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

Assembly

Thirty-Eighth (24th Ordinary) Session
Geneva, October 4 to October 8, 2021

PROPOSED AMENDMENTS TO THE COMMON REGULATIONS UNDER THE LISBON AGREEMENT AND THE GENEVA ACT OF THE LISBON AGREEMENT

Document prepared by the Secretariat

1. At its third session, which took place on November 2 and 3, 2020, the Working Group on the Development of the Lisbon System (hereinafter referred to as “the Working Group”) recommended that the Lisbon Union Assembly adopt, at its thirty-eighth session, amendments to the Common Regulations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration and the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (hereinafter referred to as “the Common Regulations”) with respect to the inclusion of a new Rule *2bis* (see paragraph 14 of document LI/WG/DEV-SYS/3/4). Discussions in the Working Group were based on document LI/WG/DEV-SYS/3/3 Rev.

2. The proposed new Rule *2bis* of the Common Regulations would be helpful for users of the Lisbon System who are faced with any *force majeure* situation preventing them from taking a required action within a specified time limit. These amendments would give those users relief equivalent to that available in other WIPO Global IP Systems. The new Rule would require that the action be performed and the evidence be submitted as soon as reasonably possible and no later than six months from the expiry of the time limit concerned. The proposed amendments to

the Common Regulations are reproduced in the Annex to the present document (proposed amendments are underlined or struck through).

3. The Working Group also recommended that the proposed amendments to the Common Regulations enter into force two months following their adoption by the Lisbon Union Assembly, namely on December 8, 2021 (see paragraph 14 of document LI/WG/DEV-SYS/3/4).

4. The Assembly of the Lisbon Union is invited to adopt the amendments to the Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement, as set out in the Annex to document LI/A/38/2.

[Annex follows]

**Common Regulations
under the Lisbon Agreement for the Protection of Appellations of Origin and
their International Registration and the Geneva Act of the Lisbon Agreement on
Appellations of Origin and Geographical Indications**

(as in force on [December 8, 2021](#))

[...]

**CHAPTER I
Introductory and General Provisions**

[...]

Rule 2bis

Excuse of Delay in Meeting Time Limits

(1) [Excuse in Delay in Meeting Time Limits due to Force Majeure Reasons] Failure by a Competent Authority or, in the case of Article 5(3) of the Geneva Act, beneficiaries or a natural person or legal entity referred to in Article 5(2)(ii) of that Act to meet a time limit specified in the Regulations to perform an action before the International Bureau shall be excused if the Competent Authority or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act submit evidence showing, to the satisfaction of the International Bureau, that such failure was due to war, revolution, civil disorder, strike, natural calamity, irregularities in postal, delivery or electronic communication services owing to circumstances beyond the control of a Competent Authority or, in the case of Article 5(3) of the Geneva Act, beneficiaries or a natural person or legal entity referred to in Article 5(2)(ii) of that Act or other *force majeure* reason.

(2) [Limitation on Excuse] Failure to meet a time limit shall be excused under this Rule only if the evidence and action referred to in paragraph (1) are received by and performed before the International Bureau as soon as reasonably possible and not later than six months after the expiry of the time limit concerned.

[...]

[End of Annex and of document]