

WIPO General Assembly

Forty-Seventh (22nd Ordinary) Session Geneva, October 5 to 14, 2015

REPORT ON THE STANDING COMMITTEE ON THE LAW OF TRADEMARKS, INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS (SCT)

prepared by the Secretariat

1. During the period under consideration, the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) held two sessions, namely the thirty-second session (November 24 to 26, 2014) and the thirty-third session (March 16 to 20, 2015). Both sessions were chaired by Mr. Adil El Maliki (Morocco).

TRADEMARKS

2. The thirty-second session of the SCT considered a revised proposal presented by the Delegation of Jamaica for a Draft Joint Recommendation Concerning Provisions on the Protection of Country Names (document SCT/32/2) and discussed a Study on the Protection of Country Names (document SCT/29/5 Rev.), a submission by the Delegation of Jamaica (document SCT/31/5) and a Revised Draft Reference Document on the Protection of Country Names Against Registration and Use as Trademarks (document SCT/30/4). Some delegations expressed support for the continuation of discussions on this item, while others expressed concerns. The Chair requested the Secretariat to organize a side event to the next session of the SCT, which would offer background on various aspects of the protection of country names and nation branding. Following this side event, the SCT would revert to its discussions on this agenda item.

3. As requested by the Chair of the thirty-second session of the SCT, a side event to the thirty-third session of the SCT on the Protection of Country Names and Nation Branding was organized by the Secretariat on March 17, 2015. Panelists from several countries presented their experience with the creation and management of nation brands incorporating country names and discussed legal issues arising from the interface between country names and

individually-owned marks, as well as possible approaches to valuating nation brands. The SCT held an exchange of views on the revised proposal by the Delegation of Jamaica (document SCT/32/2) and discussed documents SCT/29/5 Rev., SCT/31/5 and SCT/30/4. The Chair noted that the SCT would revert to that proposal at its next session and requested the Secretariat to revise document SCT/30/4 to render it more descriptive of intellectual property office practices in the area of the protection of country names, for consideration at the next session of the SCT.

4. Furthermore, the Secretariat presented during both sessions updates on trademark-related aspects of the expansion of the Internet Domain Name System (DNS) of which the SCT took note with a request to the Secretariat to be kept informed on future developments in the DNS.

INDUSTRIAL DESIGNS

5. Regarding the work of the SCT on industrial designs, reference is made to document WO/GA/47/8 (Matters Concerning the Convening of a Diplomatic Conference for the Adoption of a Design Law Treaty).

GEOGRAPHICAL INDICATIONS

6. The thirty-second session of the SCT considered two proposals for work on geographical indications, namely a proposal by the Delegation of the United States of America to prepare a current survey of existing national geographical indication regimes (document SCT/31/7), and a revised joint proposal by the Delegations of the Czech Republic, France, Germany, Hungary, Italy, Portugal, Republic of Moldova, Spain and Switzerland, concerning the protection of geographical indications and country names in the Domain Name System (document SCT/31/8 Rev.4).

7. Some delegations expressed support for the proposal in document SCT/31/7. Other delegations expressed support for the proposal in document SCT/31/8 Rev. Although all delegations that took the floor expressed support for further work, some of them expressly limited their support to conduct such work only on the basis of one specific proposal. Other delegations indicated flexibility as to the possible combination of topics proposed for further study.

8. At the thirty-third session of the SCT, an exchange of views took place on the proposals contained in documents SCT/31/7 and SCT/31/8 Rev.3. The Chair noted that the SCT, at its next session, would revert to the two proposals.

9. *The WIPO General Assembly is invited to take note of the "Report on the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications" (document WO/GA/47/7).*

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