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WIPO General Assembly

Fifty-First (24th Ordinary) Session Geneva, September 30 to October 9, 2019

MATTERS CONCERNING THE CONVENING OF A DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A DESIGN LAW TREATY (DLT)

Document prepared by the Secretariat

1. At its forty-seventh (22nd ordinary) session, held in Geneva from October 5 to 14, 2015, the World Intellectual Property Organization (WIPO) General Assembly agreed the following (see document WO/GA/47/19, paragraph 123)*:

“That the text of the basic proposal for the Design Law Treaty should be finalized by the SCT at its thirty-fourth and thirty-fifth sessions;

“(i) to convene a diplomatic conference for the adoption of a Design Law Treaty at the end of the first half of 2017, only if the discussions on technical assistance and disclosure have been completed during the thirty-fourth and thirty-fifth sessions of the SCT;

“(ii) that the text of the basic proposal for the Design Law Treaty should be finalized by the SCT at its thirty-fourth and thirty-fifth sessions;

“(iii) that, if a diplomatic conference is convened at the end of the first half of 2017, the date and venue of the diplomatic conference would be decided in a preparatory committee, to be held back-to-back with the thirty-fifth session of the SCT.”

* For a detailed narrative of WIPO General Assembly sessions dealing with the convening of a diplomatic conference for the adoption of a Design Law Treaty, see document WO/GA/47/8.

2. The Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), at its thirty-fourth session (November 16 to 18, 2015) and thirty-fifth session (April 25 to 27, 2016), continued discussions on the text of a basic proposal for the Design Law Treaty (DLT), with a view to finalizing the text, as mandated by the WIPO General Assembly.

3. At the end of the thirty-fifth session of the SCT, the Chair concluded that a number of delegations were of the opinion that the work of the SCT was sufficient to consider that the basic proposal (contained in documents SCT/35/2 and 3) was finalized. Other delegations considered that the work of the SCT constituted a sufficient ground for finalizing the basic proposal and that a few elements needed further work. Other delegations considered that the work of the SCT was not sufficient to finalize the basic proposal (see document SCT/35/7, paragraph 7).

4. At its forty-eighth (26th extraordinary) session, held in Geneva from October 3 to 11, 2016, the WIPO General Assembly:

“decided that, at its next session in October 2017, it will continue considering the convening of a diplomatic conference on the Design Law Treaty, to take place at the end of the first half of 2018” (see document WO/GA/48/17, paragraph 146).

5. At its forty-ninth (23rd ordinary) session, held in Geneva from October 2 to 11, 2017, the WIPO General Assembly:

“decided that, at its next session in 2018, it will continue considering the convening of a diplomatic conference on the Design Law Treaty, to take place at the end of the first half of 2019” (see document WO/GA/49/21, paragraph 149).

6. At its fiftieth (27th extraordinary) session, held in Geneva from September 24 to October 2, 2018, the WIPO General Assembly continued considering the convening of a diplomatic conference on the DLT. At the end of that session, the WIPO General Assembly:

“decided that, at its next session in 2019, it will continue considering the convening of a diplomatic conference on the Design Law Treaty, to take place at the end of the first half of 2020” (see document WO/GA/50/15, paragraph 166).

7. Following this decision, the SCT held two sessions, namely the fortieth session (November 12 to 16, 2018) and the forty-first session (April 8 to 11, 2019).

8. At both sessions of the SCT, the Chair concluded that the SCT noted “the decision of the [WIPO] General Assembly to continue considering this matter at its next session in 2019” (see documents SCT/40/9, paragraphs 8 and 9, and SCT/41/10, paragraphs 6 and 7).

9. *The WIPO General Assembly is invited:*

(i) *to consider the contents of the present document; and*

(ii) *to decide whether to convene a diplomatic conference for the adoption of a Design Law Treaty at the end of the first half of 2020, at a date and venue to be decided by a preparatory committee.*

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