

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

Second Session Geneva, April 3 to 5, 2017

DRAFT ADMINISTRATIVE INSTRUCTIONS FOR THE APPLICATION OF 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 International Bureau

1. The Annex to the present document sets out the draft of the Administrative Instructions for the Application of 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 draft Administrative Instructions”).
2. The proposed draft is based on the Administrative Instructions for the Application of the Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration, as in force on January 1, 2010, adapted, as necessary, to the application of the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications. Proposed changes are indicated as follows: deleted text is struck out and new text is underlined.
3. *The Working Group is invited to consider and comment on the revised draft Administrative Instructions contained in the Annex to the present document.*

[Annex follows]

ADMINISTRATIVE INSTRUCTIONS FOR THE APPLICATION OF THE LISBON
AGREEMENT FOR THE PROTECTION OF APPELLATIONS OF ORIGIN AND THEIR
INTERNATIONAL REGISTRATION AND THE GENEVA ACT OF THE LISBON
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Part One Definitions

Section 1 Abbreviated Expressions

- (a) For the purposes of these Administrative Instructions:
- (i) "Regulations" means the 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;
 - (ii) "Rule" means a Rule of the Regulations.

(b) For the purposes of these Administrative Instructions an expression which is referred to in Rule 1 has the same meaning as in the Regulations.

Part Two Forms

Section 2 Prescribed Forms

For any procedure for which the Regulations prescribe the use of a form, the International Bureau shall establish such a form.

Section 3 Optional Forms

In respect of procedures under the Regulations other than those referred to in Section 2, the International Bureau may establish optional forms.

Section 4 Availability of Forms

The International Bureau shall make available all prescribed and optional forms, as referred to in Sections 2 and 3, on its website and, upon request, on paper.

Part Three Communications ~~between Competent Authorities and~~with the International Bureau

Section 5 Communication in Writing; Communication Containing Several Documents

- (a) Subject to Section 7(a), c communications shall be effected in writing by typewriter or other machine.
- (b) A communication containing several documents should be accompanied by a list identifying each of these documents.

Section 6 Communications by Facsimile

(a) ~~Any c~~Communications ~~between competent authorities and may be addressed to~~ the International Bureau ~~may be transmitted~~ by facsimile. Where ~~a competent authority must present a~~the communication shall be presented on an official form, the official form must be used for the purposes of the facsimile communication.

(b) The International Bureau shall inform the sender of the facsimile~~a competent authority from which it has received a~~ communication ~~by facsimile~~ whenever the communication is incomplete or otherwise unusable.

Section 7 Electronic Communications

(a) (i) Where a Competent Authority so desires, communications between that eCompetent aAuthority and the International Bureau, including the presentation of an international application, shall take place by electronic means in a way agreed upon between the International Bureau and the competent authority concerned.

(ii) In the case of Article 5(3) of the Geneva Act, communications between the International Bureau and the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of the Geneva Act may take place by electronic means, at a time and in a manner and format to be determined by the International Bureau, the particulars of which shall be published.

(b) The International Bureau shall inform the originator of an electronic transmission ~~a competent authority from which it has received a communication by electronic means~~ whenever the ~~communication transmission~~ is incomplete or otherwise unusable.

(c) As regards the electronic communication referred to in Subsection (a)(i), a signature may be replaced by a mode of identification agreed upon between the International Bureau and the Competent Authority concerned. With respect to the electronic communications referred to in Subsection (a)(ii), a signature may be replaced by a mode of identification to be determined by the International Bureau.

Section 8 ~~Notifications Communicated by the International Bureau~~

~~(a) The date of the receipt of a notification by the International Bureau to a competent authority, as referred to in Rule 22 (1), shall, when communicated through a postal service or a delivery service, be determined by the information provided by such postal service or delivery service on the basis of the details of the mailing as recorded by it. When such a notification has been communicated by facsimile or by electronic means and, because of the time difference between the place from where the communication is sent and the place where it is received, the date on which the transmittal started is different from the date of receipt of the transmittal, the later of the two dates shall be considered as the date of receipt.~~

~~(b) The International Bureau shall send confirmation of the date so determined to the competent authority concerned and inform the competent authority of the country of origin.~~

Section 9

Notifications Communicated ~~to the International Bureau by a Competent Authority~~

(a) The International Bureau shall, upon receipt of a ~~declaration-communication~~ as referred to in Rule 224, acknowledge receipt to the ~~C~~ompetent ~~A~~uthority that ~~communicated sent~~ the ~~declaration-communication~~.

(b) When a ~~declaration-communication~~ as referred to in Rule 224 has been ~~communicated-sent~~ by facsimile or by electronic means and, because of the time difference between the place from where the communication is sent and the place where it is received, the date on which the transmittal started is different from the date of receipt of the transmittal, the earlier of the two dates shall be considered as the date of dispatch.

Part Four

Requirements Concerning Names and Addresses

Section 10

Names and Addresses

(a) In the case of a natural person, the name to be indicated is the family or principal name and the given or secondary name(s) of the natural person.

(b) In the case of a legal entity, the name to be indicated is the full official designation of the legal entity.

(c) In the case of a name in characters other than Latin characters, the indication of that name shall consist of a transliteration into Latin characters which shall follow the phonetics of the language of the international application. In the case of a legal entity whose name is in characters other than Latin characters, the said transliteration may be replaced by a translation into the language of the international application.

(d) An address shall be given in such a way as to satisfy the customary requirements for prompt postal delivery and shall consist, at least, of all the relevant administrative units up to, and including, the house number, if any; in addition, telephone and telefacsimile numbers, an e-mail address as well as a different address for correspondence shall be indicated.

Section 11

Address for Correspondence

In the case of Article 5(3) of the Geneva Act, where there are two or more applicants, new beneficiaries or new natural person or legal entity referred to in Article 5(2)(ii) of the Geneva Act with different addresses, one address for correspondence shall be indicated. Where no such address is indicated, the address of the person named first shall be treated as the address for correspondence.

Part Five
Payment of Fees

Section 12
Modes of Payment

Fees may be paid to the International Bureau:

- (i) by payment into the Swiss postal account or to any of the specified bank accounts of the International Bureau;
- (ii) by debit to a current account with the International Bureau; or
- (iii) by credit card, where, in the context of an electronic communication envisaged in Section 7, an electronic interface for online payment has been made available by the International Bureau.

[End of Annex and of document]