

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

**Forty-Fourth Session**  
**Geneva, May 17 to 19, 2021**

### **REPORT**

*adopted by the Standing Committee\**

### **INTRODUCTION**

1. The Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (hereinafter referred to as “the Standing Committee”, “the Committee” or “the SCT”) held its forty-fourth session, in Geneva, from May 17 to 19, 2021. The session was held in hybrid mode, with some delegations attending physically in Geneva, and others participating via the *Interprefy* platform (see document SCT/44/INF/1).

2. The following Member States of WIPO and/or the Paris Union for the Protection of Industrial Property were represented at the meeting: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Azerbaijan, Bangladesh, Belarus, Benin, Bolivia (Plurinational State of), Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chile, China, Colombia, Côte d'Ivoire, Croatia, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Lithuania, Madagascar, Malaysia, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, Togo, Trinidad and

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\* This Report was adopted at the forty-fifth session of the SCT.

Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Zambia, Zimbabwe (107). The European Union was represented in its capacity as a special member of the SCT. Palestine was represented in its capacity as Observer.

3. The following intergovernmental organizations took part in the meeting in an observer capacity: African Union (AU), Benelux Organization for Intellectual Property (BOIP), Eurasian Patent Organization (EAPO), South Centre (SC) (4).

4. Representatives of the following non-governmental organizations took part in the meeting in an observer capacity: ActionAid, Arab Society for Intellectual Property (ASIP), Brazilian Association of Intellectual Property (ABPI), Centre for International Intellectual Property Studies (CEIPI), China Trademark Association (CTA), Consortium for Common Food Names (CCFN), European Brands Association (AIM), European Communities Trade Mark Association (ECTA), European Law Students' Association (ELSA International), French Association of Industrial and Artisanal Geographical Indications (AFIGIA), German Association for the Protection of Industrial Property (GRUR), Intellectual Property Owners Association (IPO), Inter-American Association of Industrial Property (ASIPI), International Association for the Protection of Intellectual Property (AIPPI), International Federation of Intellectual Property Attorneys (FICPI), International Trademark Association (INTA), International Wine Law Association (AIDV), Japan Patent Attorneys Association (JPAA), Japan Trademark Association (JTA) (19).

5. The list of participants (document SCT/44/INF/1) is contained in Annex I to this document.

6. The Secretariat noted the interventions made and recorded them.

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

7. The Chair opened the forty-fourth session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) and welcomed the participants.

8. Ms. Wang Binying, Deputy Director General of the World Intellectual Property Organization (WIPO), welcomed the participants on behalf of Mr. Daren Tang, Director General of WIPO.

9. Mr. Marcus Höpperger (WIPO) acted as Secretary to the SCT.

#### **AGENDA ITEM 2: ADOPTION OF THE AGENDA**

10. The SCT adopted the draft Agenda (document SCT/44/1 Prov.2).

#### **AGENDA ITEM 3: ACCREDITATION OF AN OBSERVER**

11. The SCT considered document SCT/44/4.

12. The SCT approved the accreditation of the Intellectual Property International Forum-Québec (FORPIQ).

**AGENDA ITEM 4: ADOPTION OF THE DRAFT REPORT OF THE FORTY-THIRD SESSION**

13. The SCT adopted the draft Report of the forty-third session (document SCT/43/12 Prov.).

*General Statements*

14. The Delegation of Peru, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), thanked the Secretariat for the preparation of the SCT session. The Delegation expressed the Group's interest in continuing to work constructively with other regional groups in all the discussions of the Committee during the session. With regard to industrial designs, the Group took note of the final report of the facilitator of the Design Law Treaty (DLT) process and endorsed its conclusions and recommendations. The Group called on delegations to evaluate them carefully and to reconsider their positions so that the issues remaining to be resolved could be addressed in an open and constructive manner at the diplomatic conference that would be convened as soon as the necessary minimum conditions were met. The Group said that it would be attentive to the presentation of the revised Analysis of the Returns to the Second Questionnaire on Graphical User Interface (GUI), Icon and Typeface/Type Font Designs and on the Temporary Protection of Industrial Designs at Certain International Exhibitions. With regard to trademarks, the Delegation stressed the importance attached by the Group to the protection of country names and geographical names of national significance. They constituted a valuable opportunity for national brand schemes that added value through the use of registered trademarks, which could be used appropriately in promoting the image, goods, services and investment opportunities of and for developing countries, and even for a few developed countries. Observing the lack of a consistent protection for country names at the international level, the Group reiterated its commitment to continue discussing the protection of country names, based on documents SCT/43/6 and SCT/43/9, as well as of country names and geographical names of national significance in the Domain Name System (DNS), as proposed in document SCT/41/6 Rev. The Group held that the discussion on those issues during the session would give the Committee a better understanding of the scope of the proposals and enable members to move towards points of convergence that would contribute to facilitate the work of intellectual property offices, ensure greater legal certainty for producers and service providers and generate consumer confidence. With regard to the DNS, the Group reiterated its concern about the current state of the allocation process, which directly affected the interests of many countries in the region and limited their ability to adequately protect their historical, cultural and linguistic heritage. As stated during the previous session, the Group called on Member States to take into account the interests and the impact on the patrimonial and cultural aspects of other Member States, when granting domain names. In that regard, the Group indicated that it would listen with interest to the Update on Trademark-Related Aspects of the DNS, as contained in document SCT/44/2. Reiterating the Group's interest for the proposal by the Delegations of Ecuador and Peru to conduct a survey on nation-brand protection in Member States, contained in documents SCT/42/4 Rev. and SCT/43/3 Rev.2, the Delegation said that the Group would take full note of the replies to the questionnaire contained in document SCT/43/8 Rev. The Delegation announced that the Group would pay particular attention to the discussions on geographical indications, on which GRULAC members had been engaged constructively, and expressed its commitment to work hand-in-hand with the Chair and the other Member States in the development of the Committee's agenda.
15. The Delegation of South Africa, speaking on behalf of the African Group, thanked the Chair and the Secretariat for the preparatory work for the SCT session. The Group expressed confidence in making significant progress on all agenda items through constructive engagements from all Member States, despite the truncated nature of the session organized in hybrid mode due to the COVID-19 pandemic. Recalling that it attached great importance to the Committee's work, the Group commended the work done, which had contributed to the

progressive development of the international law on trademarks, industrial designs and geographical indications, including the substantive work on the Design Law Treaty (DLT). The Delegation remained hopeful that the persisting divergences on the DLT would be addressed, thereby paving the way for the adoption of that important treaty. Regarding the items on the Agenda, the Group looked forward to informed and rich discussions that would enhance collective understanding of the issues. Recalling that some of the proposals before the Committee had been on the agenda of the SCT for a long time, the Group urged Member States to work together to conclude those discussions. The Group looked forward to discussions on the Analysis of the Returns to the Questionnaire on GUI, Icon and Typeface/Type Font Designs; on the updated proposal by the Delegation of Israel, Japan and the United States of America for a Joint Recommendation on Industrial Design Protection for GUIs; on the proposal by the Delegation of Spain concerning the creation of a database compiling the returns to the Questionnaire on the Temporary Protection Provided to Industrial Designs at Certain International Exhibitions under Article 11 of the Paris Convention for the Protection of Industrial Property; and on the update by Member States on the Digital Access Service (DAS) for priority documents. The Group expressed the hope that those issues would be examined carefully before considering any particular future course of action. Recognizing the value of the proposals on the protection of country names and geographical names of national significance against registration and use as trademarks, as well as on the protection of country names and geographical names of national significance in the DNS, to which it reiterated its support, the Group cautioned against attempts to monopolize sovereign countries' names and misleading use of those names by private entities. Taking note of the Committee's work on geographical indications, mainly in the form of information sessions, the Group looked forward to future engagements on that subject. The Group thanked the delegations that had submitted topic proposals for an information session on geographical indications, and considered that the finalization of topics during the session would allow timely preparations for the information session to be held during the forty-fifth session of the SCT. The Delegation concluded by expressing the Group's readiness to contribute constructively to the deliberations of the Committee.

16. The Delegation of China thanked the Secretariat for the substantial work done in preparing the session and the various documents, and appreciated that the SCT had long played an important role in setting out multilateral rules on trademarks, industrial designs and geographical indications, and had achieved remarkable results. Reaffirming its support to the work of the SCT, to which it attached importance, the Delegation said that it was ready to actively engage in the discussions on various issues, trusting that the session would achieve new progress under the leadership of the Chair and with the engagement of all parties. With regard to the drafting of the Design Law Treaty (DLT), the Delegation hoped that all parties concerned would show flexibility during the consultations in the Diplomatic Conference, take into full consideration the concerns of developing countries and work together to advance the agenda of the consultations. With regard to the GUI-related issues, which were receiving increasing attention, the Delegation expressed its appreciation to the Secretariat for the large amount of work it had done. Affirming its readiness to actively engage in the discussion and share its experience, the Delegation called on more members to participate in the discussions, so that all parties could have a more comprehensive and in-depth understanding of the trends in the relevant areas and the concerns of countries, thereby laying a solid foundation for further work on those issues. The Delegation said that it would continue to monitor the latest developments on the DAS for priority documents. With regard to trademarks, the Delegation looked forward to further discussions related to country names and well-known trademarks, which would help to promote the understanding of national practices. With regard to geographical indications, the Delegation supported the continuation of discussions and exchanges, considering that they would deepen the understanding of issues related to geographical indications by SCT members.

17. The Delegation of Trinidad and Tobago expressed full support to the statement delivered by the Delegation of Peru on behalf of GRULAC, underscoring the commitment of the Group to the important work of the SCT. The Delegation informed the Committee that the Madrid Protocol had become operational in Trinidad and Tobago on January 12, 2021, and expressed gratitude for the legislative assistance and organizational arrangements provided by WIPO, which had led to a successful Madrid Protocol Seminar for local stakeholders in January 2021. With respect to industrial designs, the Delegation conveyed the appreciation of the Trinidad and Tobago Intellectual Property Office (TTIPO) for WIPO's assistance in the preparation of the draft legislation to facilitate the country's accession to the Geneva Act (1999) of the Hague Agreement Concerning the International Registration of Industrial Designs. The Delegation informed the Committee that the draft legislation would be finalized by the Office of the Chief Parliamentary Counsel and submitted to the Cabinet as part of the process towards accession to the Geneva Act. In addition, the Delegation expressed its full support to GRULAC's position regarding the convening of a diplomatic conference on the Design Law Treaty (DLT), when circumstances permitted. In conclusion, the Delegation looked forward to the continuing work of the Committee as it sought to guide Member States along their developmental paths.

## **AGENDA ITEM 5: INDUSTRIAL DESIGNS**

*Analysis of the Returns to the Questionnaire on Graphical User Interface (GUI), Icon and Typeface/Type Font Designs (documents SCT/41/2 Rev.2 and SCT/43/2 Rev.)*

18. The SCT considered documents SCT/41/2 Rev.2 and SCT/43/2 Rev.

19. The Delegation of the United Kingdom, speaking on behalf of Group B, thanked the Secretariat for preparing documents SCT/41/2 Rev.2 and SCT/43/2 Rev. The Group thanked the 52 Member States and two Intergovernmental Organizations who had replied to the Questionnaire on GUI, Icon and Typeface/Type Font Designs, and stressed the particular relevance and importance of the topic, as the use of GUIs in the modern economy continued to develop and evolve. With the pandemic resulting in an increased use of virtual platforms and acts relying on graphic user interfaces to differentiate themselves in the market and to be user friendly, an analysis of that issue was particularly timely. The Group further noted that the pandemic might further encourage innovative break rules in that area, from virtual communication technologies to electronic platforms, resulting in more GUI innovators seeking protection for their creative efforts. Considering that the analysis of the replies by the Secretariat was particularly helpful, the Group took note of the trends as set out in paragraph 106 of document SCT/43/2 Rev.2.

20. The Delegation of Belarus, speaking on behalf of the Group of Central Asia, Caucasus and Eastern European Countries (CACEEC) thanked the Secretariat for the revised document containing the returns to the second Questionnaire on GUI, Icon and Typeface/Type Font Designs, as well as the delegations who had provided answers and made comments. The Group held the view that an exchange of information on practices in that area was essential, since GUIs were particularly useful in the development of modern technology. In addition, the Group underlined the necessity to look at the information of expanding domain names, and looked forward to the forthcoming information session on geographical indications.

21. The Delegation of the Russian Federation, thanking the Secretariat for the work done, underscored the importance of exchanging information on the issue of GUIs, icon and type face/type font designs. The Delegation expressed the hope for further work on that issue, which could help protecting property rights and creations, as digital technology developed widely and very fast. The Delegation considered that the answers to the questionnaire constituted a good basis for further detailed investigation into that issue, as well as on infringement in respect of the use of GUIs. The Delegation informed the Committee that a Federal Law, which had come

into force a few years earlier, provided protection for those designs, therefore granting appropriate protection to inventors and rights holders. The Delegation expected that the Committee would continue to look into the specific protection for designs in graphical form.

22. The Delegation of the European Union, speaking on behalf of the European Union and its member states, said that it had welcomed the decision, during the previous SCT session, to keep the questionnaire open for additional responses with a view to expanding the volume of information available. The Delegation thanked SCT members for further contributions containing 21 new or updated replies, and the Secretariat for revising the analysis of the returns to the questionnaire, as contained in document SCT/43/2 Rev. The Delegation indicated that the analysis provided a very valuable summary and lent its support to the conclusions reflected in paragraph 106 of the revised document. Reiterating the view that the responses provided a wealth of information, which would prove useful in further debates on GUI, icon and typeface/type font designs within the Committee, the Delegation welcomed the highly relevant information, which was used as a reference in the revised joint proposal by the delegations of Israel, Japan and the United States of America, as contained in document SCT/43/10 Rev. The Delegation expressed its full support for document SCT/43/2 Rev. to be used as reference for further work on selected pertinent issues for GUI designs.

23. The Delegation of Georgia, speaking on behalf of the Group of Central European and Baltic States (CEBS), thanked the Secretariat for compiling the replies to the Questionnaire on GUI, Icon and Typeface/Typefont Designs contained in document SCT/41/2 Rev.2, as well as for the analysis of the replies as outlined in document SCT/43/2 Rev. Indicating that those documents were helpful to understand the practices of different Member States and facilitate future discussions, the Delegation thanked the Member States and intergovernmental intellectual property organizations for their replies and inputs to the questionnaire. The Group reiterated its support for further discussions on GUI.

24. The Delegation of South Africa, speaking on behalf of African Group, thanked the Secretariat for the compilation of the returns to the second Questionnaire on GUI, Icon and Typeface/Typefont Designs and the analysis of those returns, as contained in documents SCT/41/2 Rev.2 and SCT/43/2 Rev. The Group welcomed the 21 new and/or updated responses received on the questionnaire following the forty-third session of the SCT, which brought the total number of replies to 44. Considering that those replies would assist the Committee in its ongoing efforts to gather as much information as possible on the subject, the Group also expressed its appreciation for the clear and useful analysis prepared by the Secretariat on the replies. Noting that the replies to the questionnaire provided valuable information to the Committee's deliberations on that subject, the Group however observed that they still did not reflect the wide and diverse membership of WIPO, since only three Member States from the African region had responded to the questionnaire and a relatively low number of respondents came from other regions. Although it did not suggest leaving the questionnaire open indefinitely, the Group believed that it would be beneficial for the Committee to have the inputs of as many members of WIPO as possible, and particularly from developing countries, before moving towards any concrete action or proposal directly based on the responses. The Group therefore encouraged the Secretariat to continue collecting information on the subject, not necessarily in the form of questionnaires. Indicating that it would continue to study the responses provided as well as the analysis prepared by the Secretariat, the Group stood ready to engage constructively on the subject.

25. The Delegation of China, thanking the Secretariat for the preparation of the meeting and for the documents, held the view that the joint efforts of Member States would help achieving new outcomes. The Delegation considered that documents SCT/41/2 Rev.2 and SCT/43/2 Rev. would help all parties to fully understand the practices in different countries

and enable Member States to be aware of the latest development in the area and learn from each other. Expressing the view that the compilation would lay a solid foundation for future work, the Delegation expressed its willingness to share its experience with other Member States.

26. The Delegation of Japan, expressing its appreciation to the Secretariat for its work in preparing the documents and to the Member States and intergovernmental organizations for their valuable replies, said that the analysis of the responses would provide useful information to jurisdictions at the time of reviewing their design system. The Delegation noted that, according to paragraph 106 of document SCT/43/2 Rev., the majority of the responding jurisdictions did not require a link between a GUI design and an article. The Delegation also observed that the methods of protecting GUI designs differed among jurisdictions. With a view to ensuring international consistency with respect to the protection of GUI designs, and for the benefit of the design system users, the Delegation expressed the hope that the Committee would deepen the discussions on the protection of GUI designs.

27. The Delegation of Iran (Islamic Republic of), thanking the Secretariat for preparing document SCT/42/2 Rev., held the view that the current international framework provided adequate flexibility for ensuring the protection of new technological designs. Therefore, further discussion on the issue should be limited to sharing best practices and preserving Member States' policy space to adapt their national legislation to their needs and priorities.

28. The Delegation of the Republic of Korea thanked the Secretariat for the hard work in conducting the questionnaire and collecting information to help understand countries' protection systems for GUIs. Considering that continued discussions on the issue would improve members' design systems for the convenience of users, the Delegation said that there was a huge interest in the protection of GUI design, as applications containing GUIs were expected to increase even further in the future. The Delegation informed the Committee of the revision of the Act on the protection of GUIs in the Republic of Korea, which would come into force on October 21, 2021. Expressing its appreciation for the discussions in the Committee, which had constituted a great help for the revision of the Korean Act, the Delegation announced that it would provide the Secretariat with answers to the questionnaire, reflecting that legal amendment. The Delegation expressed the hope that the questionnaire would not be a one-time event and that it would be carried out in the future to provide users with up-to-date and appropriate information on Member States' systems.

29. The SCT considered and took note of documents SCT/41/2 Rev.2 and SCT/43/2 Rev.

*Updated Proposal by the Delegations of Canada, Israel, Japan, the United Kingdom and the United States of America (document SCT/44/6 Rev.2)*

30. Discussions were based on document SCT/44/6 Rev.2.

31. The Delegation of the United States of America thanked the Secretariat for the rapid translation of the revised document for consideration at the session of the SCT, especially under the current difficult conditions. The Delegation recalled that over the last several sessions the Committee had studied the protection of industrial designs in the context of new technological environments in relation to GUI designs, which seemed to be used more in the virtual world. In the Delegation's opinion, as reflected in document SCT/44/6 Rev.2, the revised proposal for a Joint Recommendation, would be of assistance to users and intellectual property offices across the globe as it aimed at providing guidance for jurisdictions looking to adopt commonly used or best practices in relation to those designs. In particular, as noted by the Deputy Director General at the beginning of the session, the proposal would benefit to small and medium enterprise entities, as well as to all applicants and designers. Although the current

version of the Joint Recommendation was substantially similar to the previous one, contained in document SCT/43/10 Rev., the Delegation drew the Committee's attention to the updates, which incorporated comments made during the forty-third session of the SCT. The proponents had revised the draft recommendations to enhance the consistency of terminology used in the recommendations and to further clarify the intentions of certain provisions to address questions specifically from delegations at the forty-third session of the SCT. The Delegation indicated that amendments had been made to Recommendation 3, which dealt with representations or images in application, where the language in reference to reproductions had been better aligned with the text and terminology used in relation to the Hague Agreement Concerning the International Registration of Industrial Designs and in particular Rule 9 of the Common Regulations. For Recommendation 5, concerning transitional and moving images, the Delegation pointed out that a single phrase had been updated to better clarify the subject matter of the provision, as well as a typographical error had been corrected. With regard to Recommendations 8 and 9, on examination and priority documents respectively, certain phrases had been deleted to improve and clarify the text. Although a few minor language improvements had been made, the Delegation said that the proposal was substantially identical to the text considered at the last session of the SCT. Moreover, the Delegation was pleased to note that the Delegations of Canada and the United Kingdom had joined Israel, Japan and the United States of America as co-sponsors of the proposal. Finally, while thanking all delegations that had engaged during and between sessions for their interest and contributions, the Delegation said that it looked forward to listening to comments and views from SCT members on the revised proposal.

32. The Delegation of the Russian Federation, while thanking the Delegations of Canada, Israel, Japan, the United Kingdom and the United States of America for the proposal, said that, in its view, the proposal for a Joint Recommendation contained in document SCT/44/6 Rev.2 reflected properly the requirements for the filing of GUI designs within the framework of national practices.

33. The Delegation of the United Kingdom, speaking on behalf of Group B, thanked the co-sponsors for the updated proposal contained in document SCT/44/6 Rev.2. In the Delegation's view, the revised proposal was wide ranging, covering a number of issues from definitions to enforcement. The Delegation observed that although most jurisdictions granted protection to GUIs through industrial design registration or patents, there was an inconsistency with regard to formalities and the scope of protection. The Delegation considered that non-binding recommendations, such as those put forward in the proposal, would provide a useful framework for the protection of GUIs and would assist in ensuring that designers across the globe were supported in that evolving field.

34. The Delegation of the United Kingdom, speaking in its national capacity, said that it looked forward to positive and productive discussions and expressed its thanks to the Chair and the Secretariat for organizing the session. While thanking the Delegations of Israel, Japan and the United States of America for their continued work on the proposal for a Joint Recommendation, the Delegation recognized the increasing importance of GUIs in the rapidly expanding market for digital devices. Observing that the technical queries raised at the previous session had been addressed in the latest version, the Delegation thanked the proponents and expressed its appreciation for being added as a co-sponsor. The Delegation said that it looked forward to continuing discussions on the proposal and to hearing the views of other delegations.

35. The Delegation of Canada, thanking the Delegations of Israel, Japan, the United Kingdom and the United States of America for their work on the updated proposal, which Canada was pleased to join as a co-sponsor, looked forward to collaborating with delegations over the next few days. The Delegation observed that the updated proposal reflected the Canadian industrial design practice and supported its objective of working collaboratively with Member States to advance innovation through increased harmonization of the global intellectual property system. The Delegation was of the view that continued work on new technologies, including the

development of best practices for the protection of GUI designs, would both bolster support for all WIPO Member States interested in developing or improving upon their own approaches to GUI designs protection. Pointing out that the recommendations would also provide applicants and innovators greater transparency and predictability in the registration procedures, the Delegation said that it looked forward to engaging and working constructively with Member States to advance the valuable work on the protection of GUI designs.

36. The Delegation of Australia, expressing confidence in the Chair's leadership to undertake productive discussions during the session, thanked the Secretariat for organizing the meeting in these difficult circumstances and the co-sponsors for preparing the revised proposal. The Delegation considered the updated draft Joint Recommendation very informative and appreciated the useful framework that it provided. Reporting that a holistic review of the national design system in Australia was taking place, the Delegation indicated that the Australian Office was considering ways to better accommodate newer types of designs, such as GUIs, in the design system. Finally, the Delegation expressed its interest in discussing manners in which the Joint Recommendation could support designers to protect their new technologies.

37. The Delegation of Japan, thanking Member States that had provided comments on the joint proposal, announced its willingness to contribute, in cooperation with the Delegations of Canada, Israel, the United Kingdom and the United States of America, to the advancement of the discussions towards a Joint Recommendation on Industrial Design Protection for GUI Designs. Pointing out that document SCT/44/6 Rev. 2 had been prepared based on the discussions on GUI designs held at the previous SCT session, the Delegation indicated that the revision aimed at clarifying the non-obligatory and non-normative nature of the recommendations. The Delegation, encouraging Member States to provide their comments on the non-binding recommendation, said that through the recommendation, discussions on the modernization of GUI design protection should be expected to be conducted actively within each jurisdiction.

38. The Delegation of the European Union, speaking on behalf of the European Union and its member states, informed the Committee that its comments would be delivered on the basis of the proposal contained in document SCT/43/10 Rev. With respect to GUI, icon and typeface/type font designs, the Delegation shared the common understanding that currently existing divergences should be directly addressed and that further work on those issues could pave the way for a more harmonized approach. As regards future work on the topic, the Delegation recalled that, at the previous SCT session, it had welcomed the proposal submitted by the Delegations of Japan and the United States of America, as reflected in document SCT/42/6. The Delegation endorsed the aim of adopting the joint recommendation as a practical way forward to achieve a more harmonized approach in relation to industrial design protection for GUI designs. While reiterating its support for the rationale to provide for, at least, a common baseline for GUIs protection, the Delegation recalled that it had made some technical comments on the initial proposal at the previous session. The Delegation thanked the Delegations of Israel, Japan and the United States of America for the revised proposal contained in document SCT/43/10 Rev. Welcoming, in general, the revised proposal and the amendments that had been made, the Delegation supported the fact that the revised draft recommendations emphasized the non-obligatory nature of the joint recommendation and that the footnotes highlighted the correlating questions and responses from SCT questionnaires relating to the particular subject matter. The Delegation also appreciated the fact that the proponents had incorporated some recommendations on drafting language. Thus, the Delegation endorsed the new Recommendations Nos. 6 and 7. As to Recommendation No. 2, providing that industrial design protection was independent of operational, temporal limitations, the Delegation thanked the proponents for inserting endnote 6 to clarify that sufficiency of disclosure requirements regarding the visual characteristics of the design itself in the Party still would not be affected. The Delegation recalled that, at the last session of the SCT, it had pointed out that aspects such as "the amount of time the design was visually available" or "the

use in multiple screen display environments” could play a crucial role in the examination of the material requirements for design protection. The Delegation also noted that the visibility of a design, and the way it was used and presented in different display environments, could be important for determining whether the design was new or had individual character. In that regard, the Delegation considered that the clarification in endnote 6 was helpful, but not sufficient. Thus, it suggested the following language for endnote 6: “For greater clarity, sufficiency of disclosure or visibility requirements regarding the characteristics of the design itself in the Party still would not be affected”. As to Recommendation No. 3 on the format of representation, the Delegation thanked the proponents for inserting additional text providing flexibility for a Member State to require that a design for a GUI be represented by a single type of format of representation in each application. The Delegation also appreciated the insertion of endnote 8 to clarify that Member States might require applicants to avoid mixing formats of representation, such as combining color and black and white photographs, or combining line drawings and photographs, at their discretion. With regard to Recommendation No. 4, the Delegation recalled that, at the last session, the Delegation had requested clarification as to whether the provision allowed a party to require a product indication where such indication did not affect the scope of protection afforded to the GUI design, as was the case in the European Union design system. Thus, the Delegation said that it had appreciated the insertion of endnote 10 with the clarification that it was recommended that the applicant would be able to claim the design without having to claim the product itself as part of the design. Considering that the revised text was an improved version of the original proposal, the Delegation said that it looked forward to working together with the proponents and other delegations to finalize the recommendations in order to foster a more harmonized approach.

39. The Delegation of Georgia, speaking on behalf of the CEBS Group, thanked the Delegations of Israel, Japan and the United States of America for the revised proposal contained in document SCT/44/6 and informed the Committee that its statement would be delivered based on the previous version of the document. The Delegation added that, in the Group’s view, the framework for the protection of GUIs would be beneficial for the relevant stakeholders. The Group thus looked forward to further discussing the proposal for a Joint Recommendation on industrial design protection of GUIs.

40. The Delegation of Pakistan, thanking the co-sponsors for providing the revised proposal, indicated that its national authorities continued to study the updated Joint Recommendation. The Delegation added that, in light of its national Ordinance on designs, in Pakistan, a design was inseparable from the article to which it applied and could not exist merely as a scheme of surface ornamentation.

41. The Delegation of China, pointing out that its statement would be delivered based on the previous version of the proposal, observed that the protection of GUIs was a sensitive topic and that creators were calling for greater protection of those designs. The Delegation believed that studying and discussing the strengthening of GUIs protection would deepen the understanding of all countries, in order to mutually learn from each other and promote the protection of industrial designs. The Delegation expressed its willingness to share its domestic practices and legislation and to listen to the views provided by other parties. Reporting that, in China, black and white photographs, color photographs and drawings were allowed to represent GUIs, the Delegation indicated that the use of screen or other electronic means of representations were not allowed. In addition, the examination was only done on paper and at least one physical representation of the GUI was required. Finally, with regard to document SCT/44/6, the Delegation said that it needed to make further studies.

42. The Representative of the Japan Patent Attorneys Association (JPAA), commending the Chair for its leadership and the Secretariat for the meeting and the documents, expressed its support for the updated proposal made by the Delegation of Canada, Israel, Japan, the United Kingdom and the United States of America. Reporting that in Japan GUI designs were protected under the Japanese Design Act revised in 2020, the Representative said that,

as a result of the revision, the number of applications filed for GUI designs had increased. Thus, better design protection for new technologies, such as GUIs, was important for users, including harmonized design protection systems among Member States.

43. The Representative of the International Trademark Association (INTA) congratulated the Secretariat for organizing the meeting and for preparing all documents. From a user perspective, the Representative expressed its appreciation for the efforts made for harmonization, especially regarding the formal requirements for protection and in relation with the scope of protection. Underlining the extreme importance to reach a user-friendly protection ecosystem, the Representative asked the Committee to keep working and to maintain the harmonization efforts that had been made.

44. The Delegation of the United States of America, after having expressed gratitude to the delegations for their remarks, made two observations. Firstly, although a number of delegations had commented on previous versions of the proposal, the Delegation observed that those comments were very useful as the document, while improved, was substantially similar to the previous one. The Delegation hoped that members would have time to study the last version for the next session. Secondly, the Delegation wished to thank the delegations that had raised specific textual comments, including those of the European Union, Pakistan, China and Australia. The Delegation affirmed its willingness to take on board comments from members and observers in order to find a workable language, allowing delegations to join the proposal, as it had been done by the Delegations of Canada and the United Kingdom. Finally, turning to the comment made by the Delegation of Pakistan and observing that the practice of Pakistan and the United States of America seemed to be similar, the Delegation said that the wording of the proposal could be improved, so as to address some of the concerns raised by the Delegation of Pakistan.

45. The Chair concluded that the SCT took note of the various positions and would continue the discussion on document SCT/44/6 Rev. 2 at its next session.

*Compilation of the Returns to the Questionnaire on the Temporary Protection Provided to Industrial Designs at Certain International Exhibitions Under Article 11 of the Paris Convention for the Protection of Industrial Property (document SCT/42/2)*

*Proposal by the Delegation of Spain Concerning the Creation of a Database Compiling the Returns to the Questionnaire on the Temporary Protection Provided to Industrial Designs at Certain International Exhibitions Under Article 11 of the Paris Convention for the Protection of Industrial Property (document SCT/44/5)*

46. Discussions were based on documents SCT/42/2 and SCT/44/5.

47. The Secretariat indicated that document SCT/42/2 compiled 52 replies from Member States and two from Intergovernmental Intellectual Property Organizations to the Questionnaire on the Temporary Protection Provided to Industrial Designs at Certain International Exhibitions under Article 11 of the Paris Convention for the Protection of Industrial Property. Then, recalling that, at the previous SCT session, the Delegation of Spain had declared its intention to submit a written proposal about future discussions on the matter, the Secretariat drew the Committee's attention to document SCT/44/5, which contained that proposal.

48. The Delegation of Spain expressed its gratitude to the Secretariat for the compilation of the replies to the questionnaire and to Member States and observers for their contributions. Expressing its appreciation for the Information Session on the Temporary Protection Provided to Industrial Designs at Certain International Exhibitions, held in conjunction with the previous SCT session, the Delegation was of the opinion that that session had been very interesting from all points of view. The Delegation explained that its proposal, contained in

document SCT/44/5, aimed at creating a database to collect the responses to the questionnaire in an ordered manner and to facilitate the sharing of information, which would be useful to users of the system. Furthermore, the proposal aimed at encouraging Member States to keep the database up-to-date, by communicating information to the Secretariat in the event of any changes, such as the modification of their legislation. Finally, the Delegation pointed out that it would be useful that countries having a formalized procedure for declaring a trade fair as international would communicate the list of such fairs to WIPO, for the information of users and States.

49. The Delegation of the United Kingdom, speaking on behalf of Group B and expressing its gratitude to the Secretariat for the preparation of document SCT/42/2 and to the Member States and Intergovernmental Organizations for their replies to the questionnaire, looked forward to a more substantive analysis of the responses by the Secretariat. Turning to document SCT/44/5, the Group thanked the Delegation of Spain for its proposal. While noting that compiling information to make it easily searchable was useful, the Group requested the Secretariat to provide an outline of the resources required to set up such a database, to be able to assess the undoubtable benefits against the effort to build it. The Delegation added that, in deciding whether to take the proposal forward, the Group wished to understand who would host the database and its objectives.

50. The Delegation of the Russian Federation, after having thanked the Secretariat for the preparation of document SCT/42/2, underlined the relevance of the question of the temporary protection provided to industrial designs at certain international exhibitions, under Article 11 of the Paris Convention, as the temporary protection affected a number of designers. Noting that certain international exhibitions did not necessarily fall into the category of “official or officially recognized international exhibitions” in accordance with the Paris Convention, the Delegation further observed that the pandemic conditions had limited the organization of international exhibitions. For that reason, the Delegation underlined the importance, in the current circumstances, to focus the Committee’s efforts on stipulating universal criteria as regards the protection of industrial designs exhibited at international exhibitions to avoid prejudicing any intellectual property right of stakeholders. Turning to document SCT/44/5, the Delegation considered that the proposal by the Delegation of Spain was significant because it aimed at protecting designers’ interests. Providing information about industrial designs at international exhibitions would avoid any risk to intellectual property rights holders in the framework of those exhibitions. The Delegation concluded by underlining the usefulness of the exchange of information on Article 11 of the Paris Convention.

51. The Delegation of Pakistan thanked the Secretariat for the preparation of document SCT/42/2 and the Delegation of Spain for its proposal contained in document SCT/44/5. As it had noticed that, although its office had replied to the questionnaire, document SCT/42/2 did not reflect those replies, the Delegation suggested re-submitting them to the Secretariat.

52. The Delegation of Georgia, speaking on behalf of the CEBS Group, thanked the Member States and the Intergovernmental Organizations for their replies to the questionnaire, the Secretariat for the compilation of the returns and the Delegation of Spain for its proposal, as contained in a document SCT/44/5. The Delegation expressed the Group’s wish to learn more about the specifics of a database intended to serve the users of the system.

53. The Delegation of the United Kingdom, speaking in its national capacity, thanked the Secretariat for the preparation of document SCT/42/2. As it remained supportive of the work on that agenda item, the Delegation looked forward to participating in further discussions on the topic. After having thanked the Delegation of Spain for its proposal, reflected in

document SCT/44/5, the Delegation expressed its keenness to understand how the Delegation of Spain and other delegations would see the work progressing, if any such database was set up. The Delegation concluded by stating that it looked forward to hearing the views of the Delegation of Spain and other delegations on that point.

54. The Delegation of the European Union, speaking on behalf of the European Union and its member states, thanked the Delegation of Spain for its proposal regarding further steps based on the compilation of the returns to the questionnaire. In line with its previously expressed support for the compilation prepared by the Secretariat, deemed as a useful tool for further work, the Delegation endorsed the proposal by the Delegation of Spain. In the Delegation's viewpoint, having a compilation of the returns to the questionnaire in an easily accessible and searchable format would be beneficial to users. Nevertheless, the Delegation specified that it was in favor of the proposal with the caveat that the database should serve merely for information purposes, as a repository of information. In the Delegation's understanding, the proposed database should not have any other further ramifications on a policy or administrative level.

55. The Delegation of China thanked the Secretariat for the compilation of the returns to the questionnaire, as presented in document SCT/42/2, and Member States for their responses. The Delegation underlined the usefulness of the compilation that would enable the Committee to better understand the different practices in Member States. Recalling that, under the Paris Convention, Member States were allowed to choose an appropriate regime to provide temporary protection to industrial designs exhibited at international exhibitions, the Delegation noted the variety of practices in different countries. The Delegation concluded by expressing its willingness to participate in further discussions on the topic.

56. The Chair, in light of the statements made by the delegations, asked the Secretariat if it was feasible to prepare a prototype of a database for the consideration by the Committee at the next session of the SCT.

57. The Secretariat recalled that the Committee had previously adopted a similar approach as regards databases compiling the returns to two questionnaires on geographical indications, with the great benefit of having now all the information available on the SCT webpages and searchable online. The Secretariat confirmed that, following that model, it could prepare a prototype of a database, including a few returns to the questionnaire for example purposes, and make available the information requested about the resources needed and the technical details on the host of the database.

58. The Delegation of Spain thanked all delegations for their useful and valuable comments and expressed its gratitude to the Secretariat for the upcoming preparation of a prototype of a database. In the Delegation's opinion, if the Secretariat used its experience in creating databases, the prototype would turn out to be very useful for users.

59. The Chair suggested requesting the Secretariat to create a prototype of a database, including a number of replies to the questionnaire, and to present it at the next SCT session.

60. The Delegation of the United Kingdom, speaking on behalf of Group B, thanking the Chair for the suggested prototype, expressed the wish to have the Group's request for an outline of resources required to set up the database expressly reflected in the Chair's conclusion on the agenda item.

61. The SCT requested the Secretariat to create a prototype of a database including a number of replies to the Questionnaire on the Temporary Protection Provided to Industrial Designs at Certain International Exhibitions under Article 11 of the Paris Convention for the Protection of Industrial Property, and to present the prototype, as well as resources required, at the next session of the SCT.

*Update by Member States on Digital Access Service (DAS) for Priority Documents*

62. The Chair, recalling that the SCT continued to take stock of the progress made in the use of the DAS for priority documents in respect of industrial design applications, invited delegations to inform the Committee on the latest developments.

63. The Delegation of the United Kingdom, speaking on behalf of Group B, drew the Committee's attention to the proposal, contained in document SCT/44/6 Rev.2, which included a recommendation on the electronic priority document exchange for industrial design applications, such as exchange via the DAS. After having expressed the Group's gratitude for the updates from Member States on their experience in using the DAS, the Delegation underlined that the role of the DAS in supporting protection of industrial designs showed that the system was delivering clear benefits for innovators around the world.

64. The Delegation of China reported that it continued expanding the DAS for industrial designs. The Delegation observed that, based on its experience, the system improved the examination efficiency and reduced the burden for applicants. The Delegation concluded by expressing the hope for further support for, and use of, the DAS.

65. The Delegation of Georgia, speaking in its national capacity, thanked the Secretariat for the preparation of the session and informed the Committee that its country had already implemented the DAS for industrial design and patent applications. In a near future, after the completion of inner work and the approval of relevant changes to the legislation, the system would be applicable also to trademark applications. The office would decide on a date for the availability of the service for trademark applications in 2021 and inform WIPO accordingly. The Delegation concluded by expressing the hope that more countries would join the DAS, for the benefit of applicants, especially during the pandemic period.

66. The Delegation of the Russian Federation, underlining the relevance of the DAS in the current difficult times, reported that its country had prepared modifications to the legislation governing the matter in the areas of industrial designs and trademarks. The changes would allow the use of the DAS by both Russian and foreign applicants. The Delegation declared that, once its legislation modified, users would be able to utilize the system in the most appropriate manner possible.

67. The Delegation of Japan informed the Committee that, since last year, the Japan Patent Office (JPO) had begun operating the DAS for industrial design applications. As a result, the convenience for applicants in submitting priority documents had considerably improved. In addition, the Delegation highlighted that, under the current pandemic situation, the usefulness of the electronic exchange of documents was increasing. Therefore, the Delegation stated that it would continue to strongly support the expansion of the system, in particular in the industrial designs area.

68. The Delegation of the United Kingdom, speaking in its national capacity, lent its support to the enhancement of digital IP services and recognized the potential efficiencies offered by the DAS to users and national offices. Reporting that its national office (UKIPO) continued to develop its digital transformation agenda, the Delegation announced that the first phase of the transformation was currently well underway. While stating that the Office currently provided access to the DAS for patent applications, the Delegation informed the Committee that it would continue exploring options around extending the system to industrial designs while further developing its digital strategy.

69. The Delegation of France, thanking the Secretariat for the organization of the session, informed the Committee that, based on the tests and results obtained, its country had implemented the DAS for patent applications as depositing office in December 2020. The Delegation announced that the National Institute of Industrial Property (INPI) would extend the service to industrial design and trademark applications by the end of June 2021.

70. The Delegation of the United States of America, recalling that it belonged to those that, early on, had declared their interest in the DAS for industrial design applications, said that it appreciated discussions on the topic within the SCT. The Delegation reported that it continued receiving extremely favorable comments on the system from both national and foreign stakeholders. The Delegation observed that the network was expanding, counting 18 jurisdictions currently using the DAS for industrial design applications. Although priority documents on paper – sometimes burdensome to get – could still be required in its country, the Delegation pointed out that its office was using the DAS for the benefit of applicants globally, in particular during the pandemic period.

71. The SCT noted the progress in the implementation of the DAS for industrial designs by members and the Chair concluded that the SCT would revert for an update to this item at its next session.

## **AGENDA ITEM 6: TRADEMARKS**

*Proposal by the Delegations of Georgia, Iceland, Indonesia, Jamaica, Liechtenstein, Malaysia, Mexico, Monaco, Peru, Senegal, Switzerland and the United Arab Emirates Concerning the Protection of Country Names and Geographical Names of National Significance (document SCT/43/6)*

72. The SCT considered document SCT/43/6.

73. The Delegation of the Russian Federation expressed its gratitude for the proposal containing examination guidelines for trademarks that consisted of, or contained, country names or geographical names of national significance. The Delegation informed the Committee that the registration of such trademarks was not allowed under the Russian Federation legislation if they included a geographical location, for example the capital of a State or of a region or administrative district, where this was not the place where the product concerned was produced. Indicating that this was also the case for service marks, the Delegation observed that several companies owned trademarks including geographical names, used them in their activity and issued licenses to third parties. The Delegation held the view that further work and consultations were necessary with stakeholders on that issue.

74. The Delegation of Jamaica, thanking the Secretariat for the preparation of the working documents and the organization of the meeting, expressed its satisfaction of being a cosponsor of the proposal. The Delegation held the view that names of States constituted verbal symbols of States similar to State flags and national symbols and emblems, which were protected by the international intellectual property system. Reiterating that, although some protection was available for country names through the existing national trademark laws of some Member States, such protection was inadequate and inconsistent, often leaving country names available and vulnerable to free ride on the goodwill and reputation of a country, without any genuine connection to the country name. The Delegation explained that the proposal contained examination guidelines for trademarks that consisted of, or contained country names or geographical names of national significance, and reflected the diversity of practices applied in Member States with regard to the examination of such trademarks. The Delegation looked forward to the response of Member States to the proposal and to further engagement on the issue.

75. The Delegation of Pakistan thanked the cosponsors of the proposal and expressed its support for the protection of country names against registration or use by persons with no link to the country concerned. The Delegation looked forward to the debate on the matter.

76. The Delegation of the European Union, speaking on behalf of the European Union and its Member States, expressed its interest in further discussing the proposal contained in document SCT/43/6. While seeking clarification from the co-sponsors about the relationship between the new proposal and previous proposals contained in documents SCT/32/2 and SCT/39/8 Rev.3, the Delegation said that it would welcome an attempt to merge some concepts underlying previously submitted and long-debated proposals. The Delegation reiterated that it would appreciate that any endeavor would neither imply a legislative exercise nor envisage a disruption of existing practices on descriptiveness and distinctiveness. Seeking clarification from the co-sponsors as to whether the revised proposal aimed at establishing new grounds for refusal in trademark laws, the Delegation expressed the concern of the European Union and its member states about the fact that the proposal put on an equal footing country names and geographical names of national significance for the purpose of examination of trademark applications. In addition, the Delegation wondered why the criteria listed in points 5.B i) to iv), to be applied in respect of misleading signs, were not referred to in respect of non-distinctive signs under point 4. The Delegation expressed the view that considerations such as whether or not the name had lost its geographical meaning or was perceived as a fanciful name were of equal relevance in assessing both non-distinctiveness and misleading character. Furthermore, in its opinion, the goods and services should not be considered irrelevant in the case of non-distinctive signs. The European Union and its member states looked forward to continuing discussion on the new proposal and stood ready to further explore it in cooperation with the co-sponsors and other delegations.

77. The Delegation of Georgia, speaking on behalf of the CEBS Group, expressed its appreciation for the proposal contained in document SCT/43/6. The Delegation held that the non-binding approach of the document would facilitate future discussions and help finding a consensus to make country names less vulnerable, ensuring a balance between the necessity to protect them and the risk of broadening their protection beyond existing practices on descriptiveness and distinctiveness. The Group reiterated its support for the proposal and looked forward to constructive discussions.

78. The Delegation of South Africa, speaking on behalf of the African Group, thanked the proponents of document SCT/43/6. The Group understood that the proposed non-binding examination guidelines for trademarks that consisted or contained country names or geographical names of national significance would assist Member States. Welcoming the productive discussions that had been undertaken previously, the Group noted that a number of concerns and questions raised in the last session of the SCT had been responded to. The Group looked forward to further deliberations on the proposal, with the objective of finding common ground among all Member States.

79. The Delegation of Switzerland recalled that the proposal provided for non-binding guidelines for trademark examination when the mark either exclusively consisted of a country name or a geographical name with national significance, or contained one of those names with another distinctive element. The Delegation explained that the document had drawn from the discussions in the Committee as well as from the replies to the Questionnaire Concerning the Protection of Names of States Against Registration and Use as Trademarks (document SCT/24/6) and the reference document WIPO/Strad/INF/7. The Delegation was convinced that convergences in those documents could be transcribed in examination guidelines. The Delegation indicated that Articles 1 and 2 of the proposal provided for definitions of country names and geographical names of national significance, which could be discussed further. Considering that the definition and the notion of protection should not be confused, the Delegation said that, although a country name could be defined as such, it might not be protected as a country name when it was included in a mark. That would be the case

when the name had another non-geographical meaning or was applied for in a language unknown to the public concerned. By contrast, a trademark consisting exclusively of a country name or another geographical name in a language known to the target public would not be distinctive and therefore not registrable. The Delegation mentioned the case of the mark Iceland, which had been referred to by the Delegation of Iceland. The Delegation explained that Article 4 provided for exceptions concerning country names, which would not be protected if applied for in a language or alphabet unknown to the target public. As regards to Article 5 of the proposal and the likelihood of deception concerning trademarks that contained a country name or a geographical name of national significance together with a distinctive sign, the Delegation referred to the statement made by the Delegation of the European Union, acknowledging that examination practices diverged between countries. The proponents expressed their willingness to further discuss the matter to find a common denominator. Adding that Article 6 covered invalidation and opposition procedures for signs that were deceptive or devoid of distinctive character, the Delegation was confident that convergence was possible, since those procedures already existed in the majority of the jurisdictions. Responding to the concern raised by the Delegation of the European Union, the Delegation recalled that the proposed guidelines were not intended to be binding, nor to put an additional burden on Member States, but rather aimed at reflecting the consensus among Member States and facilitating the examination of marks consisting of, or containing, country names or geographical names of national significance. The Delegation expressed the willingness of the co-sponsors of the proposal to respond to any questions.

80. The Delegation of the United States of America expressed its appreciation for the revised proposal contained in document SCT/43/6, as it answered several concerns raised by the Delegation in past sessions. In addition, the Delegation thanked the co-sponsors and considered that the work undertaken was a constructive way forward in discussing non-binding examination guidelines for country names. The Delegation raised concerns about the scope of the proposed examination guidelines as they currently stood, considering that there was not a common understanding of the meaning of geographical names of national significance. While it would welcome an exchange of information in that matter, the Delegation considered that geographical names of national significance should be excluded from the text of any examination guidelines discussed by the Committee. The Delegation believed that the scope of the proposal needed further discussion in the Committee before diving into discussions on the substantive text concerning the registrability of non-distinctive and misleading signs, and looked forward to further discussions with the co-sponsors on the way forward.

81. The Delegation of China, thanking the co-sponsors for their work, highlighted the existence of formal and informal country names, which scope of protection might differ. The Delegation stressed the need to further clarify the definition of country names before defining the scope of their protection. With regard to geographical names of national significance, the Delegation suggested a study on the different practices in the countries. The Delegation informed the Committee of the fact that under Chinese trademark law, foreign names known by the public could not be protected and trademarks containing geographical names of national significance or country names should be refused.

82. The Delegation of the United Kingdom, speaking in its national capacity, thanked the proponent delegations for their continued work on the proposal concerning the protection of country names and geographical names of national significance. While recognizing that nation branding and the protection of country names were issues that deserved further consideration in the SCT, the Delegation stressed the fact that legal means existed to secure appropriate protection in national legislation. The Delegation also expressed concern about the fact that, despite their non-binding nature, the proposed examination guidelines might curtail the flexibility that many national offices had in protecting country names and geographical names. The Delegation remained open to further discussions on the issue, particularly with respect to how the proposal addressed issues that had not already been addressed in the domestic legislation of Member States.

83. The Delegation of Israel expressed its appreciation to the co-sponsors for their efforts in preparing the document and indicated that, in Israel, a mark perceived as geographical was not registrable unless it was represented in a special manner or otherwise had acquired a distinctive character. The Delegation indicated that national law did not differentiate among types of geographical names for the purpose of registration of trademarks. However, while it was relatively easy to recognize country names as geographical signs, it might be less clear to local consumers when a geographical sign consisted of, or contained, a geographical name of national significance. The Delegation also pointed out that a trademark containing a geographical element could not be registered if it was misleading as to the origin of the product or service. Believing that a consensus approach consisting in the creation of non-binding examination guidelines was a constructive way to pursue the discussions on the subject, the Delegation said that such guidelines should reflect existing practices on descriptiveness and distinctiveness in Member States. The Delegation looked forward to continuing the discussion and giving attention to the various comments and observations made by Member States.

84. The Delegation of Switzerland, thanking the delegations that had made comments on the proposal, noted that its scope had given rise to several questions and doubts, which it was ready to discuss further. Recognizing that, as stated by the Delegation of the United Kingdom, the national law of the majority of countries provided for mechanisms protecting country names, the Delegation highlighted the fact that the proposal did not intend to create new rights, but rather to find a consensus reflecting the practice of the vast majority of countries and legislations.

85. The Delegation of France indicated that, according to national practice, trademarks consisting exclusively of country names were not systematically refused and that the assessment was always made in relation to the goods and services.

86. The Delegation of Sri Lanka supported the proposal contained in document SCT/43/6.

87. The Chair concluded that the SCT would continue the discussion on document SCT/43/6 at its next session.

*Revised Proposal by the Delegation of Jamaica for a Joint Recommendation Concerning Provisions on the Protection of Country Names (document SCT/43/9)*

88. The Delegation of Jamaica recalled that at the forty-third session of the SCT, it had presented a revised draft Joint Recommendation for the Protection of Country Names, which could guide and be used by Member States in trademark examination manuals at the national and regional level, in order to promote consistent and comprehensive protection of country names. Pointing out that the revised proposal sought to positively respond to previous comments from Member States at the SCT, the Delegation indicated that the aim of the proposal was not to prescribe rules that Intellectual property offices must follow, nor to create additional obligations, but to establish a coherent and consistent framework to guide intellectual property offices, competent authorities and trademark applicants regarding trademarks that consisted of, or contained, country names. The Delegation said that its proposal differed from the joint proposal of Switzerland and other co-sponsors in that it provided more detail regarding how intellectual property offices might treat country name protection in their examination of trademarks incorporating pre-existing trademark law and flexibilities. In addition, the draft Joint Recommendation dealt with country names only, whereas the Joint Proposal set out more succinct procedural examination guidelines in relation to country names and names of geographical significance. The Delegation continued to believe that convergence among Member States on an agreed approach to the protection of country names in the trademark system was possible. The Delegation also remained hopeful that some way forward could be found, which could enjoy the consensus of SCT Member States. The Delegation, reiterating its

engagement with Member States regionally and bilaterally, in order to find the most practicable solution to the long standing issue regarding the inadequate protection of country names in the international trademark system, looked forward to the views of Member States and to continuing the process in such a way as to find solutions.

89. The Delegation of South Africa, speaking on behalf of the African Group, thanked the Delegation of Jamaica and reiterated its support for the draft Joint Recommendation for the Protection of Country Names. Underlining the importance of the topic, which deserved the full attention of the Committee, the Group noted that the Delegation of Jamaica had taken on board suggestions and comments made by different delegations and had revised the proposal accordingly. The Delegation believed that the revisions made to the proposal had brought it to the point where consensus should be reached. In the Group's viewpoint, the proposed Joint Recommendation could be a step in the direction towards a coordinated international approach on the issue, while not imposing binding obligations on the part of Member States. The Delegation concluded by reiterating its support for the proposal and looked forward to further constructive engagements.

90. The Delegation of China, thanking the Delegation of Jamaica for presenting a revised proposal, was of the view that the committee should first decide on a more detailed definition of country names, particularly as regards historical names and international country codes, in order to address the issue of their protection and the level of such protection. The concept of country names and its scope of protection should be limited. Stressing the importance of the protection of country names as well as the ambiguity of the notion, the Delegation held the view that, during examination, it was difficult to define the modalities of protection. Furthermore, considering that the law and practice on the topic varied from country to country, and although that the Paris Convention already contained detailed articles on the protection, the Delegation indicated that the subject needed to be studied carefully, in particular as regards the conditions under which the protection could be rejected. The Delegation, outlining the practice followed in China, indicated that the grounds for refusing protection depended on whether the name offended or not the sovereignty of the country. Indicating that it looked forward to learning from the practices of other Member States, the Delegation said that in China, for example, if the trademark consisted of, or contained, a country name with other distinctive elements in the trademark, and the country name was independent or dissociated from those elements, only used to indicate the origin of the product or service, the trademark could be accepted. Finally, reiterating the need to define country names to provide a better basis for discussions, the Delegation looked forward to learning from other experiences.

91. The Delegation of Trinidad and Tobago, on behalf of GRULAC, expressed support for a balanced approach in respect of the revised proposal of the Delegation of Jamaica for a Joint Recommendation Concerning Provisions on the Protection of Country Names, as contained in document SCT/43/9.

92. The Delegation of the United States of America thanked the Delegation of Jamaica for its revised proposal, which took into account some comments previously provided by its delegation. However, the Delegation continued to have concerns regarding the scope of that proposal. While the introductory text in the revised proposal noted that the proposed Joint Recommendation "could guide and be used by Member States in trademark examination manuals [...]", the text still appeared to purport to prevent use and, as such, appeared to aim to have a broader reach than trademark examination guidelines. Furthermore, in its view, as there was no international instrument that said that governments could prevent any unauthorized uses of their country name, the Delegation continued to have concerns regarding the proposal. In addition, the Delegation expressed other concerns regarding the scope and substance of the proposal and agreed with the comments raised by other delegations at the previous SCT session regarding the burdens that that proposal would impose. The Delegation indicated that the Committee should consider the burden on both sides of seeking consent to register a country name. For instance, the Delegation wondered how governments would decide when to

authorize and when would examiners decide whether to accept the authorization. The Delegation also continued to believe that the definitions of “country name”, the “denomination”, the “international code”, the “standard abbreviation” and “the adjectival use of the country name” needed further refining. Furthermore, the Delegation was of the view that the inclusion of translations and transliterations without any scope parameters was too broad and recommended limiting it to the six official UN languages, for greater clarity. Finally, while sharing the concerns voiced by other delegations regarding the reference to “nation brands” in the proposal, the Delegation continued to believe that the Committee should focus upon discussing trademark examination tests for country names that were perceived by consumers as country names and when such country names might not be distinctive or might be descriptive.

93. The Delegation of Switzerland, thanking the Delegation of Jamaica for its revised proposal, reiterated its support for the proposal, which provided more detailed mechanisms to prevent the registration of misleading trademarks than those presented in document SCT/43/6. The Delegation highlighted the complementary nature of the new proposal with the one contained in document SCT/43/6 and stood ready to discuss it in further details.

94. The Delegation of Georgia, speaking on behalf of the CEBS Group, thanked the Delegation of Jamaica for its revised proposal concerning the protection of country names, considering that it would serve as a good base for future discussions on the topic.

95. The Delegation of Jamaica, thanking all delegations for their comments and for expressing additional concerns, said that it would reflect on the comments going forward. The Delegation said that it looked forward to engaging constructively with delegations on the topic.

96. The Chair concluded that the SCT would continue the discussion on document SCT/43/9 at its next session.

*Proposal by the Delegations of Brazil, Georgia, Iceland, Indonesia, Jamaica, Liechtenstein, Malaysia, Mexico, Monaco, Peru, Senegal, Switzerland and the United Arab Emirates Concerning the Protection of Country Names and Geographical Names of National Significance in the DNS (document SCT/41/6 Rev.)*

97. Discussions were based on document SCT/41/6 Rev.

98. The Delegation of Georgia, speaking on behalf of the CEBS Group, reiterated its support for the Proposal Concerning the Protection of Country Names and Geographical Names of National Significance in DNS made by the Delegations of Brazil, Georgia, Iceland, Indonesia, Jamaica, Liechtenstein, Malaysia, Mexico, Monaco, Peru, Senegal, Switzerland and the United Arab Emirates. As the proposal aimed at addressing the concerns of a significant number of Member States about the use of country names and geographical names of national significance as top level and second level domain names, the Group fully supported the objective to protect country names and geographical names of national significance against their delegation as top-level domain names in the DNS. In the Group’s opinion, the existing protection was clearly insufficient at the second level and geographical names did not benefit adequately from the current rights protection mechanisms.

99. The Delegation of Switzerland recalled that the proposal, contained in document SCT/41/6 Rev., had originally been submitted in 2019, in the context of the preparation by the Internet Corporation for Assigned Names and Numbers (ICANN) of new rules for the registration of new generic top-level domain names. The proposal aimed firstly at preventing the monopolization of a country name or a geographical name of national significance, by a private person, without the consent of the country concerned. The Delegation reported that, since the submission of the proposal, the ICANN community had found a

consensus regarding geographical names. That consensus consisted in maintaining most of the rules adopted in the 2012 gTLD Applicant Guidebook, meaning that the protection for country names had not been modified, neither reduced, nor increased. Consequently, the Delegation believed that the problems that had arisen during the wave of delegations in 2012 were likely to re-occur, in particular because there was no rule for geographical names of national or regional significance, such as the name of a river or of a cross-border region. Stressing the need for further consultations on those issues, the Delegation urged other delegations to engage actively alongside the proposal's proponents. Furthermore, the Delegation pointed out that the proposal provided also for a recommendation concerning geographical indications, contained in document SCT/31/8, namely the establishment of a protection mechanism for geographical Indications at the second level of the DNS. Similar mechanisms already existed for trademarks in the Uniform Dispute Resolution Policy (UDRP). The Delegation underlined the timeliness of that recommendation since the working group within ICANN, responsible for evaluating the rights protection mechanism, had just started its work on the UDRP. In that respect, the Delegation recalled that the current UDRP mechanisms were inspired from recommendations made by WIPO in the *Report of the WIPO Internet Domain Name Process*, published in April 1999. In the Delegation's opinion, recommendations from WIPO on the UDRP would not constitute any inappropriate interference in ICANN matters; on the contrary, as regards the protection of intellectual property rights and the UDRP, WIPO had played a central role and would continue to do so, through the WIPO Arbitration and Mediation Center. In the Delegation's view, it was therefore right for WIPO to look into the shortcomings of the UDRP mechanisms that deprived beneficiaries of geographical indications of means to defend their intellectual property rights in domain names. In most countries, those beneficiaries were not in a position to obtain a trademark registration because of the descriptive nature of the geographical indication. The Delegation noted that, as evidenced by various information sessions organized during previous SCT sessions, the lack of protection for geographical indications in the DNS was an ongoing concern for many production sectors, such as the meat, cheese or wine sectors. In conclusion, the Delegation expressed its confidence in the Committee's ability to find a balanced solution, which would take all the interests at stake into account and address the needs and legitimate concerns of users.

100. The Delegation of Brazil, referring to its previous interventions on the agenda item, reaffirmed its support to the proposal tabled in document SCT/41/6 Rev. The Delegation remained convinced that current Internet governance structures should be revised in order to provide States with mechanisms to safeguard inherently sensitive interests of their communities relating to country names and geographical names of national significance. At present, governments had little margin to impede the monopolization of geographical names in the DNS. In the Delegation's view, the designation of geographical names as top level and second level domain names had many public policy implications. For that reason, such designation should be subject to special procedures, through which the legitimate concerns of communities would need to be adequately taken into account. The Delegation stressed the need to advance the discussions, in multilateral for a, on the legitimate criteria for those designations. Recalling that, at the previous SCT session, it had referred to the unilateral decision by the ICANN to concede the top-level domain ".amazon" to the company Amazon, the Delegation reported that Brazil, the Amazon States and the Amazon Cooperation Treaty Organization had objected that decision. Considering that that designation reaffirmed the need to discuss review mechanisms and safeguards, such as those proposed in document SCT/41/6 Rev., the Delegation renewed the invitation for an in-depth discussion on the matter by the SCT. The Delegation concluded by welcoming the members' views and perspectives in order to advance on that very important issue.

101. The Delegation of Jamaica pointed out that the latest Update on Trademark-Related Aspects of the DNS, as reflected in document SCT/44/2, showed that country names and geographical names, including cities, communities and cultures, were currently being allowed to be registered as domain names by the ICANN. That raised rights protection questions in connection with the *Second WIPO Internet Domain Name Process*. In the Delegation's views,

allowing private companies to register country names and geographical names of national significance as domain names deprived the concerned countries of the possibility of using such domain names. Turning to document SCT/41/6 Rev., the Delegation emphasized the fact that the proposal primarily aimed at using a list of country names, capitals, regions and World Heritage sites for protection purposes. Each country would have the right, within a timeframe of 18 months, to submit to the WIPO Secretariat a list of geographical names of national significance according to its relevant public policy or applicable national laws. The list would then be published on the WIPO website. In order to obtain effective protection for country names and geographical names of national significance against registration and use as domain names, the proposal's objective was to agree on a possible language that captured the areas and issues of convergence, while leaving policy space for divergent approaches. Therefore, the Delegation encouraged Member States to review the proposal, with a view to agreeing on a workable solution to the pervasive problem of lack of protection of country names and geographical names of national significance in the DNS. In conclusion, highlighting the fundamental importance of the issue in the context of global trade, the Delegation was of the view that the matter required the Committee's urgent attention and resolution.

102. The Delegation of Australia, thanking the proponents for their revised proposal, said that it considered the issues of domain name governance as important ones, to be considered by the SCT. However, the Delegation raised practical concerns about the development of the repository of country names and geographical names of national significance, as it would impose a significant administrative burden on States and applicants. The definition of protected country names and geographical names of national significance also raised concerns. Furthermore, the Delegation sought clarification from the proponents on the application of the proposal in certain situations, for example, where a name was common to more than one jurisdiction, or where a name consisted of a descriptive word or a common name. In conclusion, the Delegation expressed the view that the proposal required further consideration by the Committee.

103. The Chair concluded that the SCT would continue the discussion on document SCT/41/6 Rev. at its next session.

*Update on Trademark-Related Aspects of the Domain Name System (DNS)  
(document SCT/44/2)*

104. Discussions were based on document SCT/44/2.

105. The Delegation of the United Kingdom, speaking on behalf of Group B, thanked the Secretariat for preparing the update on trademark-related aspects of the DNS, as contained in document SCT/44/2. Taking note of policy developments in the DNS, the Delegation believed that it was important to maintain light touch on effective ways for right holders to manage their rights. Referring to the ongoing process in ICANN to review rights protection mechanisms, the Delegation acknowledged the interest of WIPO in it. Noting that the review would be moving to phase two in due course, the Delegation encouraged all relevant stakeholders to participate actively in the process, to help ensure that rights protection mechanisms remained effective.

106. The Delegation of Jamaica, expressing concerns with regard to a possible release by ICANN of previously-reserved country name domain names at the second level in new generic Top-Level Domains (gTLDs), believed that such a procedure would be disadvantageous to many WIPO Member States, with the onus resting on States to claim the domain name instead of requiring the applicants to provide documentation of support or non-objection from the relevant governments or public authorities. The Delegation therefore reiterated the need for an urgent resolution of the question by the international community.

107. The Delegation of Pakistan, taking into account the new gTLDs and the inherently sensitive nature of terms with national, cultural, geographic and religious significance, expressed the view that country or place names should not be allowed in the gTLD space, unless otherwise agreed upon by the relevant government or public authorities.

108. The SCT considered document SCT/44/2 and requested the Secretariat to keep members informed of future developments in the DNS.

*Returns to the Questionnaire on Nation-Brand Protection in Member States  
(document SCT/43/8 Rev.)*

109. Discussions were based on documents SCT/42/4 Rev., SCT/43/3 Rev. 2, SCT/43/7 and SCT/43/8 Rev.

110. The Delegation of Colombia, as temporary President of the Andean Community, speaking on behalf of the four member countries (Bolivia (Plurinational State of), Colombia, Ecuador and Peru), presented Decision 876 on the common nation brand regime, recently adopted in the Andean Community. Considering nation brands as essential means of communication and implementation of national policies to promote the identity and positive image of each country in different economic sectors, such as tourism, exports and investment, the Andean Community issued Decision 876 on April 23, 2021, which regulates the common regime of nation brands. Recalling that member countries had been discussing that regulatory proposal, initiated by the Government of Peru and supported by the other member countries since 2016, the Delegation said that the key objective of that regime was to protect nation brands and avoid their non-authorized use. Available on the official website of the Andean community at <http://www.comunidadandina.org/DocOficialesFiles/Gacetitas/Gaceta%204216.pdf>, the Delegation presented the main characteristics of Decision 876. First of all, nation brands were not linked to any class of the international Nice Classification, they were imprescriptible and no fees were required for protection. Furthermore, the procedure was simple, requiring only a request for protection by an authorized entity. Nation brands were not susceptible to cancellation for non-use. National intellectual property Offices would be able to refuse distinctive sign applications, including trademark applications, where those signs were similar or identical to protected nation brands; hence, a new cause of non-registrability was provided in the Andean community regime. Administrative nullity of a registration would be established when it had been granted in contravention to the provisions of Decision 876. Finally, each intellectual property Office would be able to regulate specific subjects of Decision 876 according to domestic legislation.

111. The Delegation of the United Kingdom, speaking on behalf of Group B, thanked the Secretariat for the preparation of document SCT/43/8 Rev., following on the proposal of the Delegations of Ecuador and Peru to conduct a survey on nation-brand protection. Thanking all 57 Member States for their participation in the exercise, the Delegation noted that the extension of the deadline to reply to the questionnaire allowed gathering 14 additional responses. Considering that the compilation of returns provided a factual basis for further reflections on the issue, the Delegation looked forward to the analysis of the returns and to the identification of trends, which might form the basis of the future work of the Committee on the matter.

112. The Delegation of the Russian Federation thanked the Secretariat for compiling the replies to the questionnaire in a document. Noting that its national legislation had not legally formalized the notion of a nation brand, the Delegation believed that, in a broader sense, a nation brand comprised registered geographical indications, appellations of origin and trademarks consisting of elements that indicated a geographical region for the production of goods or the provision of services.

113. The Delegation of Jamaica, thanking the Secretariat for compiling the returns to the Questionnaire on Nation-Brand Protection in Member States in document SCT/43/8 Rev., said that the survey had shown the essential importance of country name protection for nation brands. Expressing the view that the issue of protection of nation brands was intrinsically related to the protection of country names and geographical names of national significance, the Delegation said that many countries had devised and employed nation branding schemes to harness the good will that all countries possessed and to channel that good will into marketing strategies to the benefit of State economies and people. Without the ability of States to control and protect use of country names and geographical names of national significance, nation-branding schemes were futile and not capitalizing on the returns of investment expected by Member States employing such schemes. Continuing to advocate for the need to protect country names and other geographical names of national significance, symbols, trademarks and slogans used in nation-brand schemes, the Delegation believed that the returns to the questionnaires showed the need for a coordinated effort within WIPO and the SCT to afford protection to nation brands in the global intellectual property system. Increasingly, Member States were creating, investing and using branding schemes as integral components of their international trade endeavors. Expressing the view that time was ripe for the international intellectual property community to agree on international protection for nation brands, the Delegation congratulated the Andean Community for adopting the nation-branding regime and looked forward to the continued work on that issue within the Committee.

114. The Delegation of China thanked the Secretariat for its efforts in compiling the replies to the Questionnaire on Nation-Brand Protection and the Member States for providing updated information. Reiterating the position expressed at the previous session of the SCT, the Delegation said that it was important to study the matter. Expressing the view that the notion of nation brand was vague and different countries understood it in different ways, the Delegation believed that, from that perspective, it was difficult to identify and protect a nation brand. Noting that the Paris Convention contained precise provisions to identify a nation brand, the Delegation urged all delegations to refer to that text.

115. The Delegation of the European Union, on behalf of the European Union and its member states, thanked the Secretariat for preparing the revised compilation of returns to the Questionnaire on Nation Brand Protection in Member States. The Delegation welcomed document SCT/43/8 Rev., which contained 14 new or updated responses and a total of 57 returns to the questionnaire. Having studied the returns to the questionnaire with interest, the Delegation had the impression that the nation brands identified in the responses benefited from protection as trademarks and by means of Article 6<sup>ter</sup> of the Paris Convention and that significant problems relating to their protection were not immediately apparent from the responses. The Delegation said that it remained open to continue exploring the state of play with regard to nation-brand protection in Member States and that it looked forward to hearing views of other delegations on the matter.

116. The Delegation of Bolivia (Plurinational State of), thanking the Secretariat for the preparation of the session and the Delegation of Colombia for introducing Decision 876, said that the Andean Community had become the first regional block to provide for a special regime for nation brands, which showed the importance that members attached to their protection. The Delegation believed that nation brands were essential mechanisms which allowed countries to effectively apply their national policies in terms of promotion of the identity and image of the country and boost trade relations. Noting that for various reasons certain countries had not yet responded to the questionnaire, the Delegation requested the Secretariat to re-open it and allow Member States to submit additional replies in order to have an updated and complete document for discussion at the next session of the SCT.

117. The Delegation of the United States of America, thanking the Secretariat for the preparation of document SCT/43/8 Rev., said that it had reviewed the returns to the questionnaire and found them very interesting. Following new returns to the questionnaire, the Delegation noted that Member States still were using nation brands primarily for commercial purpose, for example, to promote tourism or domestic goods and services. Observing that many respondents had already used both domestic and foreign trademark systems to protect their nation brands and that the returns did not appear to report extensive problems with unauthorized or infringing uses of nation brands abroad, the Delegation considered that there was no problem that WIPO needed to resolve. Thanking the Delegation of Colombia for the presentation of Decision 876 on the common nation brand regime, the Delegation sought further clarifications. Taking into account that country brands generally consisted of, or contained, a country name, that premise being also confirmed by updated returns to the questionnaire, it would seem that protection of country brands under Decision 876 would bar any registration of a trademark containing a country name, as per Article 15. The Delegation wondered whether that would pose a problem to trademark owners, who frequently used country names, or variations thereof, as a part of their trademarks, and whether authorities would continue to allow registration of trademarks containing country names or that would be prohibited for the future. In addition, since Article 16 would allow competent national offices to administratively repeal a granted registration if it violated Article 15, the Delegation wondered if that provision would apply retroactively to previously registered trademarks.

118. The Delegation of Israel, noting that the results of the questionnaire demonstrated that national laws and policies contained diverse approaches to the purpose and objectives of nation brands and their protection, said that nation brands could serve as economic tools for public relations, domestically or internationally, or for tourism, business or cultural purposes. For example, the colorful and dynamic logo of Israel was part of a new branding approach that exited from a specific brand and aimed to show the Israeli spirit. The Delegation concluded that the questionnaire provided a starting point for discussion on nation brands and looked forward to exploring further the various national approaches to that issue.

119. The Delegation of Peru, thanking the Secretariat for updating the document containing the returns to the questionnaire, congratulated the Chair for his able leadership and expressed its gratitude to the 57 delegations who had submitted their responses. Thanking the Delegation of Colombia for presenting the key elements of Decision 876, the Delegation believed that the responses had shown that nation brands were assets with the help of which many States promoted their economic interests, the countries themselves, as well as their citizens, companies and businesses. Noting that there were differences among countries as to the definition and scope of nation brands, the Delegation believed that Member States considered nation brands as an instrument of communication. Expressing the view that nation brands had the capacity to enhance the competitive position of States and of businesses, in particular in current pandemic circumstances where all efforts were directed to economic recovery, the Delegation believed that it was necessary to find options to regulate and protect such instruments. For those reasons and given the progress in recent sessions of the Committee, the Delegation proposed conducting an information session on nation brands at the forty-fifth session of the SCT on the following subjects: the importance of nation brands and their nature, the reasons behind the creation of nation brands, the impact of using nation brands, the benefits of their use and the problems encountered for their protection internationally.

120. The Delegation of Ecuador, thanking the delegations that had submitted replies to the questionnaire, said that the outcome reflected in document SCT/43/8 Rev. evidenced the relevance of that issue to countries. Lending its support to the proposal made by the Delegation of Bolivia (Plurinational State of) to re-open the questionnaire for additional replies, the Delegation expressed interest to have broader information on the matter, to analyze and

discuss it at the next meeting of the SCT, as well as to have an information session, as proposed by the Delegation of Peru. Thanking the Delegation of Colombia for the presentation of Decision 876, the Delegation invited interested countries to get acquainted with that decision and remained available to hold bilateral discussions with those interested in getting further details.

121. The Delegation of the United States of America, thanking the Delegation of Peru for the proposal, expressed the view that the Committee should focus on the information session on geographical indications prior to deciding on another information session.

122. The Delegation of Switzerland expressed its support for the proposal made by the Delegation of Peru.

123. The Delegation of the Republic of Moldova, lending its support to the proposal made by the Delegation of Peru, expressed its interest in the continuation of the discussion on the matter.

124. The Delegation of Georgia, speaking on behalf of the CEBS Group, thanked the Delegation of Peru for the proposal to organize an information session on nation brands and expressed its readiness to discuss possible topics.

125. The Delegation of Jamaica, lending its support to the proposal to organize an information session on nation brands, looked forward to engaging with the Andean community on a discussion of Decision 876 and other related issues.

126. The Delegation of Peru thanked all the delegations that had expressed support for the proposal to organize an information session on nation brands and remained committed to its preparation and successful holding.

127. The Delegation of Chile, thanking the Secretariat for the preparation of the session and congratulating the Chair for his able leadership, proposed to defer the decision on the proposal put forward by the Delegation of Peru to a later stage, so as to allow countries to deal first with other Agenda items, as well as to give members the opportunity to discuss it bilaterally.

128. The Representative of ASIPI noted that ASIPI had supported and actively promoted the recognition of nation brands as distinctive signs and the need for their international protection. Recalling that ASIPI had cooperated with the Delegation of Peru in preparing the questionnaire on nation-brand protection in Member States, the Representative congratulated the Andean Community on the adoption of Decision 876 on April 23, 2021, which provided a system for mutual recognition of nation brands in Bolivia, Colombia, Ecuador, Peru and other countries on the basis of reciprocity. Expressing the view that continuing the debate on that matter was necessary, the Representative urged Member States to recognize the importance of nation brands to benefit countries, especially developing ones, in terms of competitiveness. The Representative said that ASIPI stood ready to cooperate in order to move the debate forward.

129. The Delegation of Peru, reiterating its gratitude to the 57 delegations that had responded to the nation-brand questionnaire, thanked the Delegations of Bolivia (Plurinational State of), China, Ecuador, the European Union, Israel, Jamaica, the Russian Federation, the United Kingdom and the United States of America for their comments on document SCT/43/8 Rev. Lending its support to the proposal made by the Delegation of Bolivia (Plurinational State of) to re-open the Questionnaire on Nation-brand Protection in Member States, the Delegation thanked all the delegations that supported the proposal to hold an information session on nation brands. The Delegation indicated that it wished to amend its initial proposal. First, the Delegation wished to propose that the Questionnaire on Nation-brand Protection be kept open in order to enable other members to reply. Secondly, it wished to request the Secretariat to make a presentation at the next session of the SCT on the main trends identified in the

responses to the questionnaire. In addition, the Delegation said that, at the forty-fifth session of the SCT, it would submit, together with other interested delegations, a proposal containing topics for an information session on nation brands, to be held at the forty-sixth session of the SCT.

130. The Delegation of the United States of America, thanking the Delegation of Peru for its constructive spirit and for providing further details regarding the proposed information session on nation brands, said that it would need additional time to consider the proposal and to discuss it internally. Expressing the view that the proposal should be discussed at the next session of the SCT, after Member States had had the opportunity to study it, the Delegation stood ready to provide its comments to the Delegation of Peru prior to the next session.

131. The Delegation of the United Kingdom, expressing its gratitude to the Delegation of Peru for the amended proposal and for providing additional information on the manner of conducting the session, said that it required further time, concurring with the statement made by the United States of America to revisit it at the forty-fifth session of the SCT.

132. The Delegation of Switzerland, lending its support to both proposals to request a presentation of the survey results by the Secretariat and to hold an information session on nation brands, expressed the view that both actions would enable the Committee to get a better understanding of the subject and decide whether or not to continue work on it. Expressing the view that the new proposal by the Delegation of Peru was excellent and did not require any further discussion, the Delegation believed that it would be more efficient to use the time saved for information sessions and to study the new issues raised by Member States.

133. The Delegation of Japan, expressing its appreciation to the Delegation of Peru for continued work on the proposal concerning the protection of nation brands, said that it would like to consider it and discuss it at the next session of the SCT.

134. The Delegation of Germany, thanking the Delegation of Peru for the proposal and further additional information, lent its support to the statement made by the Delegation of the United States of America to discuss the proposal at the next session.

135. The Delegation of Sweden expressed support for the statement made by the Delegation of the United States of America to discuss the proposal made by the Delegation of Peru at the next session of the SCT.

136. The Chair concluded that the SCT agreed to:

- request the Secretariat to re-open the Questionnaire on Nation-Brand Protection in Member States until September 30, 2021, for further replies;
- request the Secretariat to make a presentation, at the forty-fifth session of the Committee, on the main findings and trends identified in the responses provided to the Questionnaire; and
- invite members to present, to the forty-fifth session of the SCT, proposals for topics for an Information Session on Nation-brand Protection in Member States, to be possibly held in conjunction with the forty-sixth session of the SCT.

## **AGENDA ITEM 7: GEOGRAPHICAL INDICATIONS**

137. Discussions were based on document SCT/44/3 containing Proposals for Topics for an Information Session on Geographical Indications.

138. The Secretariat recalled that, at the previous SCT session, the Committee had taken note of proposals for topics for an information session on geographical indications and had concluded that the SCT would revert to those proposals at its forty-fourth session. Pointing out that document SCT/44/3 reflected those proposals, the Secretariat reported that, after informal consultations held by interested delegations, the proponents of the proposals at stake had reached an agreement on two proposals for topics to be put forward.

139. The Delegation of the United States of America expressed support for conducting additional information sessions on geographical indications in the future, as well as its interest in seeking information from other delegations on specific geographical indications examination issues. Reporting that it had had fantastic information exchanges on geographical indication examination systems around the world, the Delegation declared its intention to continue that important work. As mentioned in previous SCT sessions, the United States Patent and Trademark Office (USPTO) was trying to refine its examination procedures to align them with international practices, where possible. For the Delegation, information session exchanges were therefore very important. The Delegation believed that they also mattered to other delegations. Then, the Delegation informed the Committee that its proposal, as outlined in document SCT/44/3, had been slightly revised to include concepts emanating from a portion of the topics suggested by the Delegation of the Russian Federation, namely the possibility of granting legal protection to geographical indications consisting of, or containing, a figurative element. The Delegation pointed out that the new revised proposal read as followed: "Examination of geographical indications in *sui generis* systems and trademark systems, including words in combination with graphic elements and geographical indications consisting solely of a graphic element, the weight given to descriptive elements, conflicts and scope of protection". In conclusion, the Delegation expressed the hope that the Committee would support featuring that topic in the next information session on geographical indications.

140. The Delegations of the United Kingdom, speaking on behalf of Group B, thanked the delegations for their proposals for topics for an information session on geographical indications, as reflected in document SCT/44/3. The Group proposed that the Secretariat organize an information session on geographical indications at the forty-fifth session of the SCT with the two following topics: (1) "Examination of geographical indications in *sui generis* systems and trademark systems, including words in combination with graphic elements and geographical indications consisting solely of a graphic element, the weight given to descriptive elements, conflicts and scope of protection", and (2) "Ways to prevent bad faith registration of domain names consisting of, or containing, geographical indications". The Delegation further indicated that those wordings had been shared with the regional coordinators, the Chair and the Secretariat at an earlier time.

141. The Delegation of the Russian Federation, expressing its interest in an information session on geographical indications, declared that it did not have any objection to the topics proposed by the Delegations of the European Union and the United States of America. Since the topic that it had suggested overlapped with the one proposed by the Delegation of the United States of America, the Delegation lent its support to the revised proposal. In the Delegation's viewpoint, discussing those issues would help the Committee to better understand the practices and approaches adopted by offices in carrying out examinations and to learn more about examination of geographical indications containing graphic elements.

142. The Delegation of the European Union, speaking on behalf of the European Union and its member states, thanking the Secretariat and SCT members for their work in preparing and delivering information sessions on geographical indications, considered that the process of advancing the international debate on the subject had been a valuable and constructive exercise. Therefore, the Delegation looked forward to continuing the exercise with topics to be addressed in highly productive and informative information sessions. Having taken note of the topic proposed by the Delegations of the Russian Federation and the United States of America, as listed in document SCT/44/3, the Delegation recalled that it had proposed a topic on the

treatment of geographical indications on the Internet, in particular in the DNS management. In the Delegation's opinion, the topic dealt with an area where there were significant lacuna and unjustified divergences from treatment of other forms of intellectual property rights. The Delegation pointed out that, insofar as the commerce on the Internet knew no boundaries, the topic was a global challenge to be examined urgently by the Committee. The Delegation observed that the current situation left geographical indications vulnerable to the exploitation by operators acting in bad faith and, as such, failed to meet a fundamental purpose of IP rights. As it looked forward to further exploring those matters in the framework of the information session, the Delegation also considered that that session should address the relevance of geographical indications for developing countries' economies, because they constituted a unique form of intellectual property, protecting local values at global level. The Delegation expressed its readiness to facilitate such an information session, if proposed by an interested member. The Delegation reminded the Committee of its proposed topic about "Ways to prevent bad faith registration of domain names consisting of, or containing, geographical indications" for the next information session. The Delegation concluded by lending its support to the proposal jointly submitted by the Delegations of the Russian Federation and the United States of America.

143. The Delegation of the United Kingdom, speaking in its national capacity, thanked the delegations for their proposals for topics for an information session on geographical indications and the Secretariat for their compilation. The Delegation informed the Committee that, on January 1, 2021, it had launched its own *sui generis* system for the protection of geographical indications. As it welcomed the opportunity to hear about the experiences of others through an information session at the next SCT session, the Delegation looked forward to further discussions at that session.

144. The Delegation of China, thanking the Secretariat and relevant parties for their work, believed that discussing relevant topics would help enhancing the protection of geographical indications and improve relevant mechanisms.

145. The Delegation of the United States of America thanked the Delegation of the Russian Federation for its cooperation and expressed its deep appreciation for its co-sponsorship of the revised proposal. The Delegation informed the Committee that it supported the proposal by the Delegation of the European Union for the topic on "Ways to prevent bad faith registration of domain names consisting of, or containing, geographical indications", for the next information session. Looking forward to working with Member States and the Secretariat to plan the next information session, the Delegation expressed the hope that the Committee could continue the important work of exchanging information to help each other.

146. The Delegation of South Africa, speaking on behalf of the African Group, thanking the proponents for the proposed topics, said that the Group agreed on those proposals. However, the Delegation requested to review the punctuation of the first proposed topic to make it clearer.

147. The Delegation of the United States of America said that it had envisioned the topic as the examination of geographical indications in *sui generis* systems and trademark systems. To be more specific, different areas of the examination in those systems had been listed out in order to be highlighted in the discussions. The Delegation expressed its readiness to amend the punctuation to provide greater clarity on the fact that those were different elements of the broader topic, as long as other delegations, including its co-sponsor, would be open to such an amendment.

148. The Delegation of Georgia, speaking on behalf of the CEBS Group, expressed support for the proposal made by the Delegation of the United Kingdom, on behalf of Group B, to organize an information session on two topics, namely the topic proposed by the Delegation of the European Union, and the topic combining the proposals of the Delegations of the Russian Federation and the United States of America.

149. The Delegation of South Africa, speaking on behalf of the African Group, pointed out that it was not against the topic and that it did not suggest taking anything away from it. The Delegation thanked the Delegation of the United States of America for its readiness to clarify the wording.

150. The Chair, considering the request from the Delegation of South Africa, on behalf of the African Group, and the flexibility from the proponents, proposed to note that, in principle, the Committee had agreed on the proposals. Then, the Chair suggested that the amended drafting of the topic be presented at a later stage during the session, for consideration by the SCT.

[Suspension]

151. Resuming the session, the Chair, after fruitful consultations, proposed a concluding paragraph, including the requested amended drafting, which was approved by the Committee.

152. The Chair concluded that the SCT agreed:

- to hold an Information Session on Geographical Indications in conjunction with the forty-fifth session of the SCT;
- that the program for that Information Session would comprise two panels on the following topics:
  - (i) examination of geographical indications in *sui generis* systems and trademark systems, including
    - words in combination with graphic elements and geographical indications consisting solely of a graphic element;
    - the weight given to descriptive elements;
    - conflicts; and
    - scope of protection.
  - (ii) ways to prevent bad faith registration of domain names consisting of, or containing, geographical indications; and
- to invite members to present, to the forty-fifth session of the SCT, proposals for topics for an Information Session on Geographical Indications, to be held in conjunction with the forty-sixth session of the SCT.

#### **AGENDA ITEM 8: SUMMARY BY THE CHAIR**

153. The SCT agreed to the Summary by the Chair as presented on the screen.

154. The SCT approved the Summary by the Chair as contained in Annex II of the present document.

#### **AGENDA ITEM 9: CLOSING OF THE SESSION**

155. The Delegation of China commended the Chair on its excellent presiding over the SCT session, the Vice-Chairs, the Deputy Director General of WIPO, the Secretariat and the interpreters for their diligent work and contributions that ensured the smooth proceedings of the

session. Observing that, with the concerted efforts of all members, the Committee had successfully completed the discussions on all agenda items, the Delegation reiterated its position on some topics. Firstly, in the area of industrial designs, and more specifically on the Design Law Treaty (DLT), the Delegation expressed the hope that all relevant parties would show flexibility in the consultation on the convening of a diplomatic conference on the DLT, take into full consideration the concerns of developing countries and work together to advance the agenda on the consultations. Moreover, as regards GUIs, the Delegation, expressing its readiness to participate actively in relevant discussions and to share its experience, called on more members to engage in discussions organized by the SCT to gain a comprehensive and in-depth understanding of trends and interests of different countries. In the Delegation's opinion, that would lay a solid foundation for future work on the matter. Turning to the area of trademarks, the Delegation was of the view that discussions on country names, well-known trademarks and other relevant topics would help understanding the different national practices. Therefore, the Delegation expressed its support for further discussions on those matters within the SCT. Then, in the area of geographical indications, the Delegation believed that, account taken of national situations and regimes in different countries, further discussions and exchanges could be conducted by the SCT. Finally, recognizing that the SCT had long played an important role in setting out multilateral norms on trademarks, industrial designs and geographical indications and had made significant achievements, for which it expressed its appreciation, the Delegation stated that it would continue to attach great importance to, and to support, the work of the SCT. The Delegation concluded by expressing its readiness to continue its active participation in discussions on the different agenda items of the Committee.

156. The Delegation of South Africa, speaking on behalf of the African Group, thanked the Chair for his professionalism in presiding over the SCT session and the Secretariat, the conference services, the technical support team and the interpreters for the organizational arrangements, which had ensured the success of the meeting. Extending its appreciation to the different regional groups and delegations for their cooperation and constructive engagements, the Group believed that the session helped Member States to better understand the different issues on the agenda, particularly the diverse proposals considered by the Committee. Expressing the hope that the next SCT session would be held under normal circumstances and that further progress on all agenda items would be achieved, the Group looked forward to the information session on geographical indications to be organized in conjunction with the forty-fifth session of the SCT.

157. The Delegation of the United Kingdom, speaking on behalf of Group B, commended the Chair on his guidance of the Committee and thanked the Vice-Chairs, the Secretariat, the interpreters and the conference services for their hard work and professionalism. The Group extended its appreciation to the Deputy Director General of WIPO for her introductory remarks, which had highlighted the importance of the SCT in the international legal landscape of trademarks, industrial designs and geographical indications. Sharing the views expressed by the Deputy Director General of WIPO on the SCT significance, the Group congratulated her for her re-appointment and looked forward to continuing their future cooperation. Emphasizing its commitment to continue work, the Group was of the view that the session had enabled the Committee to complete a significant amount of work thanks to both the smooth operation in the background as well as productive discussions among delegations prior to, during, and on the sidelines of the session. In conclusion, the Delegation indicated that the Chair could count on the full support and constructive spirit of the Group to continue the fruitful discussions within the Committee.

158. The Delegation of Georgia, speaking on behalf of the CEBS Group, thanked the Chair for his skillful guidance during the work of the Committee, as well as the Vice-Chairs, the Secretariat, the conference services, the interpreters and any other stakeholders for their contributions to the session. The Delegation declared that the Chair could count on the full support of the members states of the Group in the future work of the Committee.

159. The Delegation of Sudan, thanking the Chair, Vice-Chairs, the Secretariat and the interpreters, as well as all delegations for their constructive contributions, emphasized the great interest of the session. Seconding the statement made by the Delegation of China on geographical indications, the Delegation expressed the hope for more meetings enabling Member States to share their opinions on that matter.

160. The Delegation of Peru, speaking on behalf of GRULAC, commending the Chair on his excellent work in guiding the Committee, expressed its gratitude to the noteworthy work carried out by the Secretariat, the interpreters and the technical staff members that had allowed the organization of the meeting during the period of restrictions imposed by the pandemic. Thanking also all delegations for their constructive participation in the session, the Delegation trusted that the Committee would be able to make progress at the next session on topics of importance for GRULAC and other regional groups, such as the protection of country names and geographical names of national significance. The Delegation concluded by expressing the Group's interest in actively participating in the information session on geographical indications and others information sessions that could be agreed upon by the Committee.

161. The Chair closed the session on May 19, 2021.

[Annexes follow]



**SCT/44/INF/1**  
**ORIGINAL: ENGLISH/FRENCH**  
**DATE: 17 MAI 2021/MAY 17, 2021**

**Comité permanent du droit des marques, des dessins et modèles  
industriels et des indications géographiques**

**Quarante-quatrième session**  
**Genève, 17 – 19 mai 2021**

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

**Forty-Fourth Session**  
**Geneva, May 17 to 19, 2021**

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LIST OF PARTICIPANTS**

*établie par le Secrétariat/  
prepared by the Secretariat*

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[Annex II follows]



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**SCT/44/7**  
**ORIGINAL: ENGLISH**  
**DATE: MAY 19, 2021**

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

**Forty-Fourth Session**  
**Geneva, May 17 to 19, 2021**

SUMMARY BY THE CHAIR

*adopted by the Committee*

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

1. The Chair opened the forty-fourth session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT).
2. Ms. Wang Binying, Deputy Director General of the World Intellectual Property Organization (WIPO), welcomed the participants on behalf of Mr. Daren Tang, Director General of WIPO.
3. Mr. Marcus Höpperger (WIPO) acted as Secretary to the SCT.

### **AGENDA ITEM 2: ADOPTION OF THE AGENDA**

4. The SCT adopted the draft Agenda (document SCT/44/1 Prov.2).

### **AGENDA ITEM 3: ACCREDITATION OF AN OBSERVER**

5. The SCT considered document SCT/44/4.
6. The SCT approved the accreditation of the Intellectual Property International Forum-Québec (FORPIQ).

#### **AGENDA ITEM 4: ADOPTION OF THE DRAFT REPORT OF THE FORTY-THIRD SESSION**

7. The SCT adopted the Draft Report of the forty-third session (document SCT/43/12 Prov.).

#### **AGENDA ITEM 5: INDUSTRIAL DESIGNS**

*Analysis of the Returns to the Questionnaire on Graphical User Interface (GUI), Icon and Typeface/Type Font Designs (documents SCT/41/2 Rev.2 and SCT/43/2 Rev.)*

8. The SCT considered and took note of documents SCT/41/2 Rev.2 and SCT/43/2 Rev.

*Updated Proposal by the Delegations of Canada, Israel, Japan, the United Kingdom and the United States of America (document SCT/44/6 Rev.2)*

9. The SCT considered document SCT/44/6 Rev.2.

10. The Chair concluded that the SCT took note of the various positions and would continue the discussion on document SCT/44/6 Rev.2 at its next session.

*Compilation of the Returns to the Questionnaire on the Temporary Protection Provided to Industrial Designs at Certain International Exhibitions Under Article 11 of the Paris Convention for the Protection of Industrial Property (document SCT/42/2)*

*Proposal by the Delegation of Spain Concerning the Creation of a Database Compiling the Returns to the Questionnaire on the Temporary Protection Provided to Industrial Designs at Certain International Exhibition Under Article 11 of the Paris Convention for the Protection of Industrial Property (document SCT/44/5)*

11. The SCT considered documents SCT/42/2 and SCT/44/5.

12. The SCT requested the Secretariat to create a prototype of a database including a number of replies to the Questionnaire on the Temporary Protection Provided to Industrial Designs at Certain International Exhibitions under Article 11 of the Paris Convention for the Protection of Industrial Property, and to present the prototype, as well as resources required, at the next session of the SCT.

*Update by Member States on the Digital Access Service (DAS) for Priority Documents*

13. The SCT noted the progress in the implementation of the DAS for industrial designs by members and the Chair concluded that the SCT would revert for an update to this item at its next session.

## **AGENDA ITEM 6: TRADEMARKS**

*Proposal by the Delegations of Georgia, Iceland, Indonesia, Jamaica, Liechtenstein, Malaysia, Mexico, Monaco, Peru, Senegal, Switzerland and the United Arab Emirates Concerning the Protection of Country Names and Geographical Names of National Significance (document SCT/43/6)*

14. The SCT considered document SCT/43/6.

15. The Chair concluded that the SCT would continue the discussion on document SCT/43/6 at its next session.

*Revised Proposal by the Delegation of Jamaica for a Joint Recommendation Concerning Provisions on the Protection of Country Names (document SCT/43/9)*

16. The SCT considered document SCT/43/9.

17. The Chair concluded that the SCT would continue the discussion on document SCT/43/9 at its next session.

*Proposal by the Delegations of Brazil, Georgia, Iceland, Indonesia, Jamaica, Liechtenstein, Malaysia, Mexico, Monaco, Peru, Senegal, Switzerland and the United Arab Emirates Concerning the Protection of Country Names and Geographical Names of National Significance in the DNS (document SCT/41/6 Rev.)*

18. The SCT considered document SCT/41/6 Rev.

19. The Chair concluded that the SCT would continue the discussion on document SCT/41/6 Rev. at its next session.

*Update on Trademark-Related Aspects of the Domain Name System (DNS) (document SCT/44/2)*

20. The SCT considered document SCT/44/2 and requested the Secretariat to keep members informed of future developments in the DNS.

*Returns to the Questionnaire on Nation-Brand Protection in Member States (document SCT/43/8 Rev.)*

21. The SCT considered document SCT/43/8 Rev.

22. The Chair concluded that the SCT agreed to:

- request the Secretariat to re-open the Questionnaire on Nation-Brand Protection in Member States until September 30, 2021, for further replies;
- request the Secretariat to make a presentation, at the forty-fifth session of the Committee, on the main findings and trends identified in the responses provided to the Questionnaire; and
- invite members to present, to the forty-fifth session of the SCT, proposals for topics for an Information Session on Nation-brand Protection in Member States, to be possibly held in conjunction with the forty-sixth session of the SCT.

## **AGENDA ITEM 7: GEOGRAPHICAL INDICATIONS**

23. The SCT considered document SCT/44/3 containing Proposals for Topics for an Information Session on Geographical Indications.

24. The Chair concluded that the SCT agreed:

- to hold an Information Session on Geographical Indications in conjunction with the forty-fifth session of the SCT;
- that the program for that Information Session would comprise two panels on the following topics:
  - (i) examination of geographical indications in *sui generis* systems and trademark systems, including
    - words in combination with graphic elements and geographical indications consisting solely of a graphic element;
    - the weight given to descriptive elements;
    - conflicts; and
    - scope of protection.
  - (ii) ways to prevent bad faith registration of domain names consisting of, or containing, geographical indications; and
- to invite members to present, to the forty-fifth session of the SCT, proposals for topics for an Information Session on Geographical Indications, to be held in conjunction with the forty-sixth session of the SCT.

## **AGENDA ITEM 8: SUMMARY BY THE CHAIR**

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

## **AGENDA ITEM 9: CLOSING OF THE SESSION**

26. The Chair closed the session on May 19, 2021.

[End of Annex II and of document]