate attacks across Israel by Hamas, and deplored the loss of lives. The Delegation called for an immediate cessation of the senseless attacks and violence that would only further increase tensions on the ground and seriously undermine the Palestinian people's aspirations for peace. It announced that the EU stood in solidarity with Israel, which had the right to defend itself in line with international law. In the face of such violent and discriminate attacks, the Delegation recalled the importance of working toward a lasting and sustainable peace through reinvigorated efforts in the Middle East peace process.

8. The Delegation of the United Kingdom stated that it stood in solidarity with Israel and supported Israel's right to self-defense. The Delegation condemned the brutal terrorist attacks against Israel, which were against international law.

9. Speaking on behalf of the Central European and Baltic States (CEBS), the Delegation of Poland said that it wished to align itself with the statement of the distinguished Delegation of Spain, delivered on behalf of the EU, on the situation in Israel.

10. The Delegation of Iran (Islamic Republic of) said that its country stood in solidarity with the Palestinian people. In the Delegation's view, the measures taken by Palestine constituted legitimate self-defense against seven decades of occupation and heinous crimes.

11. The Director General invited the Secretary of the Preparatory Committee, the WIPO Legal Counsel, to make a few introductory remarks.

12. The Legal Counsel made a number of administrative announcements, noting that these were set out in the practical information guide available on the website.

## ITEM 2 OF THE AGENDA

### ELECTION OF A CHAIR AND TWO VICE-CHAIRS

13. The Director General opened Agenda Item 2 on the election of a Chair and two Vice-Chairs and requested the Legal Counsel to briefly introduce the item.

14. Introducing Agenda Item 2 on the election of a Chair and two Vice-Chairs, the Legal Counsel stated that, following informal consultations among Group Coordinators, she was pleased to announce that Member States had reached consensus in respect of the officers to be elected. The Legal Counsel informed the Committee that the Secretariat had received nominations for officers to be elected for the following positions: as Chair, Mr. Simion Levitchi (Republic of Moldova) and, as Vice-Chair, Ms. Burcu Ekizoğlu (Türkiye).

15. The Director General, noting the apparent consensus among Member States and the absence of any objection, declared the nominated officers elected. He specified that the terms of office of the Chair and Vice-Chair began on their election, and that they would remain in office until the end of the last meeting of the Preparatory Committee. The Director General gavelled the following decision paragraph:

16. The Preparatory Committee elected Mr. Simion Levitchi (Republic of Moldova) as Chair, and Ms. Burcu Ekizoğlu (Türkiye) as Vice-Chair.

17. Before proceeding to Agenda Item 3, the Director General warmly congratulated the newly elected officers and invited Mr. Simion Levitchi, as the Chair of the Preparatory Committee, to come to the podium and to preside over the meeting.

18. The Chair thanked the Director General and all the Member States who had supported his candidature. He was sure that, together, they could agree on all the documents to be adopted by the Diplomatic Conference. He congratulated the Vice-Chair and looked forward to a close and effective collaboration. He also expressed his sincere appreciation to the International Bureau for its preparation of all the documents to be discussed during the meeting. After many years of negotiation, Member States were closer than ever to the conclusion of an important international agreement that would make a difference for many creators around the world. To bring this historic journey to a positive conclusion, the Chair hoped that Member States would continue the transparent, inclusive, and consensus-driven decision-making process. This would, in turn, be a successful preparation for the Diplomatic Conference in 2024. With that goal in mind, and with the constructive spirit shown in the special session of the SCT during the previous week, the Chair proposed that the same working methodology be applied to the Preparatory Committee. He stated that he counted on the goodwill of all delegations to move the agenda forward, and looked forward to a productive meeting.

### ITEM 3 OF THE AGENDA

#### ADOPTION OF THE AGENDA

19. The Preparatory Committee adopted the draft Agenda as contained in document DLT/2/PM/1/Prov. Before moving to the next agenda item, the Chair invited delegations to make general statements.

20. The Delegation of the Kingdom of the Netherlands, speaking on behalf of Group B, congratulated the Chair and his Vice-Chair on their election and assured them of the Group's commitment and active participation during the Preparatory Committee's work. The Delegation also thanked the Director General for his opening remarks, adding that the Group was confident that the Committee would be able to establish the necessary modalities for the Diplomatic Conference. The Delegation also thanked the Secretariat for organizing the session and for preparing all the working documents for the Preparatory Committee. It acknowledged that the previous week's Special Session of the SCT had resulted in narrowing the gaps in the draft Treaty text but noted that a significant amount of work remained to be done at the Diplomatic Conference. In closing, the Delegation assured the Chair that he could count on the continued engagement of all members of Group B in the work of the Committee and added that the Group remained committed to working constructively toward finalizing the different modalities necessary for the Diplomatic Conference.

21. The Delegation of Poland, speaking on behalf of the CEBS Group, congratulated the Chair and his Vice-Chair on their elections and wished them all the success in chairing the Preparatory Committee. The Delegation was confident that, under the Chair's wise leadership and guidance, the work of the Preparatory Committee would bear tangible results that would be important for the holding of the Diplomatic Conference. It thanked the Director General for his opening remarks and expressed its gratitude to the Secretariat for the effort invested in preparing the meeting and for the relevant working documents that would enable smooth work in the following days. The Delegation stated that the CEBS Group supported the work on the Draft Administrative Provisions and Final Clauses of the DLT as presented by the Secretariat, and also looked forward to discussing the Draft Rules of Procedure of the Diplomatic Conference prepared by the Secretariat in document DLT/2/PM/3 in detail. It hoped that Member States would achieve progress in matters related to the venue and dates of the Diplomatic Conference, as those were important in the context of planning the work ahead of

them. The Delegation stated that the CEBS Group stood ready to constructively engage in discussions in the current meeting with a view to achieving an outcome acceptable to all in finalizing the modalities necessary for the effective preparation of the Diplomatic Conference.

22. The Delegation of Ghana, speaking on behalf of the African Group, congratulated the Chair and his Vice-Chair on their election. The Delegation thanked the Secretariat for preparing the working documents and commended it and all other concerned parties for their hard work in preparing for the Preparatory Committee. It stated that the African Group recognized the objective of the DLT to simplify and streamline the processes related to design registration, making it more accessible and efficient for designers, creators, craftspersons and Micro-Small and Medium Enterprises (MSMEs), especially women in rural communities. This also safeguarded the interest of holders of traditional knowledge and traditional cultural expressions by simplifying the procedures. The Group hoped that the Treaty would foster creativity, encourage investment in design and contribute to economic development in their respective countries and across borders. As the Committee took on the responsibility of approving the basic proposal for the administrative provisions and final clauses, the Delegation wished to highlight the aspect of the DLT that would define the structure and functioning of the Treaty: its enforcement mechanisms and how these would support and protect the IP rights of designers, creators, artisans, MSMEs and all other stakeholders worldwide. The Delegation stated that the African Group was of the view that the future Treaty should avoid the “one size fits all” approach, and endeavor to accommodate the different levels of operations, capacity, practices and priorities of IP offices in developing countries and least-developed countries (LDCs). In this regard, technical assistance and capacity building would be crucial in ensuring the effective implementation of the Treaty. The Delegation stressed that the African Group was committed to contributing constructively to discussions during the current meeting. It believed that the Treaty had the potential to level the playing field and ensure that creators, particularly those in developing countries and LDCs could fully benefit from the protection of their designs. The Group also looked forward to reaching a favorable outcome on the venue and dates of the Diplomatic Conference. The Delegation noted that the African Group stood ready to work collaboratively, throughout the three days of the meeting, with all parties, to establish the necessary modalities of the Diplomatic Conference and to approve the basic proposal for the Draft Administrative Provisions and Final Clauses of the Treaty.

23. The Delegation of China expressed its appreciation to the Director General for his opening remarks, congratulated the Chair and his Vice-Chair on their election, and thanked the Secretariat for its preparatory work for the meeting. The Delegation stated that, during the Third Special Session of the SCT that was held the previous week, a large amount of consultation was conducted, and progress was made. All parties participated actively and showcased flexibility, allowing the negotiation process of the DLT to be pushed forward, which China highly appreciated. China had always actively supported both the coordination and negotiation work for the DLT, and its Delegation hoped that, during the current meeting, all parties would participate constructively in consultations while understanding and respecting each other's needs and showcasing flexibility in order to create favorable conditions for the holding of the Diplomatic Conference. The Delegation stated that, under the Chair's leadership, China would continue its active and constructive participation and work with other parties to ensure that the Committee would be a success.

24. The Delegation of Iran (Islamic Republic of), speaking on behalf of the Asia and the Pacific Group, congratulated the Chair and his Vice-Chair on their appointment. The Delegation thanked the Director General for his opening remarks and the Secretariat, especially the Office of the Legal Counsel, for all the preparations prior and leading up to the current meeting. The Delegation stated that the Group was of the view that the completion of the discussion and the taking of final decisions on the issues required an inclusive approach, taking into account all legitimate concerns. The instrument should provide the policy space for Member States to include, as part of the design eligibility criteria, components that were deemed important to

complete the formalities for the protection of industrial designs within their jurisdiction. The Group was ready to engage in a constructive discussion in order to finalize the remaining procedural clauses of the DLT, based on the WIPO General Assembly's mandate. The Delegation noted that the Group was committed to further engagement with other regional groups on moving the discussions forward and was hopeful that, under the Chair's able guidance, the Committee could further expedite its work toward that goal. To that end, members of the Group would provide comments and proposals for specific items to be discussed during the Preparatory Committee.

25. The Delegation of Venezuela (Bolivarian Republic of), speaking on behalf of the Group of Latin American and the Caribbean Countries (GRULAC), congratulated the Chair and the Vice-Chair on their appointment and expressed the Group's appreciation for the Director General's introductory remarks. The Delegation also thanked the Secretariat for preparing the documentation and trusted that there would be a constructive approach and a desire for consensus in the Committee, as there had been during the previous week at the Third Special Session of the SCT, so that the Committee could tackle the pending issues for the Diplomatic Conference. The Delegation stated that GRULAC believed that provisions on technical assistance or capacity building, regardless of the type, should be included. It pledged to all participants that they could rely on the commitment and cooperation of the Group as the Committee moved into the final phase of the preparatory procedure.

26. The Delegation of the Russian Federation thanked the Chair, welcomed the Director General and the Deputy Director General, Ms. Wang, and congratulated the Chair and his Vice-Chair on their election. The Delegation was certain that, under the Chair's wise leadership, the Committee would be able to hold fruitful discussions. Furthermore, the Delegation thanked the Secretariat for convening the session of the Preparatory Committee and for preparing the documentation. The Delegation underscored the critical importance of a constructive multilateral dialogue in order to build compromise and achieve consensus, so that the Preparatory Committee could prepare properly for the Diplomatic Conference to be held in 2024. Bearing in mind the outcome of the Third Special Session of the SCT, which was held with a relative amount of success the previous week and during which Member States managed to produce some agreements on the text, the Delegation hoped that Member States would continue to negotiate in an open and constructive manner and that they would show flexibility and respect for each other's positions, even when the Committee discussed organizational questions and modalities for the holding of the Diplomatic Conference. Hoping that they could count on the support of the Legal Counsel and other WIPO staff members, it wished fruitful discussions to all the participants. The Delegation stated that it was always open to constructive multilateral dialogue and trusted that all parties would take a similar approach.

27. The Representative of the European Union, speaking also on behalf of its Member States, thanked the Director General for his opening remarks, congratulated the Chair and the Vice-Chair on their election, and thanked the Secretariat for preparing the meeting. The European Union remained positive that the Preparatory Committee would have a successful outcome in the preparation for the Diplomatic Conference. The previous week, during the Third Special Session of the SCT, members had the opportunity to discuss the substantive articles of the draft Treaty and progress was made, and the European Union remained equally engaged in the process ahead. In general, the European Union supported the Draft Administrative Provisions and Final Clauses of the Treaty. Nevertheless, as some of the provision had caused concerns for the European Union, respective comments and remarks would be made under Agenda Item 5. The European Union supported the Draft Rules of Procedure of the Diplomatic Conference as proposed by the WIPO Secretariat and it assured the Committee that the European Union and its Member States remained committed to engaging constructively during the Preparatory Committee.

28. The Delegation of Israel thanked the Chair for giving it the floor and stated that, in this time of tragedy for its country, sadly, it could not go on as normal. The Delegation recalled that, the previous Saturday, its nation woke up to a new reality in which Hamas went from house to house and indiscriminately slaughtered men, women and children. A reality in which terrorists murdered over 250 people at a music festival built on promoting coexistence and peace. A reality where over 100 innocent people had been taken captive and taken to the Gaza Strip. A new reality in which Israel was at war. The war that was waged on Israel marked a line in the sand and it was the time to hear a clear, unequivocal condemnation of Hamas by the international community and to stand firm with Israel in this just and moral battle in the face of the enemy. The Delegation called on all to be vocal and public in their condemnation of the horrific onslaught by Hamas. The Delegation then requested a moment of silence for the hundreds of victims of the terrorist attacks in Israel, which was observed.

29. The Delegation of Saudi Arabia congratulated the Chair on his election and wished him and the Vice-Chair success. The Delegation thanked the Director General for his opening remarks, in which he had mentioned Saudi Arabia's offer to host the Diplomatic Conference. It was grateful to the Secretariat for thoroughly preparing for the meeting and hoped that the Committee would be able to prepare thoroughly for the conference.

30. The Delegation of Kyrgyzstan thanked the Director General for the warm welcome, congratulated the Chair and his Vice-Chair on their elections and thanked the Secretariat for having prepared the working documents. The Delegation wished to see a flexible and positive attitude in solving the outstanding issues that were still on the Committee's agenda.

31. The Delegation of Switzerland strongly condemned the firing of missiles on, and the attacks against, Israel by Hamas, including against many civilians, and urged that the civilian population be protected and that international law be respected at all times. The Delegation urged for an immediate end to the violence and that a continued escalation, which could become regional in scale, be avoided.

32. The Delegation of France thanked the Chair and stated that France wished to associate itself with the statement previously made by the Delegation of Spain on behalf of the European Union. France also unreservedly condemned the terrorist acts unleashed by Hamas against the State of Israel.

#### ITEM 4 OF THE AGENDA

#### SUMMARY BY THE CHAIR OF THE THIRD SPECIAL SESSION OF THE STANDING COMMITTEE ON THE LAW OF TRADEMARKS, INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS (SCT)

33. Discussions were based on document SCT/S3/9.

34. Mr. Sergio Chuez Salazar (Peru), in his capacity as Chair of the Third Special Session of the SCT, welcomed Member States and extended greetings to the Director-General, Deputy Director General and the staff of the Secretariat. The previous week, from October 2 to 6, 2023, the SCT held its Third Special Session to move closer to an agreement on the preparatory documents, bearing in mind the mandate that was given to it by the WIPO General Assembly at its session that was held in July 2022. The Chair pointed out that the Third Special Session of the SCT particularly sought to reduce the size of existing gaps or differences to a point where they would be more manageable and that, in his view, the SCT did achieve the goal that it had set for itself by the end of its deliberations. That being the case, in his opinion, he could safely say that the SCT had reached important agreements, and that if the Preparatory Committee would do the same, Member States would arrive well-prepared at the following

year's Diplomatic Conference. This was due, to a very great extent, to the responsible attitude, commitment and the constructive approach taken by Member States, with the constant backup of the Secretariat. The Chair trusted that the Preparatory Committee would be able to reach further consensus that would be acceptable to everyone, and which would enable the Committee to successfully conclude weeks of very hard work.

35. The Preparatory Committee decided to incorporate in the Basic Proposal for the Diplomatic Conference, the agreements reached during the Third Special Session of the SCT, as contained in the summary by the Chair, document SCT/S3/9.

## ITEM 5 OF THE AGENDA

### DRAFT FINAL CLAUSES FOR THE DESIGN LAW TREATY TO BE CONSIDERED BY THE DIPLOMATIC CONFERENCE

36. Discussions were based on document DLT/2/PM/2.

37. Introducing Agenda Item 5, the Legal Counsel drew the attention of delegations to document DLT/2/PM/2. The Legal Counsel recalled that, when the WIPO General Assembly at its fifty-fifth session held from July 14 to 22, 2022, decided to convene a Diplomatic Conference to conclude and adopt a DLT, it further decided that the present Committee would “also approve the basic proposal for the administrative and final provisions of the Treaty”. The proposed Draft Administrative Provisions and Final Clauses as contained in the working document were reproduced and found in document SCT/S3/4 as they had already been considered in detail by Member States during the considerations of the DLT to date.

38. The Chair thanked the Legal Counsel and recalled the instructions of the WIPO General Assembly to convene the Diplomatic Conference, as contained in its 2022 decision, which would guide the Committee's work: Namely, to further close the existing gaps in the text to a sufficient level. Secondly, the Chair confirmed that he would apply and conduct business following the same working methodology that had efficiently and effectively guided the work of the Third Special Session of the SCT, as proposed and outlined by the SCT Chair in document SCT/S3/INF/1 Rev. Consequently, the Chair announced that, as regards the Draft Administrative Provisions and Final Clauses, the Preparatory Committee would consider the articles enumerated in paragraph 2, Section D, of document SCT/S3/INF/1 Rev., following the working methodology of the Third Special Session during the previous week. Namely, the Preparatory Committee would consider Article 24(1)(c) of the Draft Administrative Provisions and Final Clauses, concerning the participation in the sessions of the Assembly of delegations of Contracting Parties that are regarded as developing countries, LDCs or countries in transition to a market economy; Article 24(2)(ii), concerning the establishment of Model International Forms, related to the tasks of the Assembly; Article 28(2), concerning the number of instruments of ratification or accession needed for the entry into force of the Treaty; and Article 24(2)(v), concerning the wording of this item, related to the tasks of the Assembly.

39. Accordingly, consistent with the working methods applied during the Special Session and with which delegations were now familiar, the Chair suggested to proceed as follows. Regarding provisions that were the subject of an individual proposal, if the proposal was supported by at least one other delegation, it would be transferred from the footnote to the main text of a concerned provision as an alternative option appearing in brackets. If a proposal was not supported by at least one other delegation, the footnote would be deleted. This was without prejudice of the rights of the delegation to present the proposal at the Diplomatic Conference. The Chair announced that, in accordance with the working methodology, he wished to turn to Article 24(1)(c).

40. The Delegation of the Kingdom of the Netherlands, speaking on behalf of Group B, declared that the Group generally supported the draft Administrative Provisions and Final Clauses but that some of the members of Group B might make additional interventions.

41. The Delegation of the United Kingdom congratulated the Chair and his Vice-Chair on their election, and thanked the Secretariat for all their work in preparing for the meeting, and stated that its Delegation's preference was for Option 1, which was in line with the general practice of the United Nations. The Delegation did not see the necessity to divert from a well-established form of language to cover participation in sessions of the Assembly of delegations of Contracting Parties that are regarded as developing countries, least-developed countries, or countries in transition to a market economy.

42. The Representative of the European Union, speaking on behalf of its Member States, pointed out that no provision similar to Article 24(1)(c) existed in either the Patent Law Treaty (PLT), the Trademark Law Treaty (TLT) or the Singapore Treaty on the Law of Trademarks (STLT), and therefore wondered whether there was a real need to have such a provision in the DLT.

43. The Delegation of the United States of America congratulated the Chair and his Vice-Chair for their election and was confident in the Chair's leadership as the Preparatory Committee prepared for the Diplomatic Conference for a DLT in 2024. In relation to Article 24, the Delegation said that it was not in a position to support either Option 1 or Option 2 with regard to the proposed bracketed text in Article 24(1)(c). Article 24(1)(c) sought to add, contrary to the general practice in WIPO administered treaties, provisions that dictate, to the highest body of WIPO, restrictions in relation to issues and decisions under their purview, much like the Delegation of the European Union had mentioned. More specifically, as discussed with respect to some proposals during the previous week, this proposal would result in a situation in which a subset of Member States would dictate matters for decision by the WIPO General Assembly, a body composed of all Member States. Further, the Delegation said that it was well understood that funding matters were for consideration by the Program and Budget Committee. As the SCT had repeatedly stressed during the two decades of discussions on the DLT, the Delegation looked closely to the successful analogous provisions of the PLT and the STLT as templates to guide the Committee's work. The Delegation observed that the Committee had only deviated from this manner of work when particularities of industrial design protection so necessitated. Neither Article 17 of the PLT nor Article 23 of the STLT – the analogous provisions, each also titled Assembly – had such provisions. The Delegation believed that the decision not to include provisions of this nature was purposeful and wise, and it would not recommend deviating from the successful approaches taken on the matter by both the PLT and the STLT. Additionally, the Delegation maintained its belief that, for proper drafting, the proposed language in footnote 30 of document SCT/S3/4 was most appropriate.

44. The Delegation of Japan congratulated the Chair and his Vice-Chair on their election to the positions in such an important Committee and, in addition, its Delegation thanked the Secretariat for its hard work in arranging the current meeting. With regard to Article 24(1)(c), Japan echoed the statements made by Group B, the European Union, and the United States of America.

45. The Delegation of Yemen congratulated the Chair and his Vice-Chair on their election to preside over the present Committee and thanked the Secretariat for the preparation of the meeting and the documentation related thereto. The Delegation announced that it was in favor of Option 2, and made a request to the Legal Counsel for clarification of the word "may" in Article 24(b). The Delegation pointed out that the use of the word "may" indicated some kind of flexibility or permission and asked if it could be understood as an option, for example, in the sense that an intergovernmental organization could represent and vote in place of their Member

States. The Delegation wondered if the term “may” was an obligation and a kind of requirement, as that is how its Delegation understood it when reading from the text in Arabic.

46. In response, the Legal Counsel noted that she understood the Delegation to be referring to the final sentence in subparagraph (b) of Article 24, which stated that “Each delegate may represent only one contracting party”. The Legal Counsel clarified that this provision had nothing to do with voting or representing in place of another international or intergovernmental organization. Rather, it was limiting a delegate to representation on behalf of only one contracting party, that is to say, a delegate was not permitted to represent more than one contracting party.

47. The Delegation of Ghana announced that the African Group supported Option 2 of Article 24(1)(c).

48. Noting that the Delegation of South Africa, who was participating remotely, was inaudible due to technical issues, the Chair gave the floor to the Delegation of Iran (Islamic Republic of), pending the resolution of the technical issue for the Delegation of South Africa.

49. The Delegation of Iran (Islamic Republic of), speaking in its national capacity, congratulated the Chair and his Vice-Chair on their election. By reference to Article 24, its Delegation shared the position of the African Group in supporting Option 2, which would ensure balanced participation of all Member States in the Assemblies’ meetings.

50. The Delegation of Nigeria congratulated the Chair on his appointment. The Delegation announced that it supported and stood with the statement of the African Group, delivered by the Delegation of Ghana. Noting the comments from other delegations referring to the STLT as well as the PLT, in the Delegation’s view, it was quite interesting that these were considered as precedents for the DLT and stated that its Delegation had been somewhat careful to look at these treaties as precedent setting, in part due to their low ratification. The STLT had less than 68 ratifications and the PLT had less than 50 ratifications, whereas there were 193 Member States of WIPO. In the Delegation’s opinion, this meant that they were looking at treaties that were creating, in a way, elite clubs within the WIPO family. The Delegation hoped that the DLT would mark a meaningful difference and, for that reason, it was expecting that there would be provisions of the DLT that looked different from the STLT and the PLT. Its hope was that a more representative and diverse set of countries would ratify the DLT, which would be able to benefit from the hard work of the past decade.

51. The Delegation of the Russian Federation expressed a preference for Option 2 of Article 24(1)(c). The Delegation said that, as it had already stated during the Third Special Session of the SCT, its Delegation believed that it was important that necessary technical assistance be given to developing countries and LDCs, not only to ensure that the Treaty received necessary participation, but also to ensure the participation of these countries in the Diplomatic Conference.

52. The Delegation of Niger congratulated the Chair on his election and announced that its Delegation supported the African Group’s statement and therefore preferred Option 2 of Article 24(1)(c), because it believed that it would ensure a more balanced participation.

53. The Delegation of Kyrgyzstan expressed its support for Option 2 of Article 24(1)(c).

54. The Delegation of Zambia announced its support for Option 2, as it felt that this provision was a well-balanced option that would enable Member States to be able to maximize the use of the DLT.

55. The Delegation of China expressed its preference for Option 2 under Article 24(1)(c). The Delegation was of the view that providing the necessary assistance for the participation of developing countries, countries in transition, and LDCs would be beneficial, guaranteeing a more balanced and comprehensive participation and involvement in the approval and implementation of the Treaty.
56. The Chair announced that the proposal on Article 24(1)(c) would be in brackets of the main text and would be discussed at the Diplomatic Conference.
57. The Chair opened the floor for deliberations on Article 24(2)(ii) on the establishment by the Assembly of Model International Forms, referred to in Article 23(1)(b). As there were no requests for the floor, the Chair announced that the text would remain in brackets.
58. The Chair opened deliberations on Article 28(2).
59. The Representative of the European Union, also on behalf of its Member States, recalled that many contracting parties to the DLT would need to enact legislative amendments to comply with its provisions. Therefore, it would be advisable to allow them sufficient time for such purposes, including providing timely information to design applicants and other stakeholders. Therefore, the European Union and its Member States would prefer that, in Article 28(2), the Treaty require for its entry into force a number of ratifications that allowed sufficient time for contracting parties to make these amendments.
60. The Chair announced that the text of Article 28(2) would remain in brackets for discussion at the Diplomatic Conference.
61. Opening the discussions on Article 24(2)(v), the Chair invited delegations wishing to comment on the Article to do so.
62. The Delegation of Colombia congratulated the Chair and his Vice-Chair on their election and expressed its gratitude to the Secretariat for the preparatory work for the Committee. Referring to the previous Article (Article 28(2)), the Delegation stated that it believed that it was very important to have flexibility for the entry into force of the DLT, and therefore its Delegation would prefer that the requirement for its entry into force be the ratification or accession of 10 States.
63. The Delegation of the United States of America recalled that, as it had stated earlier, it continued to believe that the language proposed in footnote 30 of document SCT/S3/4 was the preferable drafting, as the text better tracked technical assistance in the Treaty, not broader, unrelated technical assistance. In the Delegation's view, from a drafting perspective, the language it had proposed was more accurate, which was the reason why it continued to suggest it as Member States moved closer to a Diplomatic Conference and to finalizing the text.
64. The Delegation of Japan expressed support for the language proposed by the United States in footnote 30 of document SCT/S3/4, adding that it understood that technical assistance should be aimed at promoting the implementation of the Treaty.
65. The Delegation of the Republic of Korea congratulated the Chair and the Vice-Chair on their appointment and thanked the Secretariat for the excellent preparation of the meeting. Regarding Article 24(2)(v), the Delegation supported the proposal made by the Delegation of the United States which, in its view, lent more clarity.
66. The Chair pointed out that, as was stated in the agreed methodology of the Committee, the text of the footnote would move to the text and be bracketed, as displayed on the screen, and invited comments from other Delegations.

67. The Representative of the European Union requested clarification regarding the proposed working methodology. The Delegation wished to know at what point there would be an opportunity to present proposals regarding provisions that had previously not been in brackets, in other words, new proposals.
68. The Chair announced that the floor was open to receive new proposals.
69. The Representative of the European Union thanked the Chair for his clarification and stated that, regarding article 24(4)(b)(ii), the European Union and its Member States wished to propose to put brackets around the phrase, "Which are party to this Treaty" at the end of the first sentence, as further discussions were needed at the European Union level.
70. The Delegation of Ghana, speaking on behalf of the African Group, said that the Group wished to maintain Article 24(2)(v) as it was and could not therefore support the proposal by the United States of America.
71. The Delegation of Algeria congratulated the Chair on his appointment and assured him of its full cooperation. The Delegation said that Algeria associated itself with the comments made by Ghana on behalf of the African Group. It believed that Article 24(2)(v) should be read in conjunction with Article 22 on technical assistance and capacity building, which was why there was a reference to that under the Treaty. As Article 22 had not been discussed yet, the Delegation believed that it was prudent to maintain the reference to "provided under this Treaty".
72. The Delegation of Germany congratulated the Chair and his Vice-Chair on their election and thanked the Secretariat for its continued excellent preparation of the meeting. The Delegation expressed support for the European Union's proposal to keep between brackets, in Article 24(4)(ii), the words "which are party to this Treaty" because indeed, from a European Union perspective, there was a need for further clarification as the provision might cause problems for the voting rights of the European Union.
73. The Delegation of Iran (Islamic Republic of) stated that, like the African Group and Algeria, its Delegation was also of the view that the Assembly should monitor at every ordinary session the technical assistance provided under this Treaty and therefore it could not accept the deletion of this notion from the treaty.
74. The Delegation of Nigeria said that it wished to have brackets around Article 24(2)(iii), because the Regulations were significant in their requirements for how national offices operate, and were linked to the Treaty. The Delegation wanted to consider whether the Assembly should amend the Regulations without the Treaty itself being amended, in the absence of a Diplomatic Conference. The Delegation reiterated that it still had some concerns about it and therefore wished to bracket "amend the Regulations" in Article 24(2)(iii).
75. The Chair, taking into account the methodology, suggested that the Committee return to the proposal by the European Union, which was being displayed on the screen and was supported by the Delegation of Germany. Accordingly, the text should be bracketed, as shown on the screen.
76. The Delegation of the Russian Federation said that it had a question of a procedural nature, namely whether observers could make proposals on the text or corrections to the text, which would be included in square brackets whether they are supported by Member States or not. The Delegation said that, whatever the case may be, its feeling was that, based on Rule 24 of the General Rules of Procedure, observers could not usually table proposals or amendments.
77. The Chair asked the Secretariat to respond.

78. The Legal Counsel confirmed that the presumption of the Delegation of the Russian Federation was correct, and that the General Rules of Procedure did apply to the current meeting. In that regard, the Legal Counsel requested the European Union to clarify whether the proposal was made on behalf of its Member States and, should that be the case, it would then be a fact that a Member State had submitted the proposal and seconded by another Member.

79. The Delegation of the European Union confirmed that the understanding of the Legal Counsel was correct, as the proposal was made on behalf of all European Union Member States.

80. The Chair asked if there were any reactions to the proposal by the Delegation of Nigeria.

81. The Delegation of the United States of America stated that its Delegation had significant concerns about the approach proposed by the Delegation of Nigeria. The Delegation recalled that, during the previous week, the Secretariat had explained the rationale for the two-tiered operation of the Treaty for the subject matter, and how that was an integral part of appropriately handling it. Therefore, its Delegation would see the proposal as a very big change from the 18 years of negotiation and would have concerns about its practical implementation.

82. The Delegation of Zimbabwe congratulated the Chair and his Vice-Chair and expressed support for the proposal by the Delegation of Nigeria.

83. The Delegation of Zambia congratulated the Chair and offered apologies for not having done so earlier. The Delegation stated that it fully supported the proposal by the Delegation of Nigeria in relation to Article 24(2)(iii) because its Delegation needed time to study and understand to what exactly that provision related. In terms of amendment, the Delegation needed to seek clarity from its offices and other legal personnel in terms of what it actually meant, and its implications for national rules.

84. The Delegation of Togo congratulated the Chair and his Vice-Chair on their appointment. The Delegation hoped that, by the end of the current meeting, the Committee would have reached positive conclusions which would protect the interests of all Member States. Its Delegation expressed support for the Delegation of Nigeria's proposal.

85. The Delegation of Canada congratulated the Chair and his Vice-Chair on their election and thanked the Secretariat for their work in the preparation for the Committee. Canada expressed its preference for the language as drafted in the original document SCT/S3/4 in respect of Article 24(2)(iii), as this language provided for predictability in the treatment of any future amendments, which would be useful for the users and administrators of the DLT.

86. The Delegation of Japan stated that its Delegation preferred the current language of Article 24(2)(iii) and pointed out that, if it were changed to not allow the Assembly to amend the regulations, the development of the regulations would be more difficult, and they would lose the flexibility to improve the regulations to be more attractive to users.

87. The Delegation of the United Kingdom stated that it preferred the language as it was and expressed its Delegation's support for the intervention made by the Delegation of the United States of America.

88. The Chair requested that the text that contained the brackets according to the proposal of Nigeria and with the support of other delegations be displayed on the screen. Noting that there were no other proposals or comments from the delegations, the Chair was of the view that the Committee was ready to take the decision on the item and proposed the following decision paragraph:

89. The Preparatory Committee considered and approved the Administrative Provisions and Final Clauses as set forth in document DLT/2/PM/2 as amended for further consideration by the Diplomatic Conference (as contained in the Annex).
90. The Delegation of Iran (Islamic Republic of) asked what would happen for the remaining parts, such as Article 29 on reservations, and other parts that had not been discussed by the Committee.
91. The Chair pointed out that, as no proposals or reservations had been made on Article 29, it would be discussed at the Diplomatic Conference.
92. The Chair thus announced that the decision was adopted and gaveled it.
93. The Delegation of Nigeria pointed out that Article 24(2)(iii) and (iv) were related and it was going to request that subparagraph (iv) be also put in brackets but could not do so before the decision was gaveled. The Delegation therefore sought guidance from the Chair as to when it would have the opportunity to introduce new proposals.
94. The Chair recalled that, according to the working methodology of the Committee, he had asked several times whether there were any proposals before he gaveled the decision. In that case, the Chair was of the view that the best approach would be for the Delegation to present its proposals to the Diplomatic Conference and the approach would be the same for all delegations, adding that it was necessary to have the same rule for all the items throughout all the sessions.
95. The Delegation of Nigeria stated that it was comfortable with the Chair's proposal but wished to go on record that it had requested for the floor before the decision was gaveled, adding that, nonetheless, the Delegation was happy to do that at the Diplomatic Conference.
96. The Delegation of Zambia echoed the point put forward by the Delegation of Nigeria, because Article 24(2)(iii) and (iv) could not operate separately. In the Delegation's view, it was prudent that both subparagraphs be bracketed because subparagraph (iv) could not operate without subparagraph (iii). The Delegation requested the Chair's guidance in that respect and hoped that its point would be supported, adding that it had requested the floor before the decision was gaveled.
97. In response, the Chair reiterated that, in his view, the Diplomatic Conference would take a decision on Article 24(2)(iii) and (iv) because they were related. The Chair pointed out that, in his opinion, it was for the Diplomatic Conference to consider what would be made of the proposal at that stage.

## ITEM 6 OF THE AGENDA

### DRAFT RULES OF PROCEDURE OF THE DIPLOMATIC CONFERENCE

98. Discussions were based on document DLT/2/PM/3.
99. The Legal Counsel drew the attention of delegations to document DLT/2/PM/3, noting that the WIPO General Assembly had decided at the July 2022 session that the Preparatory Committee would consider the Draft Rules of Procedure to be adopted at the Diplomatic Conference. As the WIPO General Rules of Procedure, by their very terms, did not apply to Diplomatic Conferences, the Secretariat had prepared, as had been the case for each Diplomatic Conference held under the auspices of WIPO, bespoke Rules of Procedure for the Diplomatic Conference. These draft rules were based on the WIPO General Rules of Procedure and their long-standing application, as well as on the rules of previous Diplomatic

Conferences held under the auspices of WIPO, and took into account the specificities of the Diplomatic Conference to Conclude and Adopt a DLT.

100. The Delegation of the Kingdom of the Netherlands, speaking on behalf of Group B, thanked the Secretariat for the Draft Rules of Procedure as laid down in document DLT/2/PM/3. The Delegation expressed appreciation for the drafting of the proposed Draft Rules of Procedure of the Diplomatic Conference, which were guided by the well-established practice used in previous WIPO Diplomatic Conferences.

101. Speaking on behalf of the CEBS Group, the Delegation of Poland also thanked the Secretariat for preparing the Draft Rules of Procedure for the Diplomatic Conference as contained in document DLT/2/PM/3. The Delegation noted that the document defined in a transparent, user-friendly and conclusive manner, matters related to the objectives, competencies, representation, conduct of business and voting procedures of the Diplomatic Conference. It observed that the Group was thankful that the document had incorporated lessons learned and experiences of the Diplomatic Conferences already held, reflected upon the legal and administrative framework and procedures of WIPO, and was based on the principle of the Member-driven process. The Delegation underlined that the CEBS Group welcomed the presented provisions of the Draft Rules of Procedure and, in its opinion, they were a good basis for the Member States' work during the Diplomatic Conference. The Delegation said that, while it took note of the presented document, it looked forward to further discussions on specific provisions of the Draft Rules of Procedure during the Diplomatic Conference.

102. The Delegation of the European Union, also on behalf of its Member States, supported the Draft Rules of Procedure for the Diplomatic Conference as proposed by the Secretariat and presented in document DLT/2/PM/3. The Delegation stated that, like previous speakers, it appreciated that these rules were based on consolidated international practice and had been used in previous Diplomatic Conferences.

103. Noting that there were no requests for the floor, the Chair gavelled the following decision paragraph:

104. The Preparatory Committee considered and approved the Draft Rules of Procedure as set forth in document DLT/2/PM/3 for adoption by the Diplomatic Conference.

## ITEM 7 OF THE AGENDA

### LIST OF STATES AND OBSERVERS TO BE INVITED TO THE DIPLOMATIC CONFERENCE AND THE TEXTS OF THE DRAFT LETTERS OF INVITATION

105. Discussions were based on document DLT/2/PM/4 Rev.

106. Introducing Agenda item 7, the Legal Counsel drew the attention of delegations to document DLT/2/PM/4 Rev. and informed them that, in the context of the decision by the WIPO General Assembly to convene a Diplomatic Conference to Conclude and Adopt a Design Law Treaty, it was further decided that the Preparatory Committee would establish the necessary modalities of the Diplomatic Conference, which included the consideration of the list of invitees to participate in the Conference and the text of the draft letters of invitation. Consistent with long-standing WIPO practice, the list of invitees included organizations accredited as observers to WIPO as well as *ad hoc* observers of the SCT. The Legal Counsel stated that the document for the Member States' consideration was recently revised to take into account recent developments, namely, the inclusion of another organization, the International Olympic Committee, which had been admitted the previous week as an *ad hoc* observer to the SCT. In

addition, in response to a request received by the Secretariat from the Tulalip Tribes of Washington Governmental Affairs Department to be included on the list of invitees, the Tulalip Tribes of Washington Governmental Affairs Department had been listed in document DLT/2/PM/4 Rev. and were also proposed to be invited to the Diplomatic Conference.

107. The Delegation of Nigeria stated that it was a little uncertain about the process in the current session and said that it wanted, in view of the Chair's most recent response to the Delegation, to request that there be a footnote with regard to the final document SCT/S3/4 indicating that the Committee had discussed a limited number of provisions, whereas the Delegation had understood that the Chair would focus on specific provisions first, and then go through methodically, article by article. It seemed that that was not the case, and therefore it would be helpful to note that the Committee's discussions were limited to a few articles. The Delegation also requested that its intervention, which was seconded by the Delegation of Zambia, be noted in a footnote or in the supporting documents.

108. The Chair informed the Delegation that its comments would be reflected in the final report and, seeing no objection, he gavelled the following decision paragraph:

109. The Preparatory Committee considered and approved the list of invitees and the text of the draft invitations and the other proposals, as contained in paragraph 1 to 4 of document DLT/2/PM/4 Rev.

#### ITEM 8 OF THE AGENDA

#### AGENDA, DATES AND VENUE OF THE DIPLOMATIC CONFERENCE

110. Discussions were based on document DLT/2/PM/5.

111. Introducing Agenda Item 8, the Legal Counsel recalled that, in its decision to convene a Diplomatic Conference to Conclude and Adopt a DLT, the fifty-fifth session of the WIPO General Assembly also decided that the Preparatory Committee would establish the necessary modalities for the Diplomatic Conference including the agenda, dates and venue of the Diplomatic Conference. The Legal Counsel drew the attention of delegations to document DLT/2/PM/5, which contained the proposed draft agenda for the Diplomatic Conference to Conclude and Adopt a DLT and set forth the offer of the Government of the Kingdom of Saudi Arabia to host the Diplomatic Conference in Riyadh, Saudi Arabia, from November 11 to 22, 2024.

112. The Delegation of Saudi Arabia expressed its strong interest in hosting many international gatherings and events within the international community. It stated that it attached great value to intellectual property, as shown by the launch of the international intellectual property strategy the previous December under the auspices of the Crown Prince and the Prime Minister. Moreover, the Delegation noted that Saudi Arabia had launched many events relating to the protection of IP rights and SMEs, in order to support entrepreneurship and innovation. The Delegation reaffirmed that it would welcome all the Member States and observers in the conference and reiterated its commitment to host and organize the conference the following year, in Riyadh. It encouraged delegates to keep abreast of the latest developments in the Kingdom of Saudi Arabia with regards to intellectual property in general, and on this topic. The Delegation looked forward to the many constructive results of the 18-year process that would be crowned with success through this prospective conference. The Delegation once again highlighted the willingness of the Kingdom of Saudi Arabia to host and welcome delegations to Riyadh.

113. The Delegation of the Kingdom of the Netherlands, speaking on behalf of Group B, expressed its appreciation to the Kingdom of Saudi Arabia for their offer to host the Diplomatic Conference in Riyadh. The Delegation stated that Group B also agreed with the proposed agenda and dates.

114. The Delegation of Poland, speaking on behalf of the CEBS Group, extended its gratitude to the Government of the Kingdom of Saudi Arabia for its readiness to host the Diplomatic Conference to conclude the work on the DLT. It welcomed the decision and expressed readiness to participate in this undertaking at the proposed location and on the specified date.

115. The Delegation of Ghana, speaking on behalf of the African Group, thanked the Kingdom of Saudi Arabia for the offer to host the Diplomatic Conference to Conclude and Adopt the DLT. It did not have any opposition to the agenda, dates or venue.

116. The Representative of the European Union, speaking on behalf of the European Union and its Member States, expressed his appreciation and gratitude to the Kingdom of Saudi Arabia for offering to host the Diplomatic Conference to Conclude and Adopt the DLT in Riyadh. Furthermore, he agreed with the proposed agenda and dates.

117. The Delegation of the Russian Federation welcomed the decision of the Preparatory Committee to convene the Diplomatic Conference in Saudi Arabia in 2024. It thanked the Kingdom of Saudi Arabia for their proactive position and readiness to take on board such an important event as the Diplomatic Conference on the DLT. It supported the decision on conducting this meeting in Saudi Arabia on the indicated dates.

118. The Delegation of China thanked the Kingdom of Saudi Arabia for offering to host the Diplomatic Conference on the DLT. With regard to the venue and dates of the conference, the Delegation had no opposition and looked forward to the big success of this conference. The Delegation stressed that China would participate in the consultations, negotiations and discussions in a constructive manner.

119. The Delegation of Iran (Islamic Republic of), speaking on behalf of the Asia and the Pacific Group, supported the holding of the Diplomatic Conference in Saudi Arabia and was confident that it would be successful.

120. The Delegation of Yemen supported the content of document DLT/2/PM/5 regarding the agenda, dates and venue of the Diplomatic Conference. It expressed its appreciation to the Kingdom of Saudi Arabia for offering to host the Diplomatic Conference and supported the proposal to hold it in Riyadh the following year. The Delegation wished the Kingdom of Saudi Arabia all the best and success.

121. The Delegation of Algeria thanked the Kingdom of Saudi Arabia for their effort to hold the Diplomatic Conference and looked forward to supporting the candidacy of Riyadh to host the conference. It also expressed support for the dates proposed for the Diplomatic Conference.

122. The Delegation of Venezuela (Bolivarian Republic of), speaking on behalf of GRULAC, joined other delegations in thanking the Kingdom of Saudi Arabia for the offer to host the conference and expressed support for the dates of the conference.

123. The Delegation of Zambia aligned itself with the statement made by Ghana on behalf of the African Group and wished to convey its appreciation to the Kingdom of Saudi Arabia for offering to host the Diplomatic Conference, scheduled for November 2024. The Delegation expressed full support for the proposed dates as well as venue, and confirmed its readiness to participate in the conference, looking forward to its success.

124. The Delegation of Zimbabwe appreciated the gesture and offer of the Kingdom of Saudi Arabia and looked forward to full participation on the dates proposed.

125. The Delegation of Niger thanked the Delegation of Saudi Arabia for their offer to host the Diplomatic Conference, supported the proposal and expressed its wish to participate fully in the conference.

126. The Delegation of Cambodia aligned itself with the statement made by the Delegation of Iran (Islamic Republic of) and supported the holding of the Diplomatic Conference with respect to the dates and the venue.

127. The Delegation of Togo welcomed the statement made by Ghana and aligned itself with its content. It congratulated Saudi Arabia for its decision to host the Diplomatic Conference.

128. The Delegation of Mauritania supported the hosting of the Diplomatic Conference by Saudi Arabia in 2024.

129. The Delegation of Tunisia thanked the Kingdom of Saudi Arabia for their offer to host the Diplomatic Conference in November 2024 and supported this proposal. It trusted that the conference would be a success.

130. The Delegation of Thailand expressed sincere appreciation to Saudi Arabia regarding its offer to host the Diplomatic Conference in 2024. It supported the dates of the meeting and looked forward to a successful Diplomatic Conference in Riyadh.

131. The Delegation of Nepal appreciated the offer by Saudi Arabia to host the Diplomatic Conference the following year and wished the Delegation of Saudi Arabia a successful conference.

132. The Delegation of Kuwait congratulated Saudi Arabia and supported the holding of the Diplomatic Conference in November 2024. The Delegation wished the Diplomatic Conference success and conveyed best wishes to the Kingdom of Saudi Arabia.

133. The Chair thanked all delegations for their statements and proposed to adopt the decision paragraph as contained in document DLT/2/PM/5.

134. The Preparatory Committee:

- (i) approved the draft agenda of the Diplomatic Conference; and
- (ii) approved that the Diplomatic Conference be hosted by the Government of the Kingdom of Saudi Arabia in Riyadh, Kingdom of Saudi Arabia, from November 11 to 22, 2024.

135. The Delegation of Saudi Arabia thanked Member States for expressing their support for hosting the Diplomatic Conference in the Kingdom of Saudi Arabia. It trusted that Member States would be able to conclude a landmark instrument that would make a great difference in the world of innovation and invention, not only in their respective regions, but around the world. The Delegation looked forward to delegations enjoying the visit to the Kingdom of Saudi Arabia the following November and then proposed to play a brief video that showed the highlights of its country.

136. The Delegation of Pakistan, speaking on behalf of some members of the Organization of Islamic Cooperation, expressed concern regarding the references made by some delegations to the ongoing situation in the Middle East during the session. The Delegation wanted to add its voice to that discourse, as it was greatly concerned about the developments on the ground and the dangerous escalation and violence in the occupied Palestinian territory. It expressed its

view that the continuation of Israeli occupation, its failure to adhere to the resolutions of international legitimacy, the escalation of the pace of its attacks and daily crimes against the Palestinian people and their land and sanctities, and depriving them of their legitimate rights, was the main reason for this instability. It called on the international community to come together for the cessation of hostilities, the protection of civilian lives and for lasting peace in the Middle East. It explained that it was its understanding that the moment of silence was called for victims on both sides of the conflict and requested a confirmation to this effect. The Delegation hoped that, given the technical nature of this Organization, Member States would adhere to WIPO's mandate in the future.

137. The Chair proposed that all delegations continue their work according to the agenda. After discussions on Agenda Item 10, there would be time for general and closing remarks.

#### ITEM 9 OF THE AGENDA

##### ADOPTION OF THE REPORT

138. Discussions were based on document DLT/2/PM/6.

139. The Delegation of Nigeria requested a brief recess to rephrase paragraph 10 of the Draft Summary Report.

140. The Chair proposed to take a break and invited the Delegation of Nigeria to explain to him and the Secretariat what, in its opinion, needed to be changed in the Draft Summary Report.

141. After the short technical break, the Chair read the redrafted paragraph 10 in the Draft Summary Report, as shown on the screen.

142. The Delegation of Zambia mentioned that it had a minor correction to suggest, as the proposal that the Delegation was about to make was for consistency with Nigeria's proposal to bracket Article 24(2)(iii) because the Delegation of Nigeria had initially proposed that Article 24(2)(iii) be bracketed. Considering the relation between Article 24(2)(iii) and Article 24(2)(iv), the Delegation of Zambia had thus requested that Article 24(2)(iv) also be bracketed.

143. The Chair, declared that this clarification could be accepted and proposed the decision paragraph as contained in document DLT/2/PM/6

144. The Preparatory Committee adopted the Summary Report (document DLT/2/PM/6).

#### AGENDA ITEM 10

##### CLOSING OF THE SESSION

145. The Delegation of Ghana, on behalf of the African Group, thanked the Chair, Vice-Chair, Secretariat, interpreters and all other divisions and staff of WIPO. It acknowledged the progress made at this session and the flexibility shown. It hoped that Member States would approach discussions and negotiations at the upcoming Diplomatic Conference the following year with full integrity, openness and friendliness.

146. The Delegation of Venezuela (Bolivarian Republic of), speaking on behalf of GRULAC, commended the Chair on a very efficient and business-like meeting. It reiterated its gratitude to the Kingdom of Saudi Arabia for offering itself as a venue for the Diplomatic Conference.

GRULAC affirmed that it was prepared to commit to the next stage of this process in Riyadh, from November 11 to 22, 2024. It thanked the Secretariat of WIPO, the conference services and interpreters.

147. The Delegation of Poland, speaking on behalf of the CEBS Group, expressed appreciation for the Chair's leadership and skillful management in guiding the work of this important meeting. The Delegation also thanked the Vice-Chair and other experts for their dedication and energy in moving the work of the Preparatory Committee. It acknowledged the work of the Secretariat, interpreters and conference services for their contribution and for ensuring excellent working conditions for delegations. Equally, it extended thanks to the Group Coordinators and all WIPO Members for their cooperation and spirit of mutual understanding and respect. The Delegation stated that the CEBS Group had taken note of the revised clauses of the draft DLT, as well as the discussion related to the Draft Rules of Procedure for the Diplomatic Conference. It welcomed the decision on the venue of the Diplomatic Conference on the DLT. The Group hoped to engage in the work to ensure success at the Diplomatic Conference and highlighted its commitment to constructive dialogue within the DLT process.

148. The Delegation of the Kingdom of the Netherlands, speaking on behalf of Group B, thanked the Chair and Vice-Chair for their able guidance of this Preparatory Committee. Moreover, it expressed gratitude to the Secretariat for its hard work prior to and during this session, as well as to the interpreters. It commended the Preparatory Committee for having been able to establish the modalities for this important Diplomatic Conference in a positive spirit. The Delegation stated that it was looking forward to meeting all the delegations during the Diplomatic Conference in Riyadh the following year. It underlined that delegations could count on the full support and constructive spirit of Group B during the final steps on the pathway toward a successful conclusion of the DLT.

149. The Delegation of China thanked the Chair for his leadership and expressed appreciation for the hard work of the Secretariat. Moreover, it thanked the interpreters for their high-quality interpretation. The Delegation highly appreciated the flexibility and cooperative spirit demonstrated by all delegations. The Delegation congratulated the Kingdom of Saudi Arabia on being chosen as the host of the Diplomatic Conference. It underlined that it would participate in the follow-up consultations in a constructive and active manner. The Delegation extended wishes that the Diplomatic Conference be crowned with such success to conclude the DLT.

150. The Delegation of Iran (Islamic Republic of), on behalf of the Asia and Pacific Group, wished to thank the Chair, Vice-Chair, the Secretariat, the Diplomatic Engagement and Assemblies Affairs Division team and interpreters for all their support and leadership. It acknowledged that the progress made would not have been possible without considerable effort, flexibility and willingness to negotiate, close gaps and find common grounds. It hoped to continue in this spirit as Member States moved forward into the upcoming Diplomatic Conference.

151. The Delegation of the Russian Federation thanked the Chair, Vice-Chair, the Secretariat, the technical service personnel and the interpreters, without whom this session would not have been possible. It expressed readiness to make proposals to the DLT and repeated its gratitude to the Kingdom of Saudi Arabia for its readiness to host the Diplomatic Conference in 2024. The Delegation hoped that all Member States would take a constructive approach so that this Diplomatic Conference would be crowned with success. It thanked all the participants of the previous meeting and of this Preparatory Committee.

152. The Representative of the European Union, on behalf of the European Union and its Member States, thanked the Chair and Vice-Chair for their able guidance in this meeting. It expressed gratitude to the Secretariat for their valuable contribution to the success of this session. It was pleased that the Rules that would guide them to the Diplomatic Conference

were adopted and looked forward to participating in the conference in Riyadh the following year. It stressed the European Union's commitment to the fruitful conclusion of the process leading to the adoption of the DLT.

153. The Delegation of Saudi Arabia thanked the Chair and Vice-Chair, the members of the Secretariat and the interpretation team for their efforts in the excellent preparation of this meeting. Furthermore, the Delegation thanked Member States for the support expressed to them in their bid to host the Diplomatic Conference and stated that they would be pleased to have all the delegations in Saudi Arabia the following year for the conference.

154. The Delegation of Kyrgyzstan thanked the Chair for the successful stewardship of this meeting. Furthermore, it thanked the Secretariat and the interpreters for the high-quality translations. The Delegation hoped to achieve a final document and thanked the Kingdom of Saudi Arabia for their willingness to host the Diplomatic Conference in 2024.

155. The Delegation of Togo aligned itself with the statement made by Ghana on behalf of the African Group. It expressed gratitude for the Chair's and Vice-Chair's leadership. Furthermore, the Delegation thanked the Kingdom of Saudi Arabia for its willingness to host the Diplomatic Conference and stated that it would take part in the conference in November 2024 to make it a success. Finally, it thanked all WIPO staff and the interpreters for the quality of their collaboration, and all the coordinators and delegates for their presence in back-to-back meetings.

156. The Chair thanked all the delegates who took part in this very important step that got them closer to the Diplomatic Conference. The Chair expressed gratitude to the WIPO Secretariat, all members of the WIPO team, interpreters and all those who prepared this meeting, which concluded at a very good pace and with very good results.

157. The Chair closed the Preparatory Committee of the Diplomatic Conference to conclude and adopt the DLT.

[Annex follows]

Draft Administrative Provisions and Final Clauses for a Design Law Treaty (DLT)

**Contents**

Article 24: Assembly

Article 25: International Bureau

Article 26: Revision

Article 27: Becoming Party to the Treaty

Article 28: Entry into Force; Effective Date of Ratifications and Accessions

Article 29: Reservations

Article 30: Denunciation of the Treaty

Article 31: Language of the Treaty; Signature

Article 32: Depositary

## Article 24 Assembly

(1) [Composition] (a) The Contracting Parties shall have an Assembly.

b) Each Contracting Party shall be represented in the Assembly by one delegate, who may be assisted by alternate delegates, advisors and experts. Each delegate may represent only one Contracting Party.

[(c) Option 1

[The expenses of each delegation shall be borne by the Contracting Party that has appointed the delegation. The Assembly may ask the Organization to grant financial assistance to facilitate the participation of delegations of Contracting Parties that are regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations or LDCs or that are countries in transition to a market economy.]

Option 2

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

(2) [Tasks] The Assembly shall

(i) deal with matters concerning the development of this Treaty;

[(ii) establish Model International Forms, referred to in Article 23(1)(b);]

[(iii) amend the Regulations;]<sup>1</sup>

(iv) determine the conditions for the date of application of each amendment referred to in item (iii);

(v) monitor, at every ordinary session, the technical assistance [provided under this Treaty] [provided for implementation of this Treaty];

(vi) perform such other functions as are appropriate to implementing the provisions of this Treaty.

(3) [Quorum] (a) One-half of the members of the Assembly which are States shall constitute a quorum.

(b) Notwithstanding subparagraph (a), if, in any session, the number of the members of the Assembly which are States and are represented is less than one-half but equal to or more than one-third of the members of the Assembly which are States, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the members of the Assembly which are States and were not represented and shall invite them to express in writing their vote or abstention within a

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<sup>1</sup> Proposal made at the Preparatory Committee by the Delegation of Nigeria. Proposal supported by the Delegations of Togo, Zambia, and Zimbabwe. Proposal not supported by the Delegations of Canada, Japan, the United Kingdom, and the United States of America.

period of three months from the date of the communication.

If, at the expiration of this period, the number of such members having thus expressed their vote or abstention attains the number of the members which was lacking for attaining the quorum in the session itself, such decisions shall take effect, provided that at the same time the required majority still obtains.

(4) [Taking Decisions in the Assembly] (a) The Assembly shall endeavor to take its decisions by consensus.

(b) Where a decision cannot be arrived at by consensus, the matter at issue shall be decided by voting. In such a case,

(i) each Contracting Party that is a State shall have one vote and shall vote only in its own name; and

(ii) any Contracting Party that is an intergovernmental organization may participate in the vote, in place of its Member States, with a number of votes equal to the number of its Member States [which are party to this Treaty]<sup>2</sup>. No such intergovernmental organization shall participate in the vote if any one of its Member States exercises its right to vote and vice versa. In addition, no such intergovernmental organization shall participate in the vote if any one of its Member States party to this Treaty is a Member State of another such intergovernmental organization and that other intergovernmental organization participates in that vote.

(5) [Majorities] (a) Subject to Article 23(2) and (3), the decisions of the Assembly shall require two-thirds of the votes cast.

(b) In determining whether the required majority is attained, only votes actually cast shall be taken into consideration. Abstentions shall not be considered as votes.

(6) [Sessions] The Assembly shall meet upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(7) [Rules of Procedure] The Assembly shall establish its own rules of procedure, including rules for the convocation of extraordinary sessions.

## **Article 25** **International Bureau**

(1) [Administrative Tasks] (a) The International Bureau shall perform the administrative tasks concerning this Treaty.

(b) In particular, the International Bureau shall prepare the meetings and provide the Secretariat of the Assembly and of such committees of experts and working groups as may be established by the Assembly.

(2) [Meetings Other than Sessions of the Assembly] The Director General shall convene any committee and working group established by the Assembly.

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<sup>2</sup> Proposal made at the Preparatory Committee by the European Union on behalf of its Member States. Proposal supported by the Delegation of Germany.

(3) [Role of the International Bureau in the Assembly and Other Meetings] (a) The Director General and persons designated by the Director General shall participate, without the right to vote, in all meetings of the Assembly, the committees and working groups established by the Assembly.

(b) The Director General or a staff member designated by the Director General shall be ex officio Secretary of the Assembly, and of the committees and working groups referred to in subparagraph (a).

(4) [Conferences] (a) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for any revision conferences.

(b) The International Bureau may consult with Member States of the Organization, intergovernmental organizations and international and national non-governmental organizations concerning the said preparations.

(c) The Director General and persons designated by the Director General shall take part, without the right to vote, in the discussions at revision conferences.

(5) [Other Tasks] The International Bureau shall carry out any other tasks assigned to it in relation to this Treaty.

## **Article 26 Revision**

This Treaty may only be revised by a diplomatic conference. The convocation of any diplomatic conference shall be decided by the Assembly.

## **Article 27 Becoming Party to the Treaty**

(1) [Eligibility] The following entities may sign and, subject to paragraphs (2) and (3) and Article 28(1) and (3), become party to this Treaty:

(i) any State member of the Organization in respect of which industrial designs may be registered or patented with its own Office;

(ii) any intergovernmental organization that maintains an Office in which industrial designs may be registered with effect in the territory in which the constituting treaty of the intergovernmental organization applies, in all its Member States or in those of its Member States which are designated for such purpose in the relevant application, provided that all the Member States of the intergovernmental organization are members of the Organization;

(iii) any State member of the Organization in respect of which industrial designs may be registered only through the Office of another specified State that is a member of the Organization;

(iv) any State member of the Organization in respect of which industrial designs may be registered only through the Office maintained by an intergovernmental organization of which that State is a member;

(v) any State member of the Organization in respect of which industrial designs may be registered only through an Office common to a group of States members of the Organization.

- (2) [Ratification or Accession] Any entity referred to in paragraph (1) may deposit
- (i) an instrument of ratification, if it has signed this Treaty,
  - (ii) an instrument of accession, if it has not signed this Treaty.
- (3) [Effective Date of Deposit] The effective date of the deposit of an instrument of ratification or accession shall be,
- (i) in the case of a State referred to in paragraph (1)(i), the date on which the instrument of that State is deposited;
  - (ii) in the case of an intergovernmental organization, the date on which the instrument of that intergovernmental organization is deposited;
  - (iii) in the case of a State referred to in paragraph (1)(iii), the date on which the following condition is fulfilled: the instrument of that State has been deposited and the instrument of the other specified State has been deposited;
  - (iv) in the case of a State referred to in paragraph (1)(iv), the date applicable under item (ii), above;
  - (v) in the case of a State member of a group of States referred to in paragraph (1)(v), the date on which the instruments of all the States members of the group have been deposited.

**Article 28**  
**Entry into Force;**  
**Effective Date of Ratifications and Accessions**

- (1) [Instruments to Be Taken into Consideration] For the purposes of this Article, only instruments of ratification or accession that are deposited by entities referred to in Article 27(1) and that have an effective date according to Article 27(3) shall be taken into consideration.
- (2) [Entry into Force of the Treaty] This Treaty shall enter into force three months after [10] [30] States or intergovernmental organizations referred to in Article 27(1)(ii) have deposited their instruments of ratification or accession.
- (3) [Entry into Force of Ratifications and Accessions Subsequent to the Entry into Force of the Treaty] Any entity not covered by paragraph (2) shall become bound by this Treaty three months after the date on which it has deposited its instrument of ratification or accession.

**Article 29**  
**Reservations**

**Article 30**  
**Denunciation of the Treaty**

- (1) [Notification] Any Contracting Party may denounce this Treaty by notification addressed to the Director General.
- (2) [Effective Date] Denunciation shall take effect one year from the date on which the Director General has received the notification.

It shall not affect the application of this Treaty to any application pending or any industrial design registered in respect of the denouncing Contracting Party at the time of the expiration of the said one-year period, provided that the denouncing Contracting Party may, after the expiration of the said one-year period, discontinue applying this Treaty to any registration as from the date on which that registration is due for renewal.

**Article 31**  
**Languages of the Treaty; Signature**

(1) [Original Texts; Official Texts] (a) This Treaty shall be signed in a single original in the English, Arabic, Chinese, French, Russian and Spanish languages, all texts being equally authentic.

*(b) An official text in a language not referred to in subparagraph (a) that is an official language of a Contracting Party shall be established by the Director General after consultation with the said Contracting Party and any other interested Contracting Party.*

(2) [Time Limit for Signature] This Treaty shall remain open for signature at the headquarters of the Organization for one year after its adoption.

**Article 32**  
**Depositary**

The Director General shall be the depositary of this Treaty.

[End of Annex and of document]