

WIPO



P/A/40/2

ORIGINAL: English

DATE: September 29, 2008

E

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

**INTERNATIONAL UNION FOR THE PROTECTION OF INDUSTRIAL PROPERTY
(PARIS UNION)**

ASSEMBLY

**Fortieth (22nd Extraordinary) Session
Geneva, September 22 to 30, 2008**

REPORT

adopted by the Assembly

1. The Assembly was concerned with the following items of the Consolidated Agenda (document A/45/1): 1, 2, 3, 15, 22, 25 and 26.
2. The report on the said items with the exception of item 15, is contained in the General Report (document A/45/5).
3. The report on item 15 is contained in the present document.
4. Mr. James Otieno-Odek (Kenya), Chair of the Assembly, presided over the meeting.

ITEM 15 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING ARTICLE 6TER OF THE PARIS CONVENTION

5. Discussions were based on document P/A/40/1 “Matters Concerning Article 6ter of the Paris Convention”.

6. The Secretariat explained that the proposal contained in this document to modernize the communication procedures under Article 6ter of the Paris Convention was recommended by the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) at its nineteenth session, which took place in Geneva from July 21 to 25, 2008. The Assembly was invited to adopt the decision presented in Annex I of the document, which would result in the introduction of a semi-annual electronic publication of Article 6ter communications, supplemented by the optional distribution of that publication in electronic format on hard carrier. As a result, Article 6ter communication procedures would be considerably simplified, both for the International Bureau and national and regional trademark registration administrations. It was expected that the proposed change of procedures would result in savings for the trademark registration administrations, for receiving parties, for requesting parties and for the International Bureau of WIPO. Furthermore, it would enhance the legal security for all parties concerned by Article 6ter communications, as the semiannual publication dates would create generally applicable starting points for the calculation of the time periods under Article 6ter(4) and (6).

7. The Delegation of China stated that it supported the proposal contained in document P/A/40/1, as the electronic publication would lead to savings for all parties and for the International Bureau of WIPO.

8. The Assembly of the Paris Union noted the information contained in document P/A/40/1 and adopted the decision presented in Annex I to that document.

9. The Delegation of Jamaica stated that the Government of Jamaica was developing a nation branding strategy. As part of this strategy, it needed to prevent unauthorized exploitation and infringement of the country name Jamaica. While many would say that the illegal use of the name Jamaica would give the nation great publicity, such illicit practices had an economic cost and were undermining the nation’s economic potential and image. The Delegation recognized that, while the Paris Convention might not provide protection for country names, there was an initiative within the framework of the Paris Convention Revision Conference in 1980 to add official names of States to the items protected under subparagraph 1(a) of Article 6ter. The Delegation wanted to submit a proposal to WIPO and to the SCT to review this issue.

10. The Delegation of Switzerland supported the proposal made by the Delegation of Jamaica concerning the protection of country names. The Delegation said that this was an equally important question for Switzerland. The Delegation believed that the SCT was the competent body of the Organization to deal with the protection of country names and was of the view that use of the Paris Convention as one instrument to achieve this result would be appropriate.

[End of document]