

Working Group for the Preparation of Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement

**First Session
Geneva, June 7 to 9, 2016**

NOTES ON THE DRAFT COMMON REGULATIONS UNDER THE LISBON AGREEMENT FOR THE PROTECTION OF APPELLATIONS OF ORIGIN AND THEIR INTERNATIONAL REGISTRATION AND THE GENEVA ACT OF THE LISBON AGREEMENT ON APPELLATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS

Document prepared by the Secretariat

I. INTRODUCTION

1. The Lisbon System is currently governed by the Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration of October 31, 1958, as revised at Stockholm on July 14, 1967, and as amended on September 28, 1979 (hereinafter referred to as “the 1967 Act”)¹. Upon the entry into force of the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications of May 20, 2015 (hereinafter referred to as

¹ On the date of publication of this document, only one country is exclusively bound by the Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration of October 31, 1958 (Haiti), while the other countries have also ratified or acceded to the Lisbon Agreement as revised as revised at Stockholm on July 14, 1967, and amended on September 28, 1979 (Algeria, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Congo, Costa Rica, Cuba, Czech Republic, Democratic People’s Republic of Korea, France, Gabon, Georgia, Hungary, Islamic Republic of Iran, Israel, Italy, Mexico, Montenegro, Nicaragua, Peru, Portugal, Republic of Moldova, Serbia, Slovakia, The former Yugoslav Republic of Macedonia, Togo and Tunisia).

The revision of the Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration in 1967 did not modify the provisions relating to the international registration procedure for appellations of origin and the procedures relating to the management of the International Register (see Articles 1 to 8 of the 1967 Act). Any reference to the 1967 Act used in the present document has therefore to be understood to refer to the Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration of October 31, 1958, whenever the Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration of October 31, 1958, is applicable rather than the 1967 Act.

“the Geneva Act”)², the International Bureau will have responsibility for the administration of two different international instruments related to the international registration procedure for appellations of origin and geographical indications, namely the 1967 Act and the Geneva Act.

2. The Acts of the Lisbon Agreement are currently complemented by two sets of Regulations, namely:

- the Regulations under the Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration, as in force on January 1, 2016 (hereinafter referred to as “the Regulations under the Lisbon Agreement”); and
- the Regulations under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, which are not yet in force (hereinafter referred to as “the Regulations under the Geneva Act”).

3. In order that the International Bureau, the Competent Authorities of the members of the Lisbon Union and the users of the system have a single set of Regulations to deal with, and in order to provide for a legal framework for the administration of the International Register that shall record, according to Article 4 of the Geneva Act, registrations effected under the Geneva Act as well as those effected under the 1967 Act, it is proposed to replace, once the Geneva Act has entered into force, the Regulations under the Lisbon Agreement and the Regulations under the Geneva Act with Common Regulations under the Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration and the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (hereinafter referred to as “the Common Regulations”).

II. EXPLANATORY NOTES ON THE DRAFT COMMON REGULATIONS

4. The present document contains explanatory notes on the draft Common Regulations contained in document LI/WG/PCR/1/2.

5. The draft Common Regulations are based, to a very large extent, on the provisions of the Regulations under the Geneva Act complemented by further provisions to take into account the specificities of the procedure under the 1967 Act.

NOTES ON RULE 1: DEFINITIONS

CR01.01. Compared to the Regulations under the Geneva Act, Rule 1 has been the subject of extensive amendments. This is due to the fact that this provision deals with definitions and should therefore be supplemented by new provisions in order to also accommodate the procedure under the 1967 Act (paragraph (1)). It is also proposed to change the title of Rule 1 to take into account the content of the new paragraph (2) that establishes a correspondence between some expressions used in the 1967 Act and the Geneva Act.

CR01.02. Paragraph (1)(i) contains the definition of the Geneva Act.

CR01.03. Since the provisions relating to the international registration procedure for appellations of origin and the procedures relating to the management of the International

² On the date of publication of this document, 14 States have signed the Geneva Act (Bosnia and Herzegovina, Burkina Faso, Congo, Costa Rica, France, Gabon, Hungary, Italy, Mali, Nicaragua, Peru, Portugal, Romania and Togo). According to Article 29(2), the Geneva Act shall enter into force three months after five eligible parties have deposited their instruments of ratification or accession.

Register are the same under the Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration of October 31, 1958, and under the 1967 Act (see Articles 1 to 8), it is proposed to use in the Common Regulations only the reference to the 1967 Act for the sake of simplicity. However, it is proposed to add a new paragraph (1)(ii) in order to take into account the situation of the State (Haiti) that is exclusively bound by the Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration of October 31, 1958.

CR01.04. Paragraph (1)(iii) has been amended for the sake of clarity. On substance, the provision is based on Rule 1(iii) of the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement.

CR01.05. Paragraph (1)(vii) contains the definition of communication.

CR01.06. Paragraphs (1)(viii) and (ix) define the different kinds of application that the International Bureau will be required to process following the coming into force of the Geneva Act. As specified in Article 31 of the Geneva Act, the mutual relations of Contracting Parties will be governed either by the 1967 Act or by the Geneva Act depending on whether the Contracting Parties have acceded to or ratified the 1967 Act and/or the Geneva Act.

CR01.07. Paragraph (1)(xii) contains the definition of refusal.

CR01.08. Paragraph (2). The 1967 Act, on the one hand, and the Geneva Act, on the other hand, refer sometimes to identical concepts while using different terminology. For the sake of simplicity and consistency, this double terminology should not be maintained in the context of a combined procedure under both Acts. It is therefore suggested that the terminology used in the 1967 Act be aligned with the terms used in the Geneva Act. Items (i) to (iii) list the terms contained in the 1967 Act requiring harmonization with those contained in the Geneva Act.

NOTES ON RULE 3: WORKING LANGUAGES

CR03.01 Subtitle of paragraph (2) has been amended for the sake of consistency with the terminology used in Article 1(x) of the Geneva Act.

CR03.02 Given that the possibility to file an application directly with the International Bureau has been given to beneficiaries, natural persons or legal entities under Article 5(3) of the Geneva Act, the proposed amendment to the first sentence of paragraph (2) limits that possibility to those Contracting Parties bound by the Geneva Act.

CR03.03 The last sentence of paragraph (2) dealing with the translations of communications concerning an application or an international registration reflects the provision introduced in the Regulations under the Geneva Act. The aim of including this provision in the Common Regulations is to clarify that the provision also applies to the communications effected under the 1967 Act. Paragraph (3) entails a similar clarification for entries in the International Register and their publication.

CR03.04 As in the Regulations under the Geneva Act, it is proposed to delete the reference to the Bulletin in paragraph (3) also with respect to the publications effected under the 1967 Act, given that the publications referred to may, in the future, only take place in an electronic format to be specified.

CR03.05 Compared to Rule 3(4) and 5(3)(ii) of the Regulations under the Lisbon Agreement, the Geneva Act no longer provides the possibility to submit in the application one or more translations of the appellation of origin. It is therefore proposed to add a new paragraph (5) to

retain and limit that possibility for those applications filed under the 1967 Act. However, the Working Group may decide to eliminate that possibility altogether so as to align the practice in respect of applications filed under the 1967 Act with the new provisions under the Geneva Act. In that context, it should be noted that Rule 3(4) of the Regulations under the Lisbon Agreement clearly states that the International Bureau does not check whether the provided translations are correct or not.

NOTES ON RULE 4: COMPETENT AUTHORITY

CR04.01 Compared to Rule 4(1) of the Regulations under the Lisbon Agreement, paragraph (1) has been simplified along the lines of Rule 4(1) of the Geneva Act. In particular, it does not distinguish among the various communications between the Competent Authority and the International Bureau. In addition, it is proposed to divide paragraph (1) into two subparagraphs for the sake of clarity, since the notification under subparagraph (a) is mandatory for Contracting Parties that are party to the Geneva Act as well as for Contracting Parties that are party to the 1967 Act, while subparagraph (b) reflects the new obligation to provide information on the applicable procedure for the enforcement of rights that is limited to the Contracting Parties to the Geneva Act. The Working Group may consider extending the new obligation under subparagraph (b) to the Contracting Parties that are only party to the 1967 Act to increase transparency and promote the exchange of information among those Contracting Parties.

CR04.02 Paragraph (3) has been drafted in light of the practical experience of the International Bureau with regard to changes in the name and contact details of a Competent Authority. It is therefore proposed to extend the application of this provision to Contracting Parties that are only party to the 1967 Act.

NOTES ON RULE 5: REQUIREMENTS CONCERNING THE APPLICATION

CR05.01 Given that the possibility to file an application directly with the International Bureau is available to beneficiaries, natural persons or legal entities, under Article 5(3) of the Geneva Act, it is proposed to amend paragraphs (1), (2)(a)(ii) and (iii) and (2)(b), to limit that possibility to those Contracting Parties bound by the Geneva Act.

CR05.02 Paragraph (2)(a)(ii). It is proposed that the requirement to indicate the Competent Authority presenting the application contained in Rule 5(2)(a)(ii) of the Regulations under the Geneva Act be extended to applications filed under the 1967 Act. This new requirement will not change substantively the practice for the Contracting Parties that are party to the 1967 Act since Rule 5(1) of the Regulations under the Lisbon Agreement already requires that the application be filed by the Competent Authority.

CR05.03 Paragraph (2)(a)(iv) has been amended in order to take into account the more flexible requirement relating to the indication of the appellation of origin in one or more of the official languages of the Contracting Party of Origin as specified in Rule 5(2)(a)(iii) of the Regulations under the Lisbon Agreement. However, the Working Group may consider aligning the practice concerning future applications under the 1967 Act with the requirements foreseen under the Geneva Act.

CR05.04 Paragraphs (2)(a)(vi) and (2)(b) have been amended for the sake of consistency with the terminology used in the Geneva Act, as the expression “geographical area of production” refers to appellations of origin and the expression “geographical area of origin” refers to geographical indications.

CR05.05 Given that the requirements concerning the applications relating to appellations of origin or geographical indications under Rule 5(3) and (4) of the Regulations under the Geneva Act are not provided for in the Regulations under the Lisbon Agreement, the proposed amendment to paragraphs (3) and (4) limits their scope of application to the Geneva Act.

CR05.06 In view of the fact that the content of Rule 5(3)(iii) of the Regulations under the Lisbon Agreement is optional, whereas such content is mandatory under Rule 5(5) of the Regulations under the Geneva Act, the proposed amendment to paragraph (5) is designed to limit its mandatory character to those applications governed by the Geneva Act, while the requirement will continue to be optional for those applications governed by the 1967 Act, as specified in paragraph (6)(a)(iv). The Working Group may consider deleting the expression “to the best knowledge of the applicant” since it might appear to contradict the factual requirement “indicate whether or not the registration, the legislative or administrative act, or the judicial or administrative decision, by virtue of which protection is granted to the appellation of origin or the geographical indication, in the Contracting Party of Origin, specifies that protection is not granted for certain elements of the appellation of origin or the geographical indication”.

CR05.07 Paragraph (6)(a)(iv),(v) and (vi) has been amended in order to incorporate the optional elements of international applications that can be submitted under Rule 5(3) of the Regulations under the Lisbon Agreement.

CR05.08 It is proposed to add a new subparagraph (b) to paragraph (6) in order to reflect the practice that has developed under the Regulations under the Lisbon Agreement, namely not to translate the addresses of the beneficiaries (Rule 6(a)(i)), and to extend such practice also with respect to the additional information that might be provided under Rule 6(a)(vi).

NOTES ON RULE 6: IRREGULAR APPLICATIONS

CR06.01 Rule 6 has been amended to take into account the new possibility introduced in Article 5(3) of the Geneva Act which permits international applications to be presented directly to the International Bureau by beneficiaries, natural persons or legal entities. Given that the possibility of making such direct applications is not provided for in the 1967 Act, the proposed amendment to Rule 6 aims to limit the communications between the International Bureau and beneficiaries, natural persons or legal entities to those Contracting Parties bound by the Geneva Act.

NOTES ON RULE 7: ENTRY IN THE INTERNATIONAL REGISTER

CR07.01 Paragraph (1)(b) has been deleted since the specific conditions set out in the Regulations under the Lisbon Agreement and the Regulations under the Geneva Act for the application governed by the 1967 Act have been combined in Rules 3(1) and 5 of the draft Common Regulations.

CR07.02 It is proposed to amend paragraph (3), in order to clarify that the certificate will be transmitted to beneficiaries, natural persons or legal entities, only in respect of those Contracting Parties bound by the Geneva Act.

CR07.03 Paragraph (4) addresses the situation concerning international registrations of appellations of origin already recorded under the 1967 Act, in case of accession to, or ratification of, the Geneva Act by a Contracting Party of Origin that is already party to the 1967 Act. In addition to the new reference to the Geneva Act, it is proposed to identify the time when the International Bureau and the Competent Authority shall verify any modification to

be made, in view of the requirements of Rules 3(1) and 5(2) to (4), for the purpose of their registration under the Geneva Act.

NOTES ON RULE 7BIS: DATE OF INTERNATIONAL REGISTRATION AND OF ITS EFFECTS

CR07bis.01 It is proposed to add a new Rule 7bis to address the issue of the date of international registration and of its effect for an application filed by a Contracting Party of Origin that is party to the 1967 Act without being party to the Geneva Act at the moment of the filing of the application. The date of international registration and of its effect for an application that is filed by a Contracting Party of Origin after its ratification of, or accession to, the Geneva Act is regulated by Article 6 of the Geneva Act, in connection with its Article 31 concerning the application of the 1967 Act as regards Contracting Parties to the Geneva Act that are also party to the 1967 Act. The issue of the date of effects of international registrations effected prior to the ratification of, or accession to, the 1967 Act or to the Geneva Act by a new Contracting Party to either of these Acts is addressed in Article 14(b) and (c) of the 1967 Act and in Article 29(4) of the Geneva Act, respectively.

CR07bis.02 Paragraph (1) addresses the issue of the date of international registration for an application that is filed by a Contracting Party of Origin that is party to the 1967 Act without being party to the Geneva Act. It is proposed that the requirement to indicate the Competent Authority presenting the application contained in Article 6(3)(i) of the Geneva Act be extended to applications filed under the 1967 Act. This new requirement will not change substantively the practice for the Contracting Parties that are party to the 1967 Act since Rule 5(1) of the Regulations under the Lisbon Agreement already requires that the application be filed by the Competent Authority.

CR07bis.03 Paragraph (2)(a) addresses the issue of the date of effects of an international registration referred to in paragraph (1) which is the date of the international registration in each Contracting Party that is party to the 1967 Act at the moment of the international registration or the date mentioned in a declaration according to paragraph (2)(b), provided the Contracting Party has not refused protection.

CR07bis.04 Paragraph (3)(a). The date of effects of the international registration referred to in paragraph (1) will differ from the date of the international registration in each Contracting Party that is party to the Geneva Act without being party to the 1967 Act following the ratification of, or accession to, the Geneva Act by the Contracting Party of Origin. In these Contracting Parties, the date of effects of the international registration referred to in paragraph (1) will be the date on which the ratification of, or accession to, the Geneva Act by the Contracting Party of Origin becomes effective, or the date on which a withdrawal of the renunciation becomes effective, or the date mentioned in a declaration according to paragraph (3)(b), provided the Contracting Party has not refused protection.

NOTES ON RULE 8: FEES

CR08.01 Rules 8(2) and 8(3) implement Article 7(4) of the Geneva Act which introduced the possibility to request the payment of individual fees provided that the Contracting Parties to the Geneva Act notify a declaration to that effect with the Director General upon their accession to the Geneva Act. Given that the possibility of making such a declaration is not provided for in the 1967 Act, the proposed amendments to paragraphs (2)(a) and (3) have been designed to limit their scope of application to Contracting Parties that are party to the Geneva Act.

NOTES ON RULE 9: REFUSAL

CR09.01 Paragraph (1)(b) deals with the time period for notifying a refusal of protection to the International Bureau. The proposed amendment aims at complementing paragraph (1)(b) by adding a reference to the equivalent provision of the 1967 Act (i.e., Article 5(2)).

CR09.02 Paragraph (2)(i). It is proposed that the requirement to indicate the Competent Authority notifying the refusal contained in Rule 9(2)(i) of the Regulations under the Geneva Act be extended to applications notified under the 1967 Act. This new requirement will not be substantive in practice for the Contracting Parties that are party to the 1967 Act since Rule 9(1) of the Regulations under the Lisbon Agreement already requires that the declaration of refusal be notified by the Competent Authority.

CR09.03 Paragraph (2)(iv). It is proposed to delete the reference to Article 13 of the Geneva Act, in order to avoid an application of the provision which would be limited to those refusals notified under the Geneva Act.

CR09.04 It is proposed to amend paragraph (3), in order to clarify that a copy of the refusal will be transmitted to beneficiaries, natural persons or legal entities, only in respect of those Contracting Parties bound by the Geneva Act.

NOTES ON RULE 10: IRREGULAR NOTIFICATION OF REFUSAL

CR10.01 It is proposed to amend Rule 10 in order to bring it into line with the terminology used in Article 16 of the Geneva Act and Rule 9 of the Common Regulations.

CR10.02 It is proposed to amend paragraphs (1)(b) and (2) in order to clarify that a copy of the notification of an irregular refusal will be transmitted to beneficiaries, natural persons or legal entities, only in respect of those Contracting Parties bound by the Geneva Act. In addition, only beneficiaries, natural persons or legal entities from a Contracting Party bound by the Geneva Act will have the possibility to request a regularization of the refusal from the Competent Authority which submitted it.

NOTES ON RULE 11: WITHDRAWAL OF REFUSAL

CR11.01 It is proposed to amend paragraphs (2) and (3) to ensure consistency with the formulation retained in the draft Common Regulations for the other notifications.

CR11.02 Paragraph (2) (ii). It is proposed that all withdrawals of refusal indicate the reasons for the withdrawal and, in particular, in the case of a partial withdrawal, the particulars referred to in Rule 9(2)(v) of the draft Common Regulations for reasons of transparency, along the lines of the provisions contained in the Regulations under the Geneva Act.

CR11.03 It is proposed to amend paragraph (3) in order to clarify that a copy of the notification of the withdrawal of refusal will be transmitted to beneficiaries, natural persons or legal entities, only in respect of those Contracting Parties bound by the Geneva Act.

NOTES ON RULE 12: GRANT OF PROTECTION

CR12.01 It is proposed to amend Rule 12 to ensure consistency with the formulation retained in the draft Common Regulations for the other notifications.

CR12.02 Paragraph (2) (iii). It is proposed that all withdrawals of refusal or all statements of grant of protection that amount to a partial withdrawal of refusal, including those notified under the 1967 Act, indicate the reasons for the withdrawal and the particulars referred to in Rule 9(2)(v) of the draft Common Regulations for reasons of transparency, as currently provided for in the Regulations under the Geneva Act.

CR12.03 It is proposed to amend paragraph (3) in order to clarify that a copy of the notification of the statement of grant of protection will be transmitted to beneficiaries, natural persons or legal entities, only in respect of those Contracting Parties bound by the Geneva Act.

NOTES ON RULE 13: INVALIDATION OF THE EFFECTS OF AN INTERNATIONAL REGISTRATION IN A CONTRACTING PARTY

CR13.01 It is proposed to amend the title of Rule 13 to ensure consistency with the formulation retained in the draft Common Regulations for the other notifications.

CR13.02 It is proposed to amend paragraph (2) in order to clarify that a copy of the notification of invalidation will be transmitted to beneficiaries, natural persons or legal entities, only in respect of those Contracting Parties bound by the Geneva Act.

NOTES ON RULE 14: TRANSITIONAL PERIOD GRANTED TO THIRD PARTIES

CR14.01 It is proposed to amend the title of Rule 14 to ensure consistency with the formulation retained in the draft Common Regulations for the other notifications.

CR14.02 Paragraph (1) deals with the notification to the International Bureau of the grant of a transitional period to third parties. The proposed amendments aim at complementing paragraph (1) by adding a reference to the equivalent provisions of the 1967 Act (i.e., Article 5(6) and Article 5(2)). In addition, paragraph (1) has been amended so as to require the signature of the notification by the Competent Authority as currently foreseen in Rule 12(1) of the Regulations under the Lisbon Agreement. The signature in question should clearly form part of the notification.

CR14.03 Although currently not provided for under Rule 12(1)(iii) of the Regulations under the Lisbon Agreement, it is proposed to include in paragraph (1)(iii) the requirement to submit information on the scope of the transitional use, that is contained in the Regulations under the Geneva Act, also in respect of notifications of transitional period granted to third parties under the 1967 Act, for reasons of transparency.

CR14.04 Given that Article 5(6) of the 1967 Act regulates the duration of transitional period granted to third parties, the proposed amendment to paragraph (2) limits its scope of application to the Geneva Act.

CR14.05 It is proposed to amend paragraph (3) in order to clarify that a copy of the notification of the transitional period granted to third parties will be transmitted to beneficiaries, natural persons or legal entities, only in respect of those Contracting Parties bound by the Geneva Act.

NOTES ON RULE 15: MODIFICATIONS

CR15.01 The proposed amendments to paragraphs (1)(iii) and (v) and (2)(b) aim at complementing the provision by adding a reference to the geographical area of production.

Hence, paragraphs (1)(iii) and (v) and (2)(b) clearly refer to both appellations of origin and geographical indications.

CR15.02 Paragraph (1). It is suggested to align the list of the permissible modifications under the 1967 Act with the list included in the Regulations under the Geneva Act.

CR15.03 Paragraph (2)(a) and (b) has been amended so as to require that the request for entry of a modification be signed, as currently foreseen in Rule 13(1) of the Regulations under the Lisbon Agreement. The signature in question should clearly form part of the notification.

CR15.04 Paragraphs (2)(a) and (4). To the extent that the possibility for beneficiaries, natural persons or legal entities to file an application for international registration is provided for in Article 5(3) of the Geneva Act, the possibility to present a request for entry of a modification which is also given to those beneficiaries, natural persons or legal entities should be limited to the Contracting Parties that are party to the Geneva Act.

CR15.05 Given that neither the possibility to register an appellation of origin relating to a trans-border geographical area, nor the possibility to present a request for entry of a modification of such international registration, are envisaged in the 1967 Act, the proposed amendment to paragraph (2)(b) is intended to limit its scope of application to those Contracting Parties bound by the Geneva Act.

NOTES ON RULE 16: RENUNCIATION OF PROTECTION

CR.16.01 To the extent that the possibility for beneficiaries, natural persons or legal entities to notify a renunciation of protection or its subsequent withdrawal is not provided for in the 1967 Act or their Regulations, the proposed amendments to paragraphs (1), (2) and (3) aim at clearly limiting that possibility to the Contracting Parties to the Geneva Act.

CR.16.02 In addition, it is proposed to amend paragraph (1) so as to require that the notification of a renunciation of protection be signed, as it is currently foreseen in Rule 14(1) of the Regulations under the Lisbon Agreement.

CR16.03 The possibility to withdraw a renunciation of protection was specifically introduced in the Regulations under the Geneva Act to take into account the fact that the reason behind the initial renunciation of protection might subsequently disappear. It is therefore proposed to confer a broad scope of application to paragraphs (2) and (4) and to introduce that possibility also in respect of Contracting Parties to the 1967 Act.

NOTES ON RULE 17: CANCELLATION OF AN INTERNATIONAL REGISTRATION

CR17.01 The proposed amendments to Rule 17 reproduce the contents of Rule 15 of the Regulations under the Lisbon Agreement concerning the entitlement to request the cancellation of an international registration, while including the possibility for a direct request for cancellation by beneficiaries or natural persons or legal entities, as provided for under the Geneva Act.

CR17.02 It is proposed to amend paragraph (1) so as to require that the request for cancellation of an international registration be signed, as it is currently foreseen in Rule 15(1) of the Regulations under the Lisbon Agreement.

NOTES ON RULE 18: CORRECTIONS MADE TO THE INTERNATIONAL REGISTER

CR.18.01 To the extent that the possibility for beneficiaries, natural persons or legal entities to request the correction of an error with respect to an international registration is not provided for in the 1967 Act or its Regulations, the proposed amendments to paragraphs (2) and (3) aim to limit that possibility to the Contracting Parties that are party to the Geneva Act.

CR.18.02 Paragraph (4) has been amended so as to clarify that the date of the receipt of the notification of any correction referred to in Rule 18(3) is the starting point of the one-year deadline. The Working Group may consider expanding the type of corrections that might be subject of a refusal of protection under paragraph (4), for example when the correction concerns a significant extension of the geographical area, or the requirements under Rule 5(3).

NOTES ON RULE 19: PUBLICATION

CR19.01 Compared to Rule 18 of the Regulations under the Lisbon Agreement, the reference to the Bulletin has not been retained as the publication in question may, in the future, only take place in an electronic format to be specified.

NOTES ON RULE 23: MODES OF NOTIFICATION BY THE INTERNATIONAL BUREAU

CR23.01 It is proposed to add in paragraph (1) a reference to Rule 18(3) since the receipt of the notification of any correction referred to in Rule 18(3) is the starting point of the one-year deadline, as in Rule 16(3) for the withdrawal of renunciation.

NOTES ON RULE 24: ADMINISTRATIVE INSTRUCTIONS

CR24.01 It is proposed to introduce in paragraph (3)(b) the clarification that exists in the Regulations of the Lisbon Agreement. It is also proposed to delete the reference to the Bulletin which appears in the said Regulations, for the reason mentioned in Note CR19.01.

NOTES ON RULE 25: ENTRY INTO FORCE; TRANSITIONAL PROVISIONS

CR25.01 Paragraph (1). It is proposed to add a new provision specifying the date of entry into force of the Common Regulations along the line of Rule 24 of the Regulations under the Lisbon Agreement.

CR25.02 Paragraph (2). It is proposed to add a new provision ensuring that applications (item (i)) or other communications (item (ii)) which are received by the International Bureau before the date of entry into force of the Geneva Act are, to the extent that they conform to the requirements of the Regulations under the Lisbon Agreement, deemed to conform to the applicable requirements of the Common Regulations.

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