

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

**Thirty-Fourth Session  
Geneva, November 16 to 18, 2015**

### **SUMMARY BY THE CHAIR**

#### **AGENDA ITEM 1: OPENING OF THE SESSION**

1. The Chair of the SCT (Mr. Adil El Maliki, Morocco) opened the thirty-fourth 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: ADOPTION OF THE AGENDA**

3. The SCT adopted the draft Agenda (document SCT/34/1 Prov.3).

#### **AGENDA ITEM 3: ADOPTION OF THE REVISED DRAFT REPORT OF THE THIRTY-THIRD SESSION**

4. The SCT adopted the revised draft Report of the thirty-third session (document SCT/33/6 Prov.2).

#### **AGENDA ITEM 4: INDUSTRIAL DESIGNS**

5. Further discussion took place on this Agenda item.
6. The Delegation of Nigeria, on behalf of the African Group, presented a new proposal for Article 3(1)(a)(ix), as contained in the Annex to the present document.
7. The Chair presented text for a new Article 1 *bis* on General Principles as contained in the Annex to the present document.
  8. The Chair concluded that both proposals would be included between square brackets in a revised version of document SCT/33/2 for consideration of the thirty-fifth session of the SCT.

#### **AGENDA ITEM 5: TRADEMARKS**

9. The SCT adopted the Revised Reference Document on the Protection of Country Names Against Registration and Use as Trademarks (document SCT/34/2 Prov.2) as a reference document.
10. The Chair requested the Secretariat to prepare a new document, based on document SCT/34/2 for discussion at its thirty-fifth session under this agenda item, identifying different practices and approaches, and existing areas of convergence in regard of the protection of country names.
11. The SCT considered document SCT/34/3 and the Secretariat was requested to keep Member States informed of future developments in the Domain Name System.

#### **AGENDA ITEM 6: GEOGRAPHICAL INDICATIONS**

12. An exchange of views took place on this Agenda item.
  13. The Chair noted that all points in this item will remain on the Agenda, to be addressed at the next session of the SCT.

#### **AGENDA ITEM 7: SUMMARY BY THE CHAIR**

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

#### **AGENDA ITEM 8: CLOSING OF THE SESSION**

15. The Chair closed the session on November 18, 2015.

[Annex follows]

### **Article 3 Application**

(1) *[Contents of Application; Fee]* (a) A Contracting Party may require that an application contain some, or all, of the following indications or elements:

- (i) a request for registration;
- (ii) the name and address of the applicant;
- (iii) where the applicant has a representative, the name and address of that representative;
- (iv) where an address for service or an address for correspondence is required under Article 4(3), such address;
- (v) a representation of the industrial design, as prescribed in the Regulations;
- (vi) an indication of the product or products which incorporate the industrial design, or in relation to which the industrial design is to be used;
- (vii) where the applicant wishes to take advantage of the priority of an earlier application, a declaration claiming the priority of that earlier application, together with indications and evidence in support of the declaration that may be required pursuant to Article 4 of the Paris Convention;
- (viii) where the applicant wishes to take advantage of Article 11 of the Paris Convention, evidence that the product or products which incorporate the industrial design or in relation to which the industrial design is to be used have been shown at an official, or officially recognized, international exhibition;
- [(ix) a disclosure of the origin or source of traditional cultural expressions, traditional knowledge or biological/genetic resources utilized or incorporated in the industrial design;]<sup>1</sup>*
- (x) any further indication or element prescribed in the Regulations.

(b) In respect of the application, the payment of a fee may be required.

(2) *[Prohibition of Other Requirements]* No indication or element, other than those referred to in paragraph (1) and in Article 10, may be required in respect of the application.

(3) *[Several Industrial Designs in the Same Application]* Subject to such conditions as may be prescribed under the applicable law, an application may include more than one industrial design.

(4) *[Evidence]* A Contracting Party may require that evidence be furnished to the Office where, in the course of the examination of the application, the Office may reasonably doubt the veracity of any indication or element contained in the application.

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<sup>1</sup> Some delegations supported proposed item (ix) of Article 3(1)(a). Some delegations were not supportive of this proposal.

**[Article 1bis<sup>2,3</sup>**  
**General Principles**

- (1) *[No Regulation of Substantive Industrial Design Law] Nothing in this Treaty or the Regulations is intended to be construed as prescribing anything that would limit the freedom of a Contracting Party to prescribe such requirements of the applicable substantive law relating to industrial designs as it desires.*
- (2) *[Relation to Other Treaties] Nothing in this Treaty shall derogate from any obligations that Contracting Parties have to each other under any other treaties.]*

[End of Annex and of document]

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<sup>2</sup> The text of this Article is based on the proposal made by the Chair at the thirty-fourth session of the SCT, contained in Chair Non-paper No. 1.

<sup>3</sup> Some delegations indicated that they were not supportive of either this proposed article or the proposed item (ix) of Article 3(1)(a). Some delegations supported the proposal contained in item (ix) of Article 3(1)(a).