

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

Thirty-Eighth Session
Geneva, October 30 to November 2, 2017

PROPOSAL BY THE CHAIR ON GEOGRAPHICAL INDICATIONS, MADE AT THE THIRTY-SEVENTH SESSION OF THE STANDING COMMITTEE ON THE LAW OF TRADEMARKS, INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS

Document prepared by the Secretariat

1. It is recalled that, in the framework of the thirty-seventh session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), which was held in Geneva from March 27 to 30, 2017, an Information Session on Geographical Indications took place on March 28, 2017 (SCT/IS/GEO/GE/17).
2. At the end of the thirty-seventh session of the SCT, the Chair noted that the above Information Session “provided useful information on (i) the features, experiences and practices of the different national and regional geographical indication protection systems, and (ii) the protection of geographical indications on the Internet, and geographical indications and country names in the DNS. The Information Session was a good basis to initiate an exchange of views on points (i) and (ii) referred to above” (see document SCT/37/8, paragraph 18).
3. The Chair concluded that, “at its next session, the SCT will consider further steps based on his proposal on the matter. All proposals on this item will remain on the Agenda” (see document SCT/37/8, paragraph 19).
4. The Annex to this document contains the proposal made by the Chair at the thirty-seventh session of the SCT, referred to in paragraph 3, above.

[Annex follows]

CHAIR'S PROPOSAL
March 29, 2017, 7 p.m.

The Information Session, which took place on March 28, 2017, provided useful information on (i) the features, experiences and practices of the different national and regional geographical indication protection systems, and (ii) the protection of geographical indications on the Internet, and geographical indications and country names in the Domain Name System (DNS): gTLDs and ccTLDs. The Information Session was a good basis to initiate an exchange of views on points (i) and (ii) referred to above.

As a further step, and in order to share more information and foster a constructive dialogue on those two topics, the Chair requests the Secretariat to compile a list of questions proposed by Members and observers, for consideration by the SCT, which could form the basis of a questionnaire to be distributed to Members and observers. The list of questions will be structured according to the following topics:

- I. The national and regional geographical indication systems
 - Definition and basis for protection (sign/indication subject of protection, goods/services covered, link...).
 - Application and registration (entitlement to file, content of application, grounds for refusal, examination and opposition, ownership/right of use, requirements for geographical indications (*sui generis* and trademarks) from other countries...).
 - Scope of protection and right to take action.

- II. The protection of geographical indications on the Internet, and geographical indications, geographical terms and country names in the DNS
 - Developments affecting geographical indications, geographical terms and country names in the DNS since the Second WIPO Internet Domain Name Process.
 - Protection of geographical indications under ccTLDs (basis for protection, protection mechanisms...).
 - Unfair competition on the Internet involving geographical indications (examples and cases).

The Chair also requests the Secretariat to describe the existing state of play of geographical indications, country names and other geographical terms in the DNS, with a view to further discussions on the matter by the SCT. Such description is to be added to the update on the DNS provided to the SCT.

The planning for the above is as follows:

- In April 2017, the Secretariat will send a circular inviting Members and observers to propose the questions referred to above.
- Members and observers are to propose their questions to the Secretariat by the end of June 2017.
- The Secretariat will issue, by the end of August 2017, a document compiling the questions, for consideration of the SCT at its thirty-eighth session (to be held at the end of October).
- The SCT, will consider, at its thirty-eighth session, the above-mentioned document, with a view to issuing the questionnaire to Members and observers, and, at its thirty-ninth session, a document prepared by the Secretariat compiling all the replies to the questionnaire. Furthermore, at its thirty-eighth session, the SCT will consider the above-mentioned description of the state of play.

[End of Annex and of document]