



FÉDÉRATION INTERNATIONALE DES CONSEILS
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION
VON PATENTANWÄLTEN

Assemblies of the Member States of WIPO

Fifty-Seventh Series of Meetings – Geneva, October 2 to 11, 2017

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the Intellectual Property profession in private practice, is pleased to submit these comments on two items relating to the Normative Framework.

ITEM 16 – MATTERS CONCERNING THE CONVENING OF A DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A DESIGN LAW TREATY

FICPI has been involved in the work of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) on the harmonization of the requirements for filing of design registrations since at least 2005. In particular, we submitted the attached list of Key Design Issues to the SCT in 2008. In this document we identified that the key formal issue for users at the time was the “ability to file one set of drawings for all applications”. This is still a key issue for users and would hopefully be a positive result of any treaty resulting from the diplomatic conference as currently proposed.

Therefore, on behalf of users of the design registration system globally, we encourage the Member States to move the discussions of the normalization of the formal requirements for the filing of designs from the SCT to a diplomatic conference.

ITEM 18 – REPORT ON THE INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE (IGC)

FICPI welcomes the continuing efforts of the IGC under the mandate for the 2016/2017 biennium and generally support the proposals for the 2018/2019 biennium. However, given the work still needed on the draft legally binding instruments on Genetic Resources (GRs), we encourage the Members States to consider any decision to hold a diplomatic conference on this topic at this Assembly to be provisional and subject to ratification at the next Assembly in 2018, contingent on sufficient progress having been made on the draft instrument.

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[with attachment]



**STANDING COMMITTEE ON THE LAW OF TRADEMARKS,
INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS**

**Twentieth Session
Geneva, December 1 to 5, 2008**

Industrial Design Law and Practice

Comments on behalf of FICPI

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the profession in private practice, is pleased to submit these comments in preparation for the Twentieth Session of the SCT from December 1 to 5, 2008. FICPI's Design Working Group has drawn up a list of Key Design Issues, as set out below. We hope that this will be helpful to the SCT in its analysis of the WIPO Questionnaire on Industrial Design Law and Practice.

Key Design Issues

Formalities Issues

1. Ability to file one set of drawings for all applications. Require an International acceptable standard for representations dealing with issues such as
 - a) maximum number of views;
 - b) required views;
 - c) acceptability of shading;
 - d) acceptability of dotted lines;
 - e) use of colour
2. Harmonised approach to multiple design registrations

Substantive issues

1. International minimum requirements of what can be registered, which ideally would be based on a broad definition of designs to include for example, computer icons
2. Consistency in interpretation of designs, which would include issues such as Statements of Novelty and claims, as well as the effect of markings on the drawings (e.g. dotted lines, shading)
3. Harmonisation on to what extent functional features of design may be registered and are protected.
4. Harmonisation of effect of classification, i.e. whether the class of goods in which the design is registered is limiting
5. Harmonisation of grace period

Other issues

1. Fully searchable and user friendly design databases.

To the extent possible, all of the above should be considered alongside the provisions of the Hague Agreement.