

WIPO General Assembly

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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 its forty-third and forty fourth sessions (November 23 to 26, 2020, and May 17 to 19, 2021, respectively). Both sessions were chaired by Mr. Alfredo Rendón Algara (Mexico). Due to the COVID-19 pandemic-imposed safety and hygiene measures, both sessions were held in hybrid mode. Ninety-eight and 132 delegations respectively attended the sessions.

TRADEMARKS

2. The SCT considered a Revised Proposal by the Delegation of Jamaica for a Joint Recommendation Concerning Provisions on the Protection of Country Names (document SCT/43/9) and concluded to continue discussion on that proposal at its next session.

3. The Delegations of Georgia, Iceland, Indonesia, Jamaica, Liechtenstein, Malaysia, Mexico, Monaco, Peru, Senegal, Switzerland and the United Arab Emirates presented a Joint Proposal Concerning the Protection of Country Names and Geographical Names of National Significance (document SCT/43/6). After consideration of that proposal, the Chair concluded that the SCT would continue the discussion of this proposal at its next session.

4. Furthermore, the Delegations of Brazil, Georgia, Iceland, Indonesia, Jamaica, Liechtenstein, Malaysia, Mexico, Monaco, Peru, Senegal, Switzerland and the United Arab Emirates presented another Joint Proposal Concerning the Protection of Country Names and

Geographical Names of National Significance in the Domain Name System (DNS) (document SCT/41/6 Rev.). Following consideration of the Joint Proposal by the SCT, the Chair concluded that discussion on document SCT/41/6 Rev. would continue at its next session.

5. Following a Proposal from the Delegations of Ecuador and Peru, the Secretariat conducted a Survey on Nation-brand Protection in Member States. An overall number of 57 Member States replied to the electronic Questionnaire on Nation-brand Protection in Member States. The Secretariat compiled all returns into a document and presented it to the SCT for consideration (document SCT/43/8/Rev.). Having considered this document, the SCT agreed to re-open the Questionnaire on Nation-brand Protection in Member States until September 30, 2021, for further replies. The SCT also requested the Secretariat to make a presentation, at the forty-fifth session of the Committee, on the main findings and trends identified in the responses provided to the Questionnaire. Moreover, the SCT invited members to present, to the forty-fifth session of the SCT, proposals for topics for an Information Session on Nation-brand Protection in Member States, to be possibly held in conjunction with the forty sixth session of the SCT.

6. Finally, the SCT considered documents SCT/43/4 and SCT/44/2 presenting updates on trademark-related aspects of the DNS and requested the Secretariat to keep members informed of future developments in the DNS.

INDUSTRIAL DESIGNS

7. Regarding the draft Design Law Treaty (DLT), reference is made to document WO/GA/54/8 (Matters Concerning the Convening of a Diplomatic Conference for the Adoption of a Design Law Treaty).

8. The SCT considered and took note of document SCT/41/2 Rev.2 and document SCT/43/2 Rev. (Analysis of the Returns to the Second Questionnaire on Graphical User Interface (GUI), Icon and Typeface/Typefont Designs).

9. Furthermore, the SCT considered an Updated Proposal by the Delegations of Canada, Israel, Japan, the United Kingdom and the United States of America for a Joint Recommendation Concerning Industrial Design Protection for Designs for Graphical User Interfaces (GUI) (document SCT/44/6 Rev.2) and concluded to continue that discussion at the forty-fifth session of the SCT.

10. The Committee considered the returns to the Questionnaire on the Temporary Protection Provided to Industrial Designs at Certain International Exhibitions Under Article 11 of the Paris Convention for the Protection of Industrial Property (document SCT/42/2), and a proposal by the Delegation of Spain for the creation of a database compiling those returns (document SCT/44/5). In conclusion of that item, the SCT requested the Secretariat to create a prototype of a database including a number of replies to the Questionnaire on the Temporary Protection Provided to Industrial Designs at Certain International Exhibitions under Article 11 of the Paris Convention for the Protection of Industrial Property, and to present the prototype, as well as resources required, at the next session of the SCT.

11. Finally, the SCT noted the progress in the implementation of the Digital Access Service for Priority Documents (DAS) for industrial designs by members.

12. In conjunction with the forty-third session, a half-day information session on temporary protection provided to industrial designs under Article 11 of the Paris Convention took place. Two panels presented the following topics: temporary protection provided to industrial designs under Article 11 of the Paris Convention – the practices of offices; and temporary protection provided to industrial designs under Article 11 of the Paris Convention – the experience of users.

13. The program and presentations of the information session are available at https://www.wipo.int/meetings/en/details.jsp?meeting_id=55587.

GEOGRAPHICAL INDICATIONS

14. The SCT considered Proposals for Topics for an Information Session on Geographical Indications (document SCT/44/3) and agreed to hold an Information Session on Geographical Indications in conjunction with the forty-fifth session of the SCT. The program for that Information Session will comprise two panels on the following topics: (i) examination of geographical indications in *sui generis* systems and trademark systems, including words in combination with graphic elements and geographical indications consisting solely of a graphic element; the weight given to descriptive elements; conflicts; and scope of protection. (ii) ways to prevent bad faith registration of domain names consisting of, or containing, geographical indications. Moreover, the SCT invited members to present, to the forty-fifth session of the SCT, Proposals for Topics for an Information Session on Geographical Indications, to be held in conjunction with the forty-sixth session of the SCT.

15. In conjunction with the forty-third session, a half-day Information Session on Geographical Indications took place, during which two panels presented the following topics: Evaluation of the conditions that created the basis for the geographical indication protection and evaluation of any changes to those conditions; and ways to prevent operators profiting from bad faith use and registration of geographical indication intellectual property rights in the DNS.

16. The program and presentations of the information session are available at https://www.wipo.int/meetings/en/details.jsp?meeting_id=55586.

17. 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 (SCT)" (document WO/GA/54/7).

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