

Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications

Twenty-Seventh Session
Geneva, September 18 to 21, 2012

SUMMARY BY THE CHAIR

adopted by the Committee

AGENDA ITEM 1: OPENING OF THE SESSION

1. Mr. Francis Gurry, Director General of the World Intellectual Property Organization (WIPO) opened the twenty-seventh session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) and welcomed the participants.
2. Mr. Marcus Höpperger (WIPO) acted as Secretary to the SCT.

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

3. Mr. Imre Gonda (Hungary) was elected Chair and Mr. Andrés Guggiana (Chile) and Ms. Ahlem Sara Charikhi (Algeria) were elected Vice-Chairs of the Committee.

AGENDA ITEM 3: ADOPTION OF THE AGENDA

4. The SCT adopted the draft revised Agenda (document SCT/27/1 Prov.2) with the addition of one additional item entitled "Contribution of the SCT to the Implementation of the respective WIPO Development Agenda Recommendations" and the amendment of the wording of item 11 to read "Summary by the Chair".

AGENDA ITEM 4: ACCREDITATION OF A NON-GOVERNMENTAL ORGANIZATION

5. Discussion was based on Document SCT/27/9.
6. The SCT approved the representation of the Internet Corporation for Assigned Names and Numbers (ICANN) in sessions of the Committee.

AGENDA ITEM 5: ADOPTION OF THE REVISED DRAFT REPORT OF THE TWENTY-SIXTH SESSION

7. The SCT adopted the revised draft report of the resumed session of the twenty-sixth session (document SCT/26/9 Prov.2), subject to adding the Delegation of Pakistan to the list of Members in paragraph 2.

AGENDA ITEM 6: INDUSTRIAL DESIGNS

Industrial Design Law and Practice - Draft Articles and Draft Regulations and Study on the Potential Impact of the Work of the SCT on Industrial Design Law and Practice

8. Discussion was based on documents SCT/27/2, 3 and 4.
9. The Chair stated that the SCT had made progress on the draft Articles and draft Rules. The Secretariat was requested to prepare revised working documents for consideration of the SCT at its twenty-eighth session, which should reflect all comments made at the present session and highlight the different proposals put forward by delegations by using square brackets, strikethrough, underlining or footnotes, as appropriate.
10. He further stated that no delegation had expressed opposition to the possibility that this work could result in an international instrument. Likewise, there was no opposition expressed to considering in this work technical assistance and capacity building.
11. The SCT was not in agreement as to any further work on the Study on the Potential Impact of the Work of the SCT on Industrial Design Law and Practice
12. Likewise, the SCT was not in agreement on a recommendation to the WIPO General Assembly concerning the convening of a diplomatic conference.

AGENDA ITEM 7: TRADEMARKS

Information Meeting on the Role and Responsibility of Internet Intermediaries in the Field of Trademarks

13. The Chair concluded that the SCT did not wish to continue work on this topic and that it would not remain on the Agenda of the SCT.

Update on Trademark-Related Aspects of the Expansion of the Domain Name System

14. Discussion was based on document SCT/27/8.
15. The Chair concluded that the SCT had taken note of document SCT/27/8 and that the Secretariat was requested to keep Member States informed on developments in the Domain Name System.

Protection of Names of States Against Registration and Use as Trademarks

16. Discussion was based on documents SCT/25/4, SCT/27/5, SCT/27/6 and SCT/27/7.

17. The Chair concluded that the SCT had requested the Secretariat to prepare a study in accordance with the terms of reference as contained in the Annex of the present document.

AGENDA ITEM 8: INTERNATIONAL NONPROPRIETARY NAMES FOR PHARMACEUTICAL SUBSTANCES (INNS)

Presentation by a Representative of the World Health Organization (WHO) on the WHO Global Data Hub for INNs

18. The SCT took note of the presentation by the representative of the WHO.

AGENDA ITEM 9: GEOGRAPHICAL INDICATIONS

19. The Chair noted that no intervention was made under that Agenda item.

AGENDA ITEM 10: CONTRIBUTION OF THE SCT TO THE IMPLEMENTATION OF THE RESPECTIVE WIPO DEVELOPMENT AGENDA RECOMMENDATIONS

20. The Chair noted that a number of delegations made declarations on the contribution of the SCT to the implementation of the respective WIPO Development Agenda Recommendations. He stated that all declarations would be recorded in the report for the twenty-seventh session of the SCT and that they would be transmitted to the WIPO General Assembly in line with the decision taken by the 2010 WIPO General Assembly relating to the Development Agenda Coordination Mechanism.

AGENDA ITEM 11: SUMMARY BY THE CHAIR

21. The SCT approved the Summary by the Chair as contained in the present document.

AGENDA ITEM 12: CLOSING OF THE SESSION

22. The Chair closed the session on September 21, 2012.

[Annex follows]

BARBADOS AND JAMAICA
REVISED PROPOSAL FOR A STUDY ON THE PROTECTION OF COUNTRY NAMES
20 SEPTEMBER 2012

Purpose

The purpose of the work outlined below is to determine possible best practice for the protection of country names from registration as trademarks, or as elements of trademarks.

Terms of Reference

In furtherance of the work previously mandated by the SCT on country names, contained in documents SCT/24/6 and SCT/25/4, the Standing Committee on the law of Trademarks, Industrial Designs and Geographical Indications (SCT), at its 27th session, mandates the WIPO Secretariat to carry out the following activities.

The Secretariat, drawing on outside expertise as appropriate, shall conduct a study on the current legislative provisions and practices in national or regional legislations relating to the protection of country names in the field of registration of trademarks, as well as best practices related to the implementation of such provisions.

In addition to any existing or impending legislations, this study shall also draw on available jurisprudence, in the field of trademarks, involving the subject of country names, which may be available within the national and regional jurisdictions of WIPO member States.

The outcome of the study shall provide a focused presentation of the different trademarks law and where used in the alternative, non-trademark legislation and practices developed by Member States, including grounds for refusal and/or cancellation, which protect country names. The study should aim to provide a detailed overview of the different approaches used to protect country names and to highlight elements or features that may be considered possible best practice or elements which could enhance the protection of country names.

Decision

The Standing Committee on the law of Trademarks, Industrial Designs and Geographical Indications (SCT), at its 27th session, requests the WIPO Secretariat to carry out the study on the protection of country names, and to submit the study to the 29th Session of the SCT.

[End of Annex and of document]