

# WIPO



LI/A/25/3

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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

**SPECIAL UNION FOR THE PROTECTION OF  
APPELLATIONS OF ORIGIN AND THEIR INTERNATIONAL REGISTRATION  
(LISBON UNION)**

**ASSEMBLY**

**Twenty-Fifth (18<sup>th</sup> Ordinary) Session  
Geneva, September 22 to October 1, 2009**

REPORT

*adopted by the Assembly*

1. The Assembly was concerned with the following items of the Consolidated Agenda (document A/47/1): 1, 2, 3, 4, 5, 10, 12, 13, 14, 15, 16, 17, 18, 19, 33, 39 and 40.
2. The report on the said items with the exception of item 33 are contained in the General Report (document A/47/16).
3. The report on item 33 is contained in the present document.
4. Mr. Jorge Amigo Castañeda (Mexico) was elected Chair of the Assembly; Mr. António Serge Campinos (Portugal) and Mr. David Gabunia (Georgia) were elected Vice-Chairs.

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ITEM 33 OF THE CONSOLIDATED AGENDA:

LISBON SYSTEM

5. In the absence of the Chair of the Lisbon Union Assembly, Mr. Campinos chaired the discussions on item 33 of the Consolidated Agenda.
6. Discussions were based on documents LI/A/25/1 and 2.
7. The Chair invited the Chair of the Working Group on the Development of the Lisbon System (Appellations of Origin) (hereinafter referred to as “the Working Group”) to report to the Assembly on the meeting of the Working Group to introduce the proposals being submitted for consideration by the Assembly in the above-mentioned documents.
8. The Chair of the Working Group, Mr. Mihály Ficsor (Hungary), reported that the Working Group had held its first session in March 2009. He referred to the number of participants as well as their wide-ranging composition, which he said clearly showed a growing interest in the protection of geographical indications and the development of the Lisbon system. Focusing on two main issues, the Working Group had discussed, first, possible improvements to the procedures under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (hereinafter referred to as “the Lisbon Agreement”) and, second, explored how its work could be carried forward with a view to further developing the Lisbon system.
9. The Working Group had agreed on a set of proposed amendments to the Regulations under the Lisbon Agreement, as contained in document LI/A/25/1, which would provide for optional statements of grant of protection and include in the Regulations under the Lisbon Agreement provisions for the establishment of Administrative Instructions (which would deal with the conditions and modalities of electronic communications). He was confident that these new procedural flexibilities and the more extended use of e-business tools would certainly make the Lisbon system more attractive and could eventually contribute to widening the membership and the geographical scope of the Lisbon Agreement. The proposed amendments were expected to strengthen legal certainty and streamline the administration of the Lisbon system, which would certainly serve the interests of both current and future users. Two points had to be stressed though. The first was that, if adopted by the Assembly, the new facility enabling a competent authority to send a statement of grant of protection would be entirely optional. It was not intended to impose an obligation where none previously existed. And secondly, as regards the establishment of Administrative Instructions with a view to laying down the conditions and modalities of electronic communications, it was to be noted that, while the use of electronic communications might be a preferred option and could be encouraged by the International Bureau, such method of communication would not be imposed upon the competent authority of any contracting country.

10. The Working Group had also considered other matters, as raised by delegations in the course of its meeting and, as a result of these deliberations, a clear consensus had emerged that the work embarked upon should continue, in particular in view of the need to look for improvements of the Lisbon system which would make the system more attractive for States and users, while preserving the principles and objectives of the Lisbon Agreement. Thus, as proposed in document LI/A/25/2, it had been agreed that the Assembly should be recommended to mandate the Working Group to further consider the general overview of the Lisbon system contained in Annex II of document LI/WG/DEV/1/2 Rev. The International Bureau should also conduct a survey among contracting countries of the Lisbon Agreement, States that are not members of the Lisbon system, interested intergovernmental and non-governmental organizations and interested circles, with a view to ascertaining how the Lisbon system might be improved, in order that the system would become more attractive for users and prospective new members of the Lisbon Agreement, while preserving the principles and objectives of the Agreement. Further, the International Bureau should conduct a study on the relationship between regional systems for the protection of geographical indications and the Lisbon system, and examine the conditions for, and the possibility of, future accession to the Lisbon Agreement by competent intergovernmental organizations. And, finally, the Assembly was recommended to request the Director General to convene further meetings of the Working Group with a view to exploring further possible improvements to the procedures under the Lisbon Agreement and to considering the results of the aforementioned survey and study.

11. The Chair of the Working Group on the Development of the Lisbon System (Appellations of Origin) said that he could wholeheartedly recommend that the Assembly adopt both the proposed amendments to the Regulations under the Lisbon Agreement and the proposed mandate for the Working Group to continue its work.

12. The Delegation of Slovakia expressed its full support for the changes to the Regulations under the Lisbon Agreement proposed by the Working Group. Unification and simplification of the whole system was the right way to make the Lisbon registration system more popular and attractive to potential users. The Delegation was convinced that the fruitful discussions would continue in a similar pragmatic spirit so as to allow the attitude and approach expressed so far to facilitate the resolution of outstanding issues, such as the relationship between regional systems for the protection of appellations of origin and the Lisbon system.

13. The Delegation of the Islamic Republic of Iran recalled that its country had many appellations of origin and that the Lisbon Agreement was therefore crucial for them. Accordingly, the Delegation attached the utmost importance to the development of the Lisbon system and had also actively participated in the meetings of the Working Group. In that regard, the Delegation said that it supported any sensible proposal and initiative that would make the Lisbon system stronger and more effective, and that it was ready to constructively engage in the future work and discussions of the Working Group. The Delegation indicated that it was also of the view that, in order to speed up the development of the Lisbon system, all the concerns and interests of member countries had to be considered in the future negotiations of the Working Group. In that regard, the Delegation noted that the different legal and economic aspects of any amendment to the Lisbon system also had to be considered.

The Delegation further indicated that it was of the view that the future work of the Working Group had to preserve and strengthen the principles and objectives of the Agreement, and more particularly what was reflected in Articles 1, 2 and 3. The Delegation indicated that it also believed that the study on the relationship between regional systems for the protection of geographical indications and the Lisbon system had to be conducted while preserving the rights and obligations of Member States. Finally, the national procedure in the Islamic Republic of Iran had to be preserved when implementing the amendments proposed in document LI/A/25/1.

14. The Delegation of Bulgaria expressed its full support for the proposed amendments and added that it was satisfied by the adequate management of the system and future developments. Evidence of such proper management was given by the Worldwide Symposium on Geographical Indications which took place in Sofia in June 2009, where also a very clear and important signal had been given by the users of the system that they needed and very much favored the developments proposed by the Working Group.

15. The Delegations of Italy and Serbia also expressed their support for the proposed amendments and the proposed future work of the Working Group.

16. The Delegation of the Czech Republic expressed its full support for the continuation of the work of the Working Group. It further supported improvements of the Lisbon system and looked forward to the survey and the study which would be conducted by the International Bureau.

17. The Delegation of the United States of America said that, as an observer to the Lisbon Union Assembly, it wanted to take the opportunity to indicate its interest in sharing its views and the views of its stakeholders on the Lisbon system within the Working Group's future discussions. The Delegation was interested in actively participating in such discussions in order to highlight the significant concerns that its stakeholders had in regard to the Lisbon Agreement. In addition, it had some concerns with several of the interpretative statements made by the International Bureau in the general overview of the Lisbon system contained in Annex II of document LI/WG/DEV/1/2 Rev. and would like to have the opportunity to discuss these concerns with the Working Group.

#### Proposed Amendments to the Regulations under the Lisbon Agreement

18. The Assembly took note of document LI/A/25/1 and adopted new Rules 11*bis* and 23*bis* of the Lisbon Regulations under the Lisbon Agreement as well as the consequential amendments to Rules 1, 4 (accompanied by the understanding appearing in the footnote to paragraph 1(b) of that Rule), 8, 17 and 22, as set out in Annex I of that document, with effect from January 1, 2010.

Further Work of the Working Group on the Development of the Lisbon System

19. The Assembly:

- (i) approved the recommendations as contained in paragraph 3 of document LI/A/25/2;
- (ii) took note of the initiative of the International Bureau on conducting a survey and a study as indicated in paragraph 4(b) and (c) of document LI/A/25/2; and
- (iii) requested the Director General to convene further meetings of the Working Group, as indicated in paragraph 4(a) and (d) of document LI/A/25/2.

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