

Working Group on the Development of the Lisbon System

First Session Geneva, June 11 and 12, 2018

FEE REDUCTIONS PRESCRIBED BY ARTICLE 7(3) OF THE GENEVA ACT OF THE LISBON AGREEMENT ON APPELLATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS

Document prepared by the International Bureau

1. At the thirty-fourth (22nd ordinary) session of the Assembly of the Lisbon Union (October 2 to 11, 2017), the Assembly “extended the mandate of the Lisbon Working Group with a view to allowing further discussions on the development of the Lisbon System, including solutions for its financial sustainability” (see document LI/A/34/4, paragraph 38(ii)).
2. With a view to completing the measures to be enacted by the Lisbon Union Assembly as prescribed in the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (hereinafter referred to as the “Geneva Act”), the Working Group on the Development of the Lisbon System (hereinafter referred to as the “Working Group”) may consider fee reductions in respect of certain international registrations of appellations of origin and geographical indications, as foreseen in Article 7(3) of the Geneva Act.
3. In this respect, the attention of the Working Group is drawn to the decision taken by the Assembly of the Lisbon Union, at its thirty-second (21st ordinary) session, “to modify the amounts of fees mentioned in Rule 23 of the Regulations [Under the Lisbon Agreement] [...]” and to “continue to review fees on a regular basis” (see document LI/A/32/5, paragraph 46(ii) and (iii)), as well as to documents LI/A/32/2 (Proposal to Update the Fee Schedule Under Rule 23 of the Regulations Under the Lisbon Treaty) and LI/WG/DEV-SYS/1/3 (Financial Sustainability of the Lisbon Union).

4. Taking into account the financial situation of the Lisbon Union and with a view to offering fee reductions for users or right holders of appellations of origin or geographical indications from countries with a priority need in this regard, namely least developed countries (LDCs), it is proposed that the Schedule of Fees under Rule 8(1) of the Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement, as adopted by the Assembly of the Lisbon Union at its thirty-fourth session, be amended to introduce a reduction to 50 per cent of the amount of the fees, rounded to the nearest full figure for ease of administration, to be paid in respect of :

- international registrations referring to a geographical area of origin located in an LDC; and
- each modification of an international registrations referring to a geographical area of origin located in an LDC.

Consequently, the amount of fees payable would be:

- 500 Swiss francs for an international registration referring to a geographical area of origin located in an LDC; and
- 250 Swiss francs for each modification of an international registration referring to a geographical area of origin located in an LDC.

At present, the list of LDCs¹ comprises 47 States, of which three LDCs are party to the Lisbon System, namely Burkina Faso, Haiti and Togo, and one has deposited its instrument of accession to the Geneva Act, namely Cambodia².

5. In order to implement such a fee reduction, it is proposed to amend the Schedule of Fees included in the Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement, through the inclusion of a Note under Rule 8(1), items (i) and (ii), as set out in the Annex to the present document.

6. The Working Group is invited to consider the proposed amendment to the Schedule of Fees contained in the Annex to the present document;

[Annex follows]

¹ The listing of countries as "least-developed" is established by the General Assembly of the United Nations (UN) on the recommendation of the Economic and Social Council (ECOSOC) and on the advice of the Committee for Development Policy (CDP). The list is reviewed every three years. Listing as an LDC is done in consultation with the government of the country concerned and takes place only with the government's consent. The *List of Least-Developed Countries* may be consulted on the UN website (https://www.un.org/development/desa/dpad/wp-content/uploads/sites/45/publication/ldc_list.pdf).

² According to the UN *List of Least-Developed Countries* (as of March 2018), the following Lisbon Union members are listed as "least developed countries", namely: Haiti which is party to the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (1958); Burkina Faso and Togo which are party to the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (as amended on September 28, 1979); and Cambodia which has deposited its instrument of accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (2015) on March 9, 2018.

PROPOSED AMENDMENT TO THE SCHEDULE OF FEES UNDER THE COMMON
REGULATIONS UNDER THE LISBON AGREEMENT AND THE GENEVA ACT OF THE
LISBON AGREEMENT

Rule 8
Fees

(1) *[Amount of Fees]* The International Bureau shall collect the following fees, payable in Swiss francs:

- | | | |
|-------|---|------|
| (i) | fee for international registration ^[*] | 1000 |
| (ii) | fee for each modification of an international registration ^[*] | 500 |
| (iii) | fee for providing an extract from the International Register | 150 |
| (iv) | fee for providing an attestation or any other written information concerning the contents of the International Register | 100 |
| (v) | individual fees as referred to in paragraph (2). | |

[...]

[End of Annex and of document]

^[*] For an international registration referring to a geographical area located in a least developed country (LDC), in accordance with the lists established by the United Nations, the fee is reduced to 50 per cent of the prescribed amount (rounded to the nearest full figure). In such case, the fee will amount to 500 Swiss francs for an international registration referring to a geographical area of origin located in an LDC, and to 250 Swiss francs for each modification of an international registration referring to a geographical area of origin located in an LDC.