

Working Group on the Development of the Lisbon System (Appellations of Origin)

Fifth Session
Geneva, June 11 to 15, 2012

SUMMARY BY THE CHAIR

approved by the Working Group

1. The Working Group on the Development of the Lisbon System (Appellations of Origin) (hereinafter referred to as “the Working Group”) met in Geneva, from June 11 to 15, 2012.
2. The following Contracting Parties of the Lisbon Union were represented at the session: Algeria, Congo, Costa Rica, Cuba, Czech Republic, France, Hungary, Iran (Islamic Republic of), Italy, Mexico, Peru, Portugal, Republic of Moldova, Serbia (14).
3. The following States were represented as observers: Angola, China, Colombia, Denmark, Dominican Republic, Germany, Ireland, Romania, Spain, Switzerland, United States of America (11).
4. Representatives of the following international intergovernmental organizations (IGOs) took part in the session in an observer capacity: European Union (EU), World Trade Organization (WTO) (2).
5. Representatives of the following international non-governmental organizations (NGOs) took part in the session in an observer capacity: Brazilian Association of Intellectual Property (ABPI), European Communities Trade Mark Association (ECTA), International Association for the Protection of Intellectual Property (AIPPI), International Trademark Association (INTA), MARQUES (Association of European Trademark Owners), Organization for an International Geographical Indications Network (OriGIN) (6).

6. The list of participants is contained in document LI/WG/DEV/5/INF/1 Prov. 2*.

AGENDA ITEM 1: OPENING OF THE SESSION

7. Mrs. Wang Binying, Deputy Director General, opened the session, recalled the mandate of the Working Group and introduced the draft agenda, as contained in document LI/WG/DEV/5/1 Prov. The Director General of WIPO, Mr. Francis Gurry, addressed the Working Group later on in the course of the session.

AGENDA ITEM 2: ELECTION OF A CHAIR AND TWO VICE-CHAIRS

8. Mr. Mihály Ficsor (Hungary) was unanimously elected as Chair of the Working Group, Mr. Alberto Monjarás Osorio (Mexico) and Mr. Behzad Saberi Ansari (Iran (Islamic Republic of)) were unanimously elected as Vice-Chairs.

9. Mr. Matthijs Geuze (WIPO) acted as Secretary to the Working Group.

AGENDA ITEM 3: ADOPTION OF THE AGENDA

10. The Working Group adopted the draft agenda (document LI/WG/DEV/5/1 Prov.) without modification.

AGENDA ITEM 4: ADOPTION OF THE DRAFT REPORT OF THE FOURTH SESSION OF THE WORKING GROUP

11. The Working Group adopted the Revised Draft Report of the Fourth Session of the Working Group, as contained in document LI/WG/DEV/4/7 Prov. 2, on the understanding that the phrase “the Representative of the European Union” would be replaced throughout the document by “the Delegation of the European Union” and subject to the correction of a number of translation errors in the French version of the document, as proposed by the Delegation of Switzerland.

AGENDA ITEMS 5 AND 6: DRAFT NEW INSTRUMENT ON THE INTERNATIONAL REGISTRATION OF GEOGRAPHICAL INDICATIONS AND APPELLATIONS OF ORIGIN AND DRAFT REGULATIONS UNDER THE DRAFT NEW INSTRUMENT

12. Discussions were based on documents LI/WG/DEV/5/2, LI/WG/DEV/5/3, LI/WG/DEV/5/4 and LI/WG/DEV/5/5. The Working Group examined in detail Articles 1 to 11 of the Draft New Instrument and Rules 4 to 8 of the Draft Regulations.

13. The Chair noted that, while certain delegations reserved their position on this issue, the prevailing view was that the Draft New Instrument should provide for a single and high level of protection for both geographical indications and appellations of origin, which would help simplify the text of the Draft New Instrument. The Chair also noted the view advocating a drafting method whereby, for the purposes of the Draft New Instrument, geographical indications and appellations of origin would be defined separately.

* The final list of participants will be made available as an Annex to the report of the session.

14. The Chair recalled the mandate of the Working Group to further develop the Lisbon system and indicated that it was implicit in such mandate that the work would extend to the establishment of an international registration system for both geographical indications and appellations of origin.

15. On the basis of this two-fold mandate, the Working Group should work towards a revision of the Lisbon Agreement that would involve a refinement of the current legal framework and the inclusion of the possibility of accession by intergovernmental organizations, while preserving the principles and objectives of the Lisbon Agreement, and also towards the establishment of an international registration system for geographical indications. The Chair also noted that further reflection was needed as to how these elements could be combined in substantive and procedural terms.

16. The Chair clarified that a Diplomatic Conference for revising the Lisbon Agreement could certainly be convened by the Assembly of the Lisbon Union. If, on the other hand, the solution chosen would necessitate the establishment of a new Treaty, the General Assembly of WIPO would have the right to call a Diplomatic Conference for that purpose.

Future work

17. The Chair concluded that further meetings of the Working Group should be convened – one more in 2012 and two in 2013. Work should continue aiming at a revision of the Lisbon Agreement and/or the conclusion of a new treaty or protocol supplementing the Lisbon Agreement. It was premature at this stage to recommend when a Diplomatic Conference might be convened.

18. In view of the progress made at the present session, the focus of the next session should be the examination and discussion of a revised version of the Draft New Instrument and Draft Regulations that would be prepared by the Secretariat and distributed well in advance of the next session. Such work would involve a thorough overhaul and redrafting of the provisions discussed at the present session, as well as the necessary consequential amendments to the remaining Articles and Rules. Alternative provisions and options between brackets should be introduced in the texts, as appropriate.

19. The Secretariat would work on the basis of the comments made at the present session and make sure that all comments and suggestions be duly reflected in those revised versions. In particular, an overall restructuring was necessary to reflect a single level of protection for both geographical indications and appellations of origin in the Draft New Instrument.

20. For purposes of enriching the debate and improving the substantive work, the Working Group agreed that, between its sessions, participants would be invited to submit comments and drafting suggestions to the Secretariat, which would establish an electronic forum where these comments and suggestions would be posted, for information purposes only and without prejudice to the role of the Working Group and the formal discussions therein.

21. The Chair noted that the Secretariat would organize a workshop on dispute settlement within the Lisbon system as a side event, in the margins of one of the future sessions of the Working Group. In order to facilitate the discussion at such a workshop, the Secretariat would prepare a factual document on the issue of dispute settlement. The Chair also noted that several delegations were of the view that it would be premature to organize such workshop in the context of the next session of the Working Group scheduled for December 2012.

AGENDA ITEM 7: OTHER MATTERS

22. No interventions were made under this item.

AGENDA ITEM 8: ADOPTION OF THE SUMMARY BY THE CHAIR

23. The Working Group approved the Summary by the Chair as contained in the present document.

24. A draft of the full report of the session of the Working Group will be made available on the WIPO web site for comments by the delegations and representatives that participated in the meeting. Participants will be informed once the draft report is available on the WIPO web site. Participants can submit comments within one month from its publication date, after which a track-changes version of the document, taking into account all the comments received from participants, will be made available on the WIPO web site. The availability of the comments and the track-changes version will also be communicated to participants, together with a deadline for the submission of final comments on that track-changes version. Thereafter, the report, taking into account the final comments, as appropriate, will be published on the WIPO web site without track changes, indicating the date of such final publication. As of that date, the report will be deemed adopted, which will be noted at the next session of the Working Group.

AGENDA ITEM 9: CLOSING OF THE SESSION

25. The Chair closed the session on June 15, 2012.

[End of document]