

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

Assembly

Thirty-Ninth (15th Extraordinary) Session
Geneva, July 14 to 22, 2022

REPORT

adopted by the Assembly

1. The Assembly was concerned with the following items of the Consolidated Agenda (document A/63/1): 1, 2, 3, 4, 6, 8, 10(ii), 11, 17, 19, 20 and 21.
2. The reports on the said items, with the exception of item 17, are contained in the General Report (document A/63/10).
3. The report on item 17 is contained in the present document.
4. Mr. Pascal Faure (France), Chair of the Assembly, presided over the meeting.

ITEM 17 OF THE CONSOLIDATED AGENDA

LISBON SYSTEM

5. The Chair of the Lisbon Union Assembly pointed out that since the previous session of the Lisbon Union Assembly, four additional countries had deposited their instruments of accession or ratification to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (“Geneva Act of the Lisbon Agreement”), namely, in chronological order, Ghana, Cabo Verde, the Czech Republic, and earlier that week, Peru. This brought the total number of countries covered by the Lisbon System to 57 and the total number of countries covered by the Geneva Act of the Lisbon Agreement to 37. He further underlined that, after only two years of existence, the Geneva Act of the Lisbon Agreement already covered seven more countries than the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (“the Lisbon Agreement”) in almost 60 years of existence, which clearly showed the growing interest in the Lisbon System by an increasing number of WIPO Member States in different regions of the world.

6. The Chair then turned to the document on the agenda, namely document LI/A/39/1.

Proposed Amendments to the Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement

7. Discussions were based on document LI/A/39/1.

8. Introducing the document under consideration, the Secretariat recalled that at its fourth session, which took place from June 14 to 16, 2022, the Working Group on the Development of the Lisbon System (“the Working Group”) recommended amendments to Rules 7, 8, 9, 15 and 16 of 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 (“Common Regulations”) to simplify and rationalize the procedures under the Lisbon System. The Secretariat indicated that the proposed amendments contained in the Annex to document LI/A/39/1 would enter into force on January 1, 2023.

9. The Delegation of the European Union, speaking on behalf of the European Union and its member states, supported the adoption of the proposed amendments to the Common Regulations as recommended by the Working Group for their adoption by the present Assembly. The Delegation was confident that the proposed amendments would contribute to the simplification and streamlining of the procedures under the Lisbon System and would provide greater clarity for the benefit of the current and future users of the Lisbon System. The Delegation expressed its willingness to work together with the WIPO Secretariat and other WIPO Member States with the aim to further develop the rules of the Lisbon System in accordance with the Summary by the Chair adopted by the Working Group at the end of its fourth session (see document LI/WG/DEV-SYS/4/3). Lastly, the Delegation pointed out that the discussions on the proposal to create European Union level geographical protection for handicrafts and industrial products had recently started in Brussels.

10. Upon expressing its support to the proposed amendments to the Common Regulations, as proposed in document LI/A/39/1, the Delegation of Serbia emphasized the importance of having a more centralized WIPO budget, which it also regarded as offering the best solution to ensure

the financial stability and sustainability of the Lisbon Union. On the contrary, the Delegation believed that a higher level of financial independence among the WIPO unions would not benefit WIPO and would ultimately lead the Organization to decentralization. The Delegation was of the view that the current methodology of solidarity between unions would enable the financial sustainability of the Organization as a whole in the long run. The Delegation further pointed out that since some industrial property rights were more attractive for stakeholders but also more costly, some WIPO unions were naturally able to generate a significant income, while others did not. In that regard, the Delegation recalled, however, that one of the Organization's objectives was to promote intellectual property (IP) throughout the world in accordance with Article 3 of the WIPO Convention, which also meant every category of intellectual property rights (IPRs) including those that were not as highly lucrative as others. The Delegation added that even if geographical indications did not appear to have a significant impact on the state of the national economy as a whole in Serbia, they were certainly very important for local communities. In that regard, the Delegation referred to those geographical indication producers in Serbia that had already benefited from the Lisbon System and that, through the significant support of the European Union, had also achieved valuable cooperation with local authorities in the cities of Novi Sad, Nova Varoš and Čačak, in particular. These cities now financially support the certification of geographical indication products from their region, which in turn demonstrates the increasing support provided to Serbia's geographical indication community at large. The Delegation concluded by expressing the wish to pursue its excellent cooperation with the Lisbon Union and WIPO for the defense and better protection of Serbia's geographical indication products.

11. The Delegation of France supported the statement made by the Delegation of the European Union and welcomed the amendments to the Common Regulations adopted by consensus at the last session of the Working Group on June 16, 2022. In that regard, the Delegation expressed the view that the proposed amendments were pragmatic and provided practical solutions to the problem of facilitating administrative work for the benefit of States, applicants and the WIPO Secretariat. Above all, the Delegation underscored that the proposed amendments would ease the extremely tight deadlines for the payment of individual fees. Upon pointing out that the proposed amendments would be in the interest of everybody involved because they would have the effect of making the Lisbon System more attractive, the Delegation emphasized that such major improvements went hand-in-hand with the ongoing computerization of the Lisbon System and the resulting reduction of costs related to requests for registration, modification and payment of individual fees.

12. The Delegation of the Czech Republic aligned itself with the statement delivered by the Delegation of the European Union and further indicated that the Czech Republic attached great importance to the adoption of the proposed amendments to the Common Regulations, as contained in the Annex to the Summary by the Chair of the Working Group of June 2022. The Delegation was convinced that the proposed amendments would not only simplify the procedures under the Lisbon System, but also increase their efficiency and that they would be extremely beneficial for either current or future users of the Lisbon System. The Delegation concluded by saying that they would be glad to continue to cooperate with the WIPO Secretariat and other members on the future development of the rules under the Lisbon System.

13. The Delegation of Portugal supported the statement made by the Delegation of the European Union, and recalled that geographical indications and appellations of origin were very important to Portugal given their significant contribution in pushing forward the economy, but also in terms of social and cultural development of regions across the world. In that context, the

Delegation expressed the view that the Lisbon System could be very useful and important to the different WIPO Member States and should therefore continue to be a priority on WIPO's agenda. In that regard, the Delegation was pleased to see the very positive progress made over the last few years, including the significant increase in the number of members of the Lisbon Union. The Delegation went on to say that the Lisbon System should continue to be promoted in order to increase everyone's understanding of the System and thereby increase the number of members, which could also have a positive impact on the revenue generated. The Delegation said that Portugal is currently in the process of finalizing the ratification of the Geneva Act of the Lisbon Agreement. Additionally, the Delegation agreed with the proposed amendments to the Common Regulations, highlighting the efforts taken towards the simplification of the Lisbon System promoted by the debates engaged in the Working Group.

14. The Delegation of Hungary aligned itself with the statement made by the Delegation of the European Union, and further specified that it fully supported the adoption of amendments to Rules 7, 8, 9, 15 and 16 of the Common Regulations, as recommended by the Working Group after a fruitful debate, with January 1, 2023, as their date of entry into force. The Delegation expressed the view that the concept behind the proposal was clear and reasonable and therefore regarded the proposed amendments as necessary for the simplification and streamlining of the procedures under the Lisbon System, for the benefit of users.

15. The Delegation of Georgia supported the proposed amendments to the Common Regulations as it was of the view that the proposed amendments would contribute to strengthen the Lisbon Union, while they would also allow Lisbon members to find a reasonable and balanced solution in order to establish a long-term financially sustainable system. The Delegation concluded by saying that Georgia had decided to join the Geneva Act of the Lisbon Agreement.

16. The Delegation of the Russian Federation welcomed the proposed amendments to Rules 7, 8, 9, 15 and 16 of the Common Regulations, before recalling that in December 2021, the Russian Federation had introduced into its national law a provision confirming the accession of the Russian Federation to the Geneva Act of the Lisbon Agreement. The Delegation added that the Russian Federation was in the process of finalizing the revision of its national law through the adoption of the necessary amendments to the relevant provisions to make the accession to the Lisbon System possible. In that regard, the Delegation indicated that at the beginning of next year, the Russian Federation would be officially depositing its instrument of accession with the Director General of WIPO. The Delegation expressed the view that the Russian Federation's participation in the Lisbon System would help the Russian Federation speed up the procedures for receiving legal protection for appellations of origin and geographical indications in the other Contracting Parties of the Lisbon System. Furthermore, the Delegation was of the view that the participation of the Russian Federation in the Lisbon System would offer new opportunities for economic development in specific regions and would support local producers, while also ensuring further integration of the Russian Federation in the global IP protection system.

17. The Delegation of Slovakia endorsed the adoption of the proposed amendments to the Common Regulations, with January 1, 2023, as their date of entry into force. The Delegation believed that such amendments would help relevant actors and stakeholders, while also making the Lisbon System more attractive. The Delegation stressed that the proposed amendments would also decrease the administrative burden for the procedures under the Lisbon System and may become well established in the practice, which would be beneficial to all Member States.

The Delegation reiterated that it fully supported the proposed amendments agreed upon at the previous session of the Working Group held in June 2022.

18. The Delegation of Italy aligned itself with the statement made by the Delegation of the European Union and expressed its strong support for the position taken by the Delegation of France in relation to the Lisbon Union.

19. The Representative of the Latin American School of Intellectual Property (ELAPI) supported the proposed amendments to the Common Regulations, as they were of the view that the proposed amendments would help the Lisbon Union achieve the goals set in previous meetings. He further highlighted the search for rationality in the setting of fees to be paid for modifications of an international registration and said that ELAPI attached great importance to the discount of 50 per cent for international registrations originating in a geographical area of origin located in a least developed country (LDC). He concluded by saying that many countries and potential users seeking protection for their geographical indications would be extremely pleased with such a discount because the amount of fees to be paid sometimes made it difficult for them to file applications.

20. The Assembly of the Lisbon Union adopted the 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, as set out in the Annex to document LI/A/39/1, with January 1, 2023, as their date of entry into force.

21. For ease of reference, the Annex to this report contains the amendments to the Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement, as adopted by the decision set out in paragraph 16, above.

[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 of the Lisbon Agreement on Appellations of Origin and Geographical Indications

as in force on January 1, 2023

[...]

Chapter II
Application and International Registration

Rule 7

Entry in the International Register

[...]

(4) *[Implementation of Articles 29(4) and 31(1) of the Geneva Act of the Lisbon Agreement]*

(a) In case of the ratification of, or accession to, the Geneva Act of the Lisbon Agreement by a State that is party to the 1967 Act, Rules 5(2) to (4) shall apply *mutatis mutandis* with regard to international registrations or appellations of origin effective under the 1967 Act in respect of that State. The International Bureau shall verify with the Competent Authority concerned any modifications to be made, in view of the requirements of Rules 3(1) and 5(2) to (4), for the purpose of their registration under the Geneva Act of the Lisbon Agreement and shall notify international registrations thus effected to all other Contracting Parties that are party to the Geneva Act of the Lisbon Agreement. Modifications relating to Rule 5(2) shall be subject to payment of the fee specified in Rule 8(1)(ii).

[...]

Rule 8

Fees

(1) *[Amount of Fees]* The International Bureau shall collect the following fees, payable in Swiss francs:

(i)	fee for international registration ³	1000
(ii)	fee for one modification of an international registration ³	500
	complementary fee for additional modification(s) submitted in the same request	300
(iii)	fee for providing an extract from the International Register	150
(iv)	fee for providing an attestation or any other written information concerning the contents of the International Register	100
(v)	individual fees as referred to in paragraph (2).	

³ For an international registration referring to a geographical area located in a least developed country (LDC), in accordance with the lists established by the United Nations, the fee is reduced to 50 per cent of the prescribed amount (rounded to the nearest full figure). In such case, the fee will amount to 500 Swiss francs for an international registration referring to a geographical area of origin located in an LDC, to 250 Swiss francs for one modification of an international registration referring to a geographical area of origin located in an LDC, and to 150 Swiss francs for a complementary fee for additional modification(s) submitted in the same request. These fee reductions will apply three years after the entry into force of the Geneva Act of the Lisbon Agreement.

[...]

Chapter III Refusal and Other Actions in Respect of International Registration

Rule 9 Refusal

(1) *[Notification to the International Bureau]*

[...]

(b) The refusal shall be notified within a period of one year from the receipt of the notification of the international registration under Article 5(2) of the 1967 Act or under Article 6(4) of the Geneva Act of the Lisbon Agreement. In the case of Article 29(4) of the Geneva Act of the Lisbon Agreement, this time limit may be extended by another year.

(c) Unless demonstrated to the contrary by the Competent Authority referred to in subparagraph (a), the notification of an international registration referred to in subparagraph (b) shall be deemed to have been received by the Competent Authority 20 days after the date indicated in the notification.

[...]

Rule 15 Modifications

(1) *[Permissible Modifications]* The following modifications may be recorded in the International Register:

(i) a modification of the beneficiaries consisting in the addition or deletion of a beneficiary or some beneficiaries, or a modification of the names or addresses of the beneficiaries or of the natural person or legal entity referred to in Article 5(2)(ii) of the Geneva Act;

(ii) [Deleted]

(iii) a modification of the limits of the geographical area of production or the geographical area of origin of the good or goods to which the appellation of origin, or the geographical indication, applies;

(iv) a modification relating to the legislative or administrative act, the judicial or administrative decision, or the registration referred to in Rule 5(2)(a)(vii);

(v) a modification relating to the Contracting Party of Origin that does not affect the geographical area of production or the geographical area of origin of the good or goods to which the appellation of origin, or the geographical indication, applies.

(vi) [Deleted]

[...]

Rule 16
Renunciation of Protection

[...]

(2) *[Withdrawal of a Renunciation]* (a) Any renunciation, including a renunciation under Rule 6(1)(d), may be withdrawn, in whole or in part, at any time by the Competent Authority of the Contracting Party of Origin or, in the case of Article 5(3) of the Geneva Act of the Lisbon Agreement, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act or the Competent Authority of the Contracting Party of Origin, subject to the correction of the irregularity in the case of a renunciation under Rule 6(1)(d).

[...]

[End of Annex and of document]