

# WIPO



STLT/A/1/3

ORIGINAL: English

DATE: August 15, 2009

WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

## SINGAPORE TREATY ON THE LAW OF TRADEMARKS (STLT)

### ASSEMBLY

First (1<sup>st</sup> Ordinary) Session  
Geneva, September 22 to October 1, 2009

#### FUTURE WORK

*Document prepared by the International Bureau*

1. This document contains information and proposals for the future work of the Assembly of the Singapore Treaty on the Law of Trademarks, (hereinafter referred to as “the Singapore Treaty” and “the Assembly”).

#### Regulations under the Singapore Treaty

2. Article 22(1) of the Singapore Treaty provides as follows:

*“Article 22  
“Regulations*

*“(1) [Content]*

*“(a) The Regulations annexed to this Treaty provide rules concerning*

*“(i) matters which this Treaty expressly provides to be “prescribed in the Regulations”;*

*“(ii) any details useful in the implementation of the provisions of this Treaty;*

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“(iii) any administrative requirements, matters or procedures.

“(b) The Regulations also contain Model International Forms.”

[...]

3. Furthermore Article 23(2) of the Singapore Treaty provides:

“*Article 23*

“*Assembly*

[...]

“(2) [*Tasks*] The Assembly shall

“(i) deal with matters concerning the development of this Treaty;

“(ii) amend the Regulations, including the Model International Forms;

“(iii) determine the conditions for the date of application of each amendment referred to in item (ii);

“(iv) perform such other functions as are appropriate to implementing the provisions of this Treaty.”

[...]

4. The Diplomatic Conference adopted the Singapore Treaty on the Law of Trademarks and the Regulations under the Singapore Treaty on the Law of Trademarks on March 27, 2006, in Singapore. At that time, some Rules were adopted containing a reference to the applicable national law of a Contracting Party rather than stipulating an agreed substantive position for the matter under consideration. Given that the Singapore Treaty and its Regulations are intended to constitute a dynamic international legal framework for the determination of trademark procedures with, in particular, the possibility of the Assembly of the Singapore Treaty to amend the Regulations, this way of proceeding was unanimously supported by the Diplomatic Conference.

5. The entry into force of the Singapore Treaty and the first session of the Assembly provide an opportunity for using the dynamic structure of the Singapore Treaty and its Regulations and to review some Rules of the Regulations under the Singapore Treaty on the Law of Trademarks that contain a reference to national law.

6. Such a review would appear to be possible in respect of Rule 3, paragraphs (4) to (6), thereby taking into account the recent work of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) in the area of representation of non-traditional marks.

7. More specifically, at its twentieth session, which took place in Geneva from December 1 to 5, 2008, the SCT confirmed areas of convergence concerning the representation of non-traditional marks and agreed that those areas of convergence should be brought to the attention of the relevant WIPO Assemblies (WO/GA/38/9). It thus would appear timely to review Rule 3(4) to (6) of the Regulations under the Singapore Treaty with a view to align that Rule, where considered possible and appropriate, with the areas of convergence concerning the representation of non-traditional marks.

8. Preparatory work for reviewing Rule 3(4) to (6) of the Regulations under the Singapore Treaty could be undertaken within a Working Group to be established for that purpose. That Working Group could meet back to back with a regular session of the SCT. The SCT usually holds two regular five-day sessions during a calendar year. Some time could be set aside during the first regular SCT meeting in 2010 to allow the convening of a session of a Working Group under the Singapore Treaty to deliberate, based on a working document to be prepared by the Secretariat, on possible amendments to Rule 3(4) to (6) of the Regulations under the Singapore Treaty as outlined in paragraph 7. Contracting Parties to the Singapore Treaty would be invited to attend the Working Group as Members, WIPO Members not party to the Singapore Treaty and WIPO observers would be invited to attend the session of that Working Group as observers. If the Working Group can reach agreement on possible amendments to Rule 3(4) to (6) of the Regulations under the Singapore Treaty, those amendments could be forwarded to the Assembly for adoption.

9. *The Assembly is invited*

(i) *to consider the initiation of a review of Rule 3(4) to (6) of the Regulations under the Singapore Treaty on the Law of Trademarks as outlined in paragraph 8, above;*

(ii) *to approve the convening of one session of a Working Group to meet back to back with the first ordinary session of the SCT in 2010 as set out in paragraph 8, above.*

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