

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

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PROPOSAL BY THE DELEGATION OF THE REPUBLIC OF KOREA

Document prepared by the Secretariat

In a communication dated April 8, 2013, the Delegation of the Republic of Korea transmitted to the International Bureau of the World Intellectual Organization (WIPO) the proposal contained in the Annex to the present document.

[Annex follows]

Proposal on Technical and Financial Assistance in the Implementation of the Design Law Treaty

Submitted by Republic of KOREA to the SCT (Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications)

Background

The Republic of Korea acknowledges the benefits derived from the Design Law Treaty and its necessity. We are also in line with the fact that technical and other forms of assistance should be provided for developing and least developed countries (LDCs) for efficient implementation of the Treaty.

We believe that technical assistance should be established based on feasibility by considering the equity with other preceding treaties and the contexts of the structure of the Treaty.

Furthermore, we are convinced that technical assistance should be consistent with the implementation of the Design Law Treaty and reviewed in a reasonable way to maximize the benefits of the Treaty among the contracting parties.

In consideration of those viewpoints, the Republic of Korea would like to propose the following policies for the provision of technical and financial assistance in developing countries and LDCs in accordance with the Design Law Treaty.

Draft Articles

1. With a view to facilitating the implementation of the Treaty in Developing and Least Developed Countries(LDCs), the Contracting Parties and the World Intellectual Property Organization shall seek to provide additional, adequate technical and financial assistance comprising technological, legal and other forms of support to strengthen the institutional capacity, in those countries to implement the Treaty and enable those countries to take full advantage of the provisions of the Treaty.

⇒ Based on the reference to section 4 of the Resolution by the Diplomatic Conference Supplementary to the STLT, Items 1 & 2 of the EU's proposal(SCT/28/6) and Art.B(1)&B(2) of the African Group's Proposal(SCT/28/5)

2. Such technical assistance should be provided at the request of the recipient States of developing countries, particularly LDCs, taking into account the level of the technological and economic development of the beneficiary countries and includes the following :

- (a) assistance in establishing the legal framework for the implementation of the Treaty,
- (b) information, education and awareness raising as regards the impact of acceding to the Treaty,
- (c) assistance in revising administrative practices and procedures of national design registration authorities,
- (d) assistance in building up the necessary trained manpower and facilities of the IP Offices, including information and communication technology capacity to effectively implement the Treaty and its Regulations.

⇒ *Based on the reference to sections 5 and 7 of the Resolution by the Diplomatic Conference Supplementary to the STLT, Item 3 of the EU's proposal(SCT/28/6) and Art.B(2)& Art.B(5) of the African Group's Proposal(SCT/28/5)*

3. The Assembly (established by Article 22 of the Treaty) shall monitor and evaluate, at every ordinary session, the progress of assistance related to implementation efforts provided to Contracting Parties which are Developing countries and LDCs.

⇒ *Based on the reference to section 8 of the Resolution by the Diplomatic Conference Supplementary to the STLT, Item 4 of the EU's proposal (SCT/28/6) and Art.B(6) of the African Group's Proposal(SCT/28/5)*

4. The said Assembly may ask WIPO to grant financial assistance to facilitate the participation of at least one delegate of the Contracting Parties, regarded as developing countries and LDCs, in the meetings concerning the implementation of the Treaty, including the ordinary session of the Assembly.

⇒ *Based on the reference to the financial assistance-related provisions of the Beijing Treaty, Washington Treaty on Intellectual Property in Respect of Integrated Circuits, WCT, and WPPT and Art.C of the African Group's Proposal (SCT/28/5)*

5. The International Bureau shall seek to enter into agreements, on the one hand, with international financing organizations and intergovernmental organizations, particularly the United Nations, the agencies of the United Nations, and the Specialized Agencies connected with the United Nations concerned with technical assistance, and, on the other hand, with the Design Law Treaty Governments of the States receiving the technical assistance, for the financing of such technical assistance projects.

⇒ *Based on the reference to the Art. 51(4) of the PCT, and Item 5 of the EU's proposal (SCT/28/6)*

General Note: The above mentioned articles are to be introduced in the Draft Treaty as mutually agreed conditions between the Contracting Parties.

[End of Annex and of document]