

WIPO



SCT/7/4

ORIGINAL: English

DATE: May 27, 2002

WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

STANDING COMMITTEE ON THE LAW OF TRADE MARKS, INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS

Seventh Session
Geneva, December 5 to 7, 2001

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” or “the SCT”) held its seventh session, in Geneva, from December 5 to 7, 2001.

2. The following States members of WIPO and/or the Paris Union for the Protection of Industrial Property were represented at the meeting: Albania, Algeria, Argentina, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Cambodia, Canada, Chad, Chile, China, Colombia, Costa Rica, Côte d’Ivoire, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Germany, Ghana, Guatemala, Honduras, Hungary, India, Indonesia, Ireland, Japan,

* Adopted at the eighth session of the SCT. Following comments received on the Draft Report (document SCT/7/4 Prov. 2), paragraph 34 as modified.

Jordan, Kenya, Kyrgyzstan, Latvia, Lebanon, Lithuania, Madagascar, Malaysia, Mexico, Morocco, New Zealand, Norway, Netherlands, Pakistan, Panama, Paraguay, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Singapore, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Tunisia, Turkey, Ukraine, United Kingdom, United States of America, Uruguay, Zimbabwe (66). The European Communities were also represented in their capacity of member of the SCT.

3. The following intergovernmental organizations took part in the meeting in an observer capacity: Benelux Trademark Office (BBM), World Trade Organization (WTO) (2).

4. Representatives of the following international non-governmental organizations took part in the meeting in an observer capacity: Association of European Trademark Owners (MARQUES), Center for International Industrial Property Studies (CEIPI), European Communities Trade Mark Association (ECTA), International Federation of Wines and Spirits (FIVS), International Federation of Industrial Property Attorneys (FICPI), International Trademark Association (INTA), International Wine Law Association (AIDV), Internet Society (ISOC) (8).

5. The list of participants is contained in the Annex of this Report.

6. Discussions were based on the following documents prepared by the International Bureau of WIPO: "Agenda" (document SCT/7/1), "Text of the Joint Recommendation Concerning Provisions on the Protection of Marks, and Other Industrial Property Rights in Signs, on the Internet (with explanatory notes)" (document SCT/7/2) and "Geographical Indications: Historical Background, Nature of Rights, Existing Systems for Protection and Obtaining Effective Protection in Other Countries" (documents SCT/6/3 and SCT/6/3 Corr.).

7. The Secretariat noted the interventions made and recorded them on tape. This report summarizes the discussions on the basis of all the observations made.

Agenda Item 1: Opening of the Session

8. Ms. Debbie Rønning (Norway), Chair of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), opened the meeting.

9. Mr. Shozo Uemura, Deputy Director General, welcomed all the participants on behalf of the Director General of WIPO. Mr. Marcus Höpferger (WIPO) acted as Secretary to the Standing Committee.

Agenda Item 2: Adoption of the Agenda

10. The SCT adopted the Draft Agenda (document SCT/7/1) without modifications.

Agenda Item 3: Adoption of the Draft Report of the Sixth Session

11. The Delegation of the Republic of Korea suggested to delete in paragraph 131 the reference to the reservation which it had made at the sixth session of the SCT according to which it could not join the consensus on Article 15(2) of the Joint Recommendation. The reservation was withdrawn before the WIPO Assemblies.

12. The SCT adopted the Draft Report of the sixth session (document SCT/6/6 Prov.) without modifications.

Agenda Item 4: Text of the Joint Recommendation Concerning Provisions on the Protection of Marks, and Other Industrial Property Rights in Signs, on the Internet (with explanatory notes)

13. The Secretariat informed the Standing Committee that the proposed Joint Recommendation Concerning the Protection of Marks, and Other Industrial Property Rights in Signs, on the Internet, was adopted by the Assembly of the Paris Union for the Protection of Industrial Property and the General Assembly of the World Intellectual Property Organization (WIPO), at the Thirty-sixth Series of Meetings of the Assemblies of the Member States of WIPO (September 24 to October 3, 2001). The Document SCT/7/2 which contains in its Annex the text of the Joint Recommendation, the provisions and the explanatory notes prepared by the International Bureau was circulated to the SCT for information purposes, since SCT Members had not yet received a document incorporating the provisions and the notes.

14. The Delegation of Mexico referred to the request which it had made by its delegation at the sixth session of the SCT, reflected in paragraph 99 of the Report (Document SCT/6/6 Prov.), aiming at clarifying in the Explanatory Notes on the Joint Recommendation that nothing prevents a Member State from going beyond the required minimum and applying the “notice and avoidance of conflict procedure” to acts of unfair competition.

15. The Secretariat stated that this point was addressed in Note 6.02 which deals with the use of a sign on the Internet, infringement and acts of unfair competition.

16. The Delegation of Sudan asked for clarification on Article 1(vi) relating to the description given of the abbreviated expression “Internet”, and on Article 1(vii).

17. In response to the above, the Secretariat explained that Article 1(vi) was discussed at length at the SCT and did not intend to give a definition of the expression “Internet” but rather a description to be used “for the purpose of these provisions”. As mentioned in the explanatory note 1.05, this is emphasized by the use of the words “refer to” instead of the word “means” used in the other items. Moreover, it follows the wording of Article 8 of the WIPO Copyright Treaty (WCT) and Article 14 of the WIPO Performances and Phonograms Treaty (WPPT). With regard to Article 1(vii), the Secretariat stated that, following a generally accepted practice, as for example in Article 1(xv) of the Patent Law Treaty, this item has been added to facilitate the drafting of the provisions.

Agenda Item 5: Issues to Be Considered by the Standing Committee

Geographical Indications

18. The discussion was based on documents SCT/6/3 and SCT/6/3 Corr.

Terminology

19. The Delegation of the United States of America stated that the term “geographical indications” was defined in Article 22.1 of the TRIPS Agreement and, thus, had a specific meaning. It, therefore, suggested using the term in that particular meaning and not, as was stated in paragraph 8 of document SCT/6/3, in its widest sense. In order to simplify the debate, the Delegations suggested the use of the following terms, and to distinguish them from each other: “indication of source,” “designation of origin,” “appellation of origin” and “geographical indication.”

20. The Delegation of the European Communities said that it believed that the question of definition was important in itself, and that it was equally important that the elements of the definition were met. Whatever terminology was used, the Delegation felt that it was vital that the substance of the definition was complied with. The Delegations said that it did not appear to be wise to add new definitions. It expressed agreement with the suggestion of the Delegation of the United States of America to use the term “geographical indication” as defined by Article 22.1 of the TRIPS Agreement.

Existing Approaches for the Protection of Geographical Indications

21. The Delegation of the United States of America explained that, in its country, geographical indications were protected under unfair competition law or as certification marks. The Delegation expressed interest in hearing from other delegations how geographical indications were protected in their respective countries and, in particular, how geographical indications were created and challenged, and what policy reasons were underlying the adoption of specific systems of protection.

22. The Delegation of the European Communities suggested clarifying paragraph 28 of document SCT/6/3 in order to avoid the potential confusion between geographical terms in general and geographical indications as such. A geographical term could become a protected geographical indication if all conditions established in law were met. A geographical term could also be protected as a collective or certification mark. Moreover, it was possible to protect a geographical name cumulatively as a geographical indication and as a collective or certification mark, if protection was sought in different countries applying different protection regimes. The latter case did not present problems where the owner of the right was one and the same person. However, subject matter protected by geographical indications was different from that protected by trademarks. In order to reflect the differences between the two systems of protection, the Delegations suggested the insertion, after paragraph 28 of document SCT/6/3, of a new paragraph to that effect.

23. The Delegation of Australia said that, as far as the law of its country was concerned, paragraph 28 of document SCT/6/3 appeared to be correct. Geographical indications as defined under TRIPS Article 22.1 could be perfectly protected as certification marks.

24. The Delegation of the United States of America said that, from its point of view, there could be no doubt that geographical indications as defined by TRIPS Article 22.1 could be protected as certification marks, and cited the examples of certification marks registered in the United States of America for “Roquefort,” “Stilton” and “Parma Ham.” Where the registration of a certification mark was sought for the protection of a geographical indication, the applicant had to provide the applicable certification standards, which, in the examples cited, were understood to comply with the legislation in the countries of origin. However, cases in which geographical indications were protected in a country without requiring a specific legal basis of protection raised certain issues relating to the creation of geographical indications and the assertion and ownership of rights. In that respect, the Delegation referred to a case decided by the Trademark Trial and Appeal Board of the United States Patent and Trademark Office, which recently held that “Cognac” was protected as a common-law (unregistered) certification mark in the United States. According to that decision, “Cognac” is a valid common law certification mark, rather than a generic term, since purchasers in the United States primarily understood the “Cognac” designation to refer to brandy originating in the Cognac region of France, and not to brandy produced elsewhere. Furthermore, it was held that the party who was opposing the registration of a trademark comprising the word “Cognac” controlled and limited the use of that designation, ensuring that it was only used in compliance with certain standards of regional origin. This was a typical example for the protection and enforcement of a geographical indication based on private initiative. A different approach was illustrated by the North American Free Trade Agreement (NAFTA), under which the geographical indications “Tequila,” “Canadian Whiskey,” and “Kentucky Bourbon” were protected via market access practices.

25. The Delegation of Chile stated that specific legislation for the protection of geographical indications existed in its country only for geographical indications for wines and spirits. However, there existed plans for extending that system to geographical indications for other products. This specific legislation would take into consideration the requirement of a link between the product for which a given geographical indication was protected and the specific quality or characteristic of that product which was due to its place of origin. It was hoped that this new legislation could be in place in one year's time. In that respect, active contribution from producers was expected. The new legislation was keenly awaited, as Chile had many geographic indications of national and regional recognition.

26. The Delegation of Australia pointed out that it was important for a country to keep its freedom to choose the system for protection of geographical indications which suited best its legal practice and tradition. This choice was determined by policy considerations that were common to all types of intellectual property protection, such as finding a balance of the interests of consumers, producers, and the government.

27. The Delegation of Senegal referred to the protection of geographical indications within the framework of the African Intellectual Property Organization (OAPI). There existed an important question concerning the application of that regional framework to the protection of geographical indications and, in this respect, the Delegation looked forward to benefiting from the experience of other delegations.

28. The Delegation of Côte d'Ivoire declared that the protection of geographical indications was handled within OAPI under the revised Bangui Agreement, whose entry into force was awaited for the near future. As far as its own country was concerned, preparations were underway to establish the protection of the geographical indications for 18 original products.

29. The Delegation of the European Communities felt that it was as necessary to complement Part C of document SCT/6/3 by adding that the protection of geographical names by means of collective or certification marks did not necessarily require the showing of a link between the products for which the geographical name was used and their place of origin, as was the case with *suigeneris* systems for the protection of geographical indications. However, those elements formed an integral part of the subject matter protected by geographical indications and were therefore crucial for the proper functioning of the system. While a geographical name could be protected as a collective or certification mark in cases in which standards of protection that were freely established by the producers were indicated, the same geographical names should not be protected as geographical indications, unless it was shown that all elements of the definition of TRIPS Article 22.1 were present and the conditions of the protection were met. This requirement appeared to be necessary in order to demonstrate an existing link between a product, expressed by a given quality, reputation or other characteristic, and its place of origin.

30. The Delegations of Switzerland and Chile supported the declaration made by the Delegation of the European Communities. In particular, the Delegation of Switzerland said that it should be pointed out in document SCT/6/3 that the delimitation of a production area had not necessarily to be included in an application for the registration of a certification mark.

31. The Delegation of Australia agreed with the Delegation of the European Communities in that the link between the quality, reputation or other characteristic of a good and its geographical origin was the defining element of a geographical indication. However, there existed various possibilities for establishing that link and different countries had adopted different approaches to that issue. Since document SCT/6/3 described certification marks not in a general manner, but only as a possible mechanism for the protection of geographical indications, the relevant portion of the document appeared to be correct. In the case of registered certification marks in Australia, compliance of goods on which a certification mark was used with the applicable certification standards was controlled and enforced by the holder of the certification mark registration, and not by the government.

32. The Delegation of the European Communities stated that under a *suigeneris* system of protected geographical indications, the specification that defined the product was overseen by the producers themselves but also by independent third parties. Consequently, such a system went beyond mere self-discipline. It should be made clear in document SCT/6/3 that different systems should have different control elements, and those differences should be indicated.

33. The Delegation of the United States of America explained that the choice to use a common law system for the protection of geographical indications was determined by certain policy considerations. In particular, a decision was made to put the burden of establishing and enforcing the protection of geographical indications on individual natural and legal persons. In order to ensure reliability of manufacturers for making misleading statements and to establish consumer protection, the system was relying on competitors and consumers to carry out control. It was true that individuals could apply for the registration of certification marks and that, at the examination stage, the veracity of certain elements of the application, such as the

boundaries of the production area was not assessed. However, that process permitted competitors and consumers to carry out control through appealing the registration of a certification mark or by requesting its cancellation. One of the specific features of such a system was that its cost was borne by competitors and consumers and not by the taxpayers. This was one of the policy considerations that led the United States of America to choose that particular system of protection of geographical indications. However, the Delegation was aware that this system was not the only one and that there existed systems where geographical indications were asserted by governments.

34. The Delegation of Mexico expressed its agreement with the statements made by the Delegations of the United States of America, Australia and Chile. It said that the relevant paragraphs of document SCT/6/3 should not be changed. As far as its own country was concerned, a system of protected appellations of origin coexisted with the possibility to register collective marks.

Obtaining Protection in Other Countries

35. The Delegation of Australia referred to paragraphs 85 onwards of document SCT/6/3 and stated that it did not consider the list of items dealt with as being exhaustive. The Delegation was concerned over the term “effective protection” used in that portion of the paper, since it constituted a quality statement. The same applied to language appearing in paragraphs 91 and 94. Regarding generic terms, the Delegation stated that it did not necessarily see that as a problem, since geographical indications were subject to the principle of territoriality. Besides, the generic character of a certain term was not the only exemption from international obligations to protect geographical indications. Those exemptions as well as the policy considerations that were underlying those exemptions could be examined.

36. The Delegation of the European Communities emphasized that the work of the SCT should be dedicated to a technical discussion of the various existing systems of protection. The existing alternatives should be shown and their features should be described objectively. As far as the comments of the Delegation of Australia on generic terms was concerned, the Delegation expressed its agreement with the relevant portions of document SCT/6/3. Geographical indications were territorial rights, and features such as the generic character of the reputation of a given geographical indication had to be determined on a territorial basis.

37. The Delegation of the United Kingdom supported the statement made by the Delegation of the European Communities, adding that the documents should avoid value judgements.

38. The Delegation of Guatemala declared that it considered the information contained in document SCT/6/3 particularly useful for developing countries which had often difficulties to collect information on that subject. This type of document was of great help to developing countries, which were in the process of realizing the costs and benefits resulting from the various systems of protection. The most important feature was the variety of existing possibilities for protecting geographical indications. As a developing country, the Delegation expressed its wish that the SCT work on the development of a common understanding of all questions concerning geographical indications and that it examine agreed principles relating to the international protection of geographical indications. In order to enable the continuation of the work of the Standing Committee and to facilitate a greater understanding of all legal questions relating to the protection of geographical indications, the Delegations suggested that

the International Bureau should prepare a supplement to document SCT/6/3, dealing with the following questions: form and scope of protection of geographical indications, a study on how national systems of protection deal with generally accepted principles of industrial property law, such as national treatment, safeguard of third party rights, prohibition of unfair commercial practices and then on the existence of exclusive rights in generic terms.

39. The Delegation of Chile stated that it would be interested to hear from other delegations how foreign geographical indications were protected in their countries. As far as Chile was concerned, the draft law on the protection of geographical indications which was currently in the process of adoption by Parliament did not distinguish between the protection of national and foreign geographical indications.

40. The Delegation of the European Communities declared that, as far as conflicts between geographical indications and trademarks were concerned, the application of the principle of priority was not the only rule existing in the international arena. Considering that it was the aim of document SCT/6/3 to illustrate alternative solutions, the Delegations suggested including at the end of paragraph 106 of document SCT/6/3, a reference to Article 15(2) of the First Directive 89/104/EEC of December 21, 1988, to Approximate the Laws of the Member States of the European Communities Relating to Trade Marks. According to that provision, a collective or certification mark consisting of a sign which may serve, in trade, to designate the geographical origin of goods, did not entitle its proprietor to prohibit a third party from using in the course of trade such signs or indications, provided such use was made in accordance with honest practices in industrial or commercial matters. In particular, such mark may not be invoked against a third party who was entitled to use a geographical name. In the view of the Delegation, this rule contrasted with that concerning the protection of a geographical name as a geographical indication, in which case the use of the geographical name was reserved exclusively for the authorized users of the geographical indication.

41. Concerning the continuation of the work of the SCT, the Delegation of the European Communities said that document SCT/6/3 should be a broad referenced document, and that the documents should reflect the supplementary information given during the seventh session of the SCT. This could take the form of a revision of that document, working out in depth and with more precision the differences in the existing systems of protection. To that effect, elements including the basic principles of protection, various systems of protection and the definition of the subject matters should be addressed. It was important that document SCT/6/3 kept its technical character and that any interference with the TRIPS Agreement, in particular any evaluation of TRIPS conformity, was avoided. The latter aspect was best taken care of by the World Trade Organization.

42. The Delegation of Panama stated that geographical indications were protected in its country in accordance with the provisions of the Paris Convention and the TRIPS Agreement. Since the parameters of protection varied from country to country, it was important to have a technical document which would allow an assessment of each system. This work had to be done by the SCT. The Delegation considered paragraphs 122 and 123 of document SCT/6/3 to be fully appropriate and urged the Committee to continue work on that basis.

43. The Delegation of Australia declared that it agreed with the statement of the Delegation of the European Communities, in that the issue at hand needed more in-depth work. The comments that were made on the substance of document SCT/6/3 should be incorporated, but that document could not be revised indefinitely. In addition, the Delegations supported the

preparation of a new document dealing with specific intellectual property issues relating to the protection of geographical indications. It recalled that the SCT was the generic forum within the UN system for debating all intellectual property issues, and that it was inappropriate to link the work of the SCT to the work that was undertaken in other organizations.

44. The Delegation of Switzerland said that it considered document SCT/6/3 to constitute a referenced document, and that the comments made in the course of the debates should be added to it.

45. The Delegation of Sri Lanka declared that there was a need for further studies and that it was important for countries to have the opportunity to comment on those studies. Document SCT/6/3 should be revised and expanded in order to cover new areas.

46. The Delegation of Argentina stated that it could see problems in revising document SCT/6/3. This document was after all a document by the Secretariat, and did not constitute the result of a collective drafting exercise. The Delegation did not necessarily oppose any revision of the document, but thought it was inappropriate to consider the document as a negotiation paper. If it was envisaged to draft a new document, due considerations should be given to the position of developing countries. In particular, it was important that the impact that any system of protection of geographical indications would have on developing countries was evaluated in terms of advantages and disadvantages for those countries. As far as the multilateral system of protection currently discussed in the World Trade Organization was concerned, the Delegations said that questions relating to the administration of that system and its physical location were exclusively within the negotiation competence of the WTO. However, issues relating to the economic impact as a whole of the system of protected geographical indications could well be studied within the framework of the SCT.

47. The Delegation of Singapore said that document SCT/6/3 should be seen as a tool for discussion, and that it did not effect the position of any country. One way of reflecting the points made in the course of the debate could be to revise certain paragraphs of the document, or to supplement it with an addendum. In addition, considerations should be given to the study that had been requested by the Delegation of Guatemala.

48. The Delegation of the Russian Federation felt that document SCT/6/3 had fulfilled its function. It constituted a good foundation for future work, but the next step in the work should be a document having a different format.

49. The Delegation of Canada said that it would be useful to revise document SCT/6/3 in order to reflect the discussion that had taken place in the Standing Committee.

50. The Delegation of Ukraine expressed support for the position of the Delegation of the European Communities. Moreover, the Delegations said that the influence, which a particular system of protection had on the economy of a given country, should be studied.

51. The Delegation of Sudan said that there was an urgent need for the preparation of a substantial document which would reflect the impact on developing countries of the various systems for protection of geographical indications. By way of example, the Delegation referred to its own country and the production of Arabic gum, an ingredient widely used in pharmaceutical and food products. Three quarters of the overall production of this material came from Sudan, and the quality of the gum was determined by local natural and human

factors. The production area was referred to as the "Arabic gum belt." This product obviously needed protection within the framework of a multilateral system. On a more general line, the Delegation expressed regret that the working documents for the SCT were not made available in Arabic. This constituted a considerable disadvantage for Arabic-speaking delegations, and the Delegation urgently requested that documentation for future meetings of the SCT would be made available in Arabic in paper form and on the Internet.

52. The Delegation of Morocco declared that it found document SCT/6/3 to constitute a useful source of information, and that the document could be modified to take into account the comments that were made by the Committee. As far as future work was concerned, the Delegations said that a review of that document should keep a technical character. In particular, duplication of work with the work currently underway in the World Trade Organization should be avoided. While the work of the SCT constituted an indispensable contribution to any discussion on geographical indications, it appeared to be premature as long as the Ministerial Declaration of the fourth WTO Ministerial Conference was not implemented.

53. The Delegation of Latvia, speaking on behalf of the Central European and Baltic States, stated that it shared the views of the Delegation of the European Communities. An amendment of document SCT/6/3 appeared necessary. Moreover, the timing of any work of the SCT on geographical indications was important, and the work of the WTO relating to geographical indications should be taken into account in order to avoid duplication of work.

54. The Delegation of Belarus declared that, although geographical indications were protected under the laws of its country, a new law on that subject was currently being examined by Parliament. Given the multitude of existing systems of protection, further work in that area seemed to be very useful.

55. The Delegation of India stated that the views expressed by the Committee should be included in document SCT/6/3 in the form of a revision or an addendum. Moreover, the outcome of the work of the WTO on that subject should be awaited before taking further steps in any direction.

56. The Delegation of the United States of America stated that it did not see a danger of duplication of work between the SCT and the World Trade Organization. The work of the WTO was trade-based and consisted of a discussion of trade balances and trade influences. The SCT, on the other hand, constituted a forum for the exchange of views on intellectual property principles. For example, the Delegation referred to the work of the SCT concerning the protection of well-known marks, which had resulted in a WIPO joint recommendation concerning that issue. In keeping with that analysis, the Delegation expressed support for the preparation of a document along the lines of the suggestion of the Delegation of Guatemala. As far as the preparation of a study on the economical impact of the protection of geographical indications was concerned, the Delegation expressed sympathy for that idea, but recalled that it might be beyond the resources that could be allocated to the work of the SCT.

57. The Delegation of the European Communities referred to the work that was carried out by the Council for TRIPS under TRIPS Article 24.2, and the documentation that had resulted from that work. This material constituted an excellent source of information and the Delegation encouraged all members of the SCT to consult it widely. Concerning the

continuation of the work of the SCT, the Delegation felt that it would be most useful to limit work to a small number of issues which could be further discussed in a comparative manner. As regards a study of the economic impact of the protection of geographical indications, the Delegation felt that such a study appeared to be beyond the scope of work of the SCT, since it would not be confined to mere questions of intellectual property protection. However, to the extent that such a study was undertaken, it should be as objective as possible and avoid trying to evaluate the effectiveness of a given system. In that context, the Delegation emphasized that a system of protected geographical indications responded to producers' expectations and allowed a better positioning of their products on the market. A special system of protection for geographical indications was created in the European Union following a request to that effect. The Delegation also remarked that it perceived an authentic need of certain countries for such a system.

58. The Delegation of Malaysia stated that WIPO had the appropriate resources and expertise for undertaking further work in the area of geographical indications. Many countries had little or no experience regarding the implementation of their international obligations for the protection of geographical indications. In addition, the discussion seemed to be focussed on the protection of geographical indications for wines and spirits. The Delegation said that it was interested in possible different approaches for compliance with obligations flowing from the TRIPS Agreement. In particular, it wished to study the different approaches, the reasons for the adoption of a given approach and the legal and administrative requirements that went along with each of those approaches.

59. The Delegation of Mexico expressed its support for the preparation of a study on the economic impacts of a system of protected geographical indications. The Delegation felt that it was extremely important to gain a full understanding of those implications. The Delegation said that a study of the economic implications was crucial and, in this context, referred to the Vision of WIPO as approved by WIPO Member States, according to which all aspects of intellectual property should be used as a tool for development.

60. In summarizing the discussion that had taken place so far, the Chair stated that, in addition to the revision of document SCT/6/3 in the light of the comments made by a number of delegations on certain points, there appeared to be a number of issues which could be covered by an extension of the same document. Among them were questions relating to the definition of the subject matter, means of obtaining protection for geographical indications in their country of origin, means for obtaining protection for geographical indications abroad, generic terms, conflicts between geographical indications and trademarks, and homonymous geographical indications.

61. The Delegation of the European Communities endorsed the above summary by the Chair.

62. The Delegation of Australia suggested that the continuation of the work of the SCT could be based on a revision of document SCT/6/3, supplemented by an addendum to that document. The draft revised document and the addendum should be made available on the SCT electronic forum for comments. The Delegation pointed out that it saw its proposal as a compromise that would allow the work of the SCT on geographical indications to continue. However, it said that it would be firmly opposed to any further revision of document SCT/

63. The Delegation of New Zealand supported the earlier interventions made by the Delegation of Australia with respect to the fact that more work needed to be done in relation to geographical indications before any decisions could be made. The Delegation also stated that the ordinary session of the Standing Committee was the appropriate place to discuss these issues as opposed to the special sessions.

64. The Chair concluded that there was an agreement that the International Bureau should, in preparation for discussion at the eighth session of the Standing Committee, revise document SCT/6/3 according to the comments made by delegations on that paper during the seventh session, and to supplement the revised document SCT/6/3 with an addendum dealing with the following non-exhaustive list of issues: definition of geographical indications, protection of geographical indications in their country of origin, protection of geographical indications abroad, generic terms, conflicts between geographical indications and trademarks, and homonymous geographical indications.

Agenda item 5: Issues to be considered by the Standing Committee: Trademarks

65. The Secretariat referred to the suggestion made at the second session, first part of the SCT (March 1999), when opting for the progressive development of international intellectual property law, to monitor the implementation of the Joint Recommendations adopted by the WIPO Assemblies. Such an update could be broadened to include an overview on recent national developments in the field of trademarks. Strictly on a voluntary basis and for information purposes, this could be useful to the Members of the SCT, intergovernmental and non-governmental organizations who wished to share experiences or information on trademark practices.

66. The Delegation of the United States of America expressed its support for the proposal, which fits perfectly with the purpose of the work of the SCT, and welcomed the opportunity to share information on its national developments with other delegations.

67. The Delegation of Spain informed the Committee on the new trademark law, already debated in the Parliament and awaiting formal approval. The new trademark law will enter into force on August 1, 2002, the date on which the reservation expressed by Spain on the Trademark Law Treaty (TLT) will have expired. The new law will introduce a multiclass system, a simplified examination procedure (absolute and relative grounds with opposition procedure) and the division of applications and registrations. Inspired by the relevant WIPO Joint Recommendation, the new law also contained provision on well-known marks, which provided for protection of well-known marks, offamous marks, and marks against abusive uses as Internet domain names.

68. The Delegation of Sweden said that a committee had been set up in its country to revise the Trademark Act and the Business Names Act. The Committee would coordinate with Finland and Norway, which were also revising their trademark legislation, in order to come up with harmonized laws in the field of trademarks within the Nordic countries. The draft proposal, currently with the Swedish Ministry of Justice would be, in principle, presented to the Parliament at the end of 2002.

69. The Delegation of the Russian Federation said that the discussions, which took place within the SCT, and the texts of the WIPO Joint Recommendations were of great assistance to

its Industrial Property Office in the preparation of the new draft law. The SCT work was also very useful to help the judicial authorities in their determinations, such as for example, what constituted infringement of trademark rights on the Internet. After being discussed by its different political groups, the Parliament will start in principle its first reading of the draft law in December. The draft law will, in the context of the accession of the Russian Federation to the World Trade Organization (WTO), bring the Russian legislation in line with the TRIPS Agreement in two fields: protection of well-known marks and geographical indications. With regard to the protection of well-known marks, the draft provisions stated that in specific circumstances, the legal protection of well-known marks would be extended to cover non-similar goods and sometimes went further than the TRIPS Agreement. Since protection of well-known marks was quite recent in the Russian Federation, only 20 marks have been given this status. In this respect, the Delegation stated that the exchange of opinions and information was always a useful exercise and welcomed the opportunity given at the SCT to share its experience with others delegations, particularly with regard to the extension of protection of well-known marks to other goods. This had been particularly true of the discussions on the Joint Recommendation Concerning Provisions on the Protection of Well-Known Marks which has been of great assistance in the preparation of the special rules and regulation on the recognition of well-known marks. The Delegation added that the new trademark law was encompassing provisions, in line with the Trademark Law Treaty (TLT), such as the division of application and registration, the indications and elements required for establishing the filing date. The new trademark law also contained provisions dealing with preliminary rejections, and harmonizing the legislation with the Madrid Agreement and Protocol. The Delegations said that it would welcome sharing practical experiences relating to non-traditional trademarks with other delegations.

70. The Delegation of the United States of America gave an update on the status of the Madrid legislation in the United States Congress. The House of Representatives and the Senate had introduced the legislation implementing the Madrid Protocol in March 2001. Although the resolution of advice and consent was reported favorably by the Senate Foreign Relations Committee on November 15, 2001, both resolution and the draft implementing legislation were still pending in the Senate. Moreover, in order to be adequately fulfilling its obligations under the Madrid Protocol, it was expected that the USPTO would begin to process international applications a year after the implementing legislation had been passed. As far as the Trademark Law Treaty (TLT) was concerned, since its implementation on October 30, 2001, not only the Office experienced no problems, but also customers had noticed a great simplification of the procedure they had to follow. Considering the advantages brought in by the TLT, the Delegation advocated the countries which had not implemented this Treaty to do so.

71. The Delegation of Senegal presented the experience of its country as a member of the African Intellectual Property Organization (OAPI) which, under the Bangui Agreement, bound 16 countries and provided, through a single procedure, protection for the IP rights in these 16 countries. The Bangui Agreement was revised in 1999 to bring the legislation of OAPI Member States, all Members of the WTO, in conformity with the TRIPS Agreement. It is to be noted that, although some of the OAPI Member States could have, at least -developed countries, applied the extended period of implementation provided for by Article 66 of the TRIPS Agreement, all the OAPI Members have revised their legislation and 10 of them have already ratified the revised Bangui Agreement. Eighty percent of the trademark applications came from outside of the OAPI, mainly from the European Communities and the United States of America. The revised Bangui Agreement takes into account the Madrid Protocol,

the Trademark Law Treaty (TLT) and the protection of well-known marks. The Delegation stressed a problem, rather specific to the OAPI system, relating to the filing of one application in a national language, and not in one of the two official languages, English or French. In such a case, it was up to the State where the right was protected to take the necessary administrative measures to verify whether the application was in conformity with the rules of OAPI.

72. The Delegation of China informed the Committee that a new trademark law had been promulgated on December 1, 2001, to comply with the TRIPS Agreement. This new law allowed natural persons to file an application, and introduced three-dimensional marks, color trademarks, provisions on well-known marks, including bad faith, prolongation of the application process and of the limitation period. This legislation will be soon available in electronic form on the Internet. The Delegation said that it looked forward to get updated information on trademark matters from other delegations, which could contribute to the sharing of experiences.

73. The Delegation of the United Kingdom indicated that the decision taken by the European Court of Justice constitute a good interpretation of European trademark law, particularly with regard to non-traditional marks. Opinions and decisions of the Court could be consulted on the European Court of Justice website.

74. The Delegation of Australia said that the experience of its country with the TLT was identical to the United States of America. Australian businesses greatly appreciated the simplifications brought by the procedures and considered that the implementation of the TLT had given them considerable benefits. With regard to the Madrid Protocol, implemented in September 2001, Australia expected an increase of applications, which would balance the decrease of national applications which most of the IP offices experienced. This decrease trend would also contribute to the reduction of the backlog, from three months to two weeks in June 2002. A review of the legislation had also been initiated on the basis of judicial decisions, with regard to the principle of presumption of registrability, calculation of dates, the possibility for the Registrar to cancel a registration under certain circumstances, such as a manifest error of the Office, measures to improve efficiency in the processing of applications, further streamlining the electronic filing. The implementation of the provisions of the WIPO Joint Recommendations would also be considered. An intensive process of consultation with the private sector would be handled during the next six months and might be concluded by mid-2003 with the adoption of a revised trademark law.

75. The Delegation of Singapore congratulated the Committee for sharing information on the recent developments in the field of trademarks in different parts of the world. This constituted an educational exercise for those countries, which were in the process of changing legislation. The Delegation gave an update on the recent achievements of the ASEAN Working Group on intellectual property, which had worked out a common trademark application form for the 10 countries of the ASEAN region. 90% of the present filing requirements in the ASEAN countries were similar. The APEC Group on intellectual property was for its part preparing a sort of reference tool relating to trademark applications in the 21 APEC countries, aiming at the identification of all the areas harmonized and those which need to be harmonized in the field of trademarks. This tool took into account the differences of approaches regarding electronic filing and tried to conciliate, at least for some time, paper-based filing systems and electronic filing systems.

76. The Delegation of The Netherlands said that a revised legislation on trademarks, introducing an opposition procedure, was expected to enter into force on January 1, 2004. Such a delay was justified by the fact that the legislation on trademarks and on industrial designs was organized at the Benelux level, which implies three parliamentary procedures. The Benelux countries were also working on merging the Benelux law on marks and the Benelux law on industrial designs in one single Benelux legislation.
77. The Delegation of Romania informed the Committee about its trademark law, which complied with the TRIPS Agreement and the ECD Directive. The law designated as trademarks all signs likely to be graphically represented, addressed collective marks and certification marks, and provided for protection of geographical indications. The law also gave protection to well-known marks in accordance with the provisions of the TRIPS Agreement and also respected the criteria established by the WIPO Joint Recommendation. The examination procedures were similar to the provisions which were included in EC Regulations, (i.e., relative motives in addition to absolute ones) and the time taken for the examination was normally one year. The law did provide for penalties if there was a failure to use the trademark for a period of five years of registration. As far as future work was concerned, Romania is considering the issue of electronic filing and other issues such as, for example, conflicts between trademarks and domain names.
78. The Delegation of New Zealand said that a new Trademarks Bill was in the relevant Committee in the Parliament and had received substantial public comments. The new Bill was based on the Singapore Act, the UK Act and the New Zealand old legislation. The new Bill will introduce full examination on absolute and relative grounds for refusal, a mechanism to allow for multi-class filing of applications, merging and dividing of trademark applications, and a 10-year renewal period. These amendments will pave the way to the accession to the Madrid Protocol. The Bill would also introduce a significant change in the appointment by the Commissioner of an Advisory Committee to provide advice in relation to trademarks incorporating Maori words or images. The new Bill might be passed during next year. On an administrative level, an electronic renewal process and an online trademark filings system was being developed, as provided for in the new Bill.
79. The Delegation of Norway stated that the time schedule relating to the implementation of the proposed new Swedish Trademark Act, as expressed by the Delegation of Sweden, also applied to the Norwegian implementation process.
80. The Delegation of Australia, in reply to a question from the delegation of Ukraine, said that the IPO Office of Australia received about 70 000 multi-class applications per year. One hundred examiners examined both absolute and relative grounds in an average of 45 minutes for each application. Fifty percent of the applicants were SMEs and were rarely represented by agents. The aim of the IPO Office was to respond as quickly as possible, over the counter if possible, to the trademark applicants in order to avoid delays in their business decision making. The examination procedure included both absolute and relative grounds of refusal, the raising of objections if there were prior rights, a three-month opposition period, and a mechanism according to which registration would not take effect until six months after filing. Applicants were therefore given advice about basic registrability issues as well as about the likelihood of their application being a subsequent application with an earlier priority date.
81. The Delegation of Kenya briefed the Committee on the industrial property law recently passed which will give a semi-autonomy to the IPO office. The new law was not yet in force

and awaited its publication in the Gazette. New draft Bills on geographical indications and appellations of origin, on industrial designs and on trade secrets had also been adopted.

82. The Delegation of Malaysia said that the Trademark Law, revised in June 2000, had among others abolished the division of the register into Part A and B, and introduced a protection of well-known marks.

83. The Delegation of Brazil stated that the trademark law provided for the registration of collective marks, certification marks, three-dimensional marks, and also geographical indications. Brazil was currently considering electronic filing and acceding to the Madrid Protocol.

84. The Delegation of Japan informed the Committee that its country started operations under the Madrid Protocol on March 2000, and that online filing had been possible since the year 2000.

85. The Delegation of the Republic of Korea said that, in the perspective of acceding to the Madrid Protocol and the TLT, the law was amended in February 2001. It was expected that accession to the TLT would be done in the first semester of 2002 and to the Madrid Protocol during the second part of 2002. Considering the need to update the TLT with regard to electronic filing, the Delegation encouraged the SCT to discuss this issue in the future.

Agenda item 6: Future Work

86. The Delegation of the United States of America declared that by order of priority, the following issues should be dealt with by the SCT: harmonization of trademark laws relating to non-traditional marks, revision of the Trademark Law Treaty (TLT), review of the relevant trademark provisions of the Paris Convention and relationship between trade dress and figurative marks.

87. The Delegation of Switzerland said that the revision of the TLT should have priority, particularly with regard to the introduction of provisions relating to electronic filing. Technology developments as well as the implementation of electronic filing procedures by various countries, including Switzerland, made the conditions favorable for such an introduction. In addition, provisions dealing with the limitation of mandatory representation and relief in respect of time limits should also be envisaged. As a second priority, the Delegations suggested to deal with new types of marks and to envisage a harmonization of legislations in that respect. Harmonization of laws relating to industrial designs was also an idea that could be investigated.

88. The Delegation of the European Communities suggested that furthering the harmonization of formalities was required as well as substantive harmonization of trademark law.

89. The Delegation of Australia declared that the revision of the TLT should be given priority before considering a broader harmonization of substantive trademark law. The Delegation stressed the importance for the SCT to monitor the national implementation of the WIPO Joint Recommendations and to continue in the future the informative round table on recent national developments in the field of trademarks. The relationship between trademarks

and other intellectual property rights, for example, the link between three-dimensional marks and industrial designs or between trademarks and copyright, should also be addressed, possibly within the discussion on substantive harmonization of trademark law.

90. The Delegation of Turkey said that its country was in the process of introducing electronic filing and therefore considered the revision of the TLT as a priority.

91. The Secretariat summarized the comments made by the delegations and proposed that a document be prepared for the next session, giving a preliminary indication of the formal and substantive matters which could be discussed in the field of trademarks. Such a document could include the following issues: further harmonization of formalities in the field of marks, which will include a revision of the TLT and, in particular, the creation of an Assembly, the introduction of electronic filing provisions, the adding of provisions on trademark licences, the extension of the scope of application to three-dimensional marks, the limitation of mandatory representation, relief in respect of formal mistakes and relief in respect of time limits. The initiation of work on harmonization of substantive trademark law could deal with the following issues: definition of registrable signs, in particular with regard to non-traditional signs such as sound marks, smell marks, three-dimensional marks and slogans; trademark administration issues, such as expeditious processing of applications, maintenance of a system of opposition to registration, harmonization of examination procedures; grounds for refusal or invalidity of a trademark and the creation of an exhaustive list of absolute grounds for refusing registration, such as absence of distinctive character, descriptive or generic signs, signs contrary to morality or public order, signs contrary to Article 6ter and disparaging signs; conflicts with earlier rights, such as other marks, well-known marks, trade names, industrial designs, copyright, geographical indications, rules of unfair competition, domain names or personal name; compromise procedures, or circumstances for compromise, relating to earlier rights; rights conferred by registration; enforcement.

92. The SCT agreed that future work should be dedicated to harmonization of laws for the protection of marks, along the lines of the presentation of topics made above by the Secretariat, and the continuation of the work on geographical indications.

93. The SCT agreed that its eighth session would tentatively be held from May 27 to 31, 2002, in Geneva, and would last for five full working days.

Agenda item 7: Brief Summary by the Chair

94. The SCT adopted the draft Summary by the Chair (document SCT/7/3 Prov.) incorporating one modification.

Agenda item 8: Closing of the Session

95. The Chair closed the seventh session of the Standing Committee.

[Annex follows]

ANNEXE/ANNEX

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS

I. MEMBRES/MEMBERS

(dans l'ordre alphabétique des noms français des États)
(in the alphabetical order of the names in French of the States)

ALBANIE/ALBANIA

Spartak BOZO, Director General, Albanian Patent and Trademark Office, Tirana

ALGÉRIE/ALGERIA

Nor-Eddine BENFREHA, conseiller, Mission permanente, Genève

ALLEMAGNE/GERMANY

Helga KOBER -DEHM (Mrs.), Senior Trademark Examiner, German Patent and Trademark Office, Munich

Stefan GÖHRE, Judge, Federal Ministry of Justice, Berlin

ARGENTINE/ARGENTINA

Marta GABRIELONI (Sra.), Consejera, Misión Permanente, Ginebra

AUSTRALIE/AUSTRALIA

Michael ARBLASTER, Deputy Registrar of Trademarks, IP Australia, Woden ACT

Kim REICHEL (Ms.), Assistant Director, Business Development, Trade Marks Office, IP Australia, Woden ACT

Dara WILLIAMS (Ms.), Second Secretary, Permanent Mission of Australia to the World Trade Organization, Geneva

AUTRICHE/AUSTRIA

Robert ULLRICH, Head of Department, Austrian Patent Office, Vienna

BÉLARUS/BELARUS

Eugeny ZINKEVICH, chef de la Division des marques, Comité d'État des brevets, Minsk

Irina EGOROVA (Mrs.), First Secretary, Permanent Mission, Geneva

BELGIQUE/BELGIUM

Monique PETIT (Mme), conseillère -adjointe, Office de la propriété industrielle, Ministère des affaires économiques, Bruxelles

Simon LEGRAND, premier secrétaire, Mission permanente, Genève

BRÉSIL/BRAZIL

Maria Elizabeth BROXADO (Mrs.), Director of Trade marks, National Institute of Industrial Property, Rio de Janeiro

Francisco Pessanha CANNABRAVA, Secretary, Permanent Mission, Geneva

BULGARIE/BULGARIA

Dimitar GANTCHEV, Minister Plenipotentiary, Deputy Permanent Representative, Permanent Mission, Geneva

CAMBODGE/CAMBODIA

Ly PHANNA, Director, Intellectual Property Division, Ministry of Commerce, Phnom Penh

CANADA

Albert CLOUTIER, Senior Project Leader, Department of Industry, Ottawa

Edith ST -HILAIRE (Ms.), Senior Policy Analyst, Department of Foreign Affairs and International Trade, Ottawa

Cameron MACKAY, First Secretary, Permanent Mission, Geneva

CHILI/CHILE

José Pablo MONSALVEMANRIQUEZ, Jefe, Departamento de Propiedad Industrial,
Santiago

CHINE/CHINA

Yan ZOU (Mrs.), Deputy Director, General Affairs Division, Trademark Office, State
Administration for Industry and Commerce, Beijing

COLOMBIE/COLOMBIA

Luis Gerardo GUZMAN VALENCIA, Ministro Consejero, Misión Permanente, Ginebra

COSTARICA

Alejandro SOLANO ORTIZ, Ministro Consejero, Misión Permanente, Ginebra

CÔTE D'IVOIRE

Assoum KINDJA, sous -directeur, responsable du Département de la protection et du
contentieux à l'Office ivoirien de la propriété industrielle, Abidjan

DANEMARK/DENMARK

Mikael Francke RAVN, Special Legal Advisor, Danish Patent and Trademark Office,
Taastrup

Henriette RASCH (Mrs.), Head of Division, Danish Patent and Trademark Office, Taastrup

ÉGYPTE/EGYPT

Ahmed ABDELLATIF, Third Secretary, Permanent Mission, Geneva

ESPAGNE/SPAIN

Maria Teresa YESTELÓPEZ (Sra.), Jefe de la Unidad de Recursos, Oficina Española de
Patentes y Marcas, Madrid

Ana PAREDES PRIETO (Sra), Consejera, Misión Permanente, Ginebra

ESTONIE/ESTONIA

Ingrid MATSINA (Ms.), Deputy Head, Trademark Department, The Estonian Patent Office, Tallinn

ÉTATS-UNIS D'AMÉRIQUE/UNITED STATES OF AMERICA

Eleanor MELTZER (Ms.), Attorney - Advisor, Patent and Trademark Office, Department of Commerce, Arlington, Virginia

Sharon MARSH (Ms.), Administrator for Trademark Policy and Procedure, Office of the Commissioner for Trademarks, Department of Commerce, Arlington, Virginia

Sara J. SCHWARTZ (Mrs.), International Economist, Foreign Agricultural Service, United States Department of Agriculture, Arlington, Virginia

Dominic KEATING, Intellectual Property Attaché, Permanent Mission, Geneva

Michael A. MEIGS, Counsellor (Economic Affairs), Permanent Mission, Geneva

Jean-Paul EBE, Second Secretary, Permanent Mission, Geneva

FÉDÉRATION DE RUSSIE/RUSSIAN FEDERATION

Valentina ORLOVA (Ms.), Deputy Director of International Cooperation Department, Russian Agency for Patents and Trademarks, Moscow

Liubov KIRIY (Mrs.), Acting Head of Division, Federal Institute of Industrial Property, Russian Agency for Patents and Trademarks, Moscow

Anastassia MOLTCHANOVA (Ms.), Senior Expert, International Cooperation Department, Russian Agency for Patents and Trademarks, Moscow

FINLANDE/FINLAND

Hilkka Tellervu NIEMIVUO (Mrs.), Deputy Head, Trademarks Division, National Board of Patents and Registration, Helsinki

FRANCE

Agnès MARCADÉ (Mme), chef du Service du droit international et communautaire, Institut national de la propriété industrielle, Paris

Marianne CANTET (Mme), chargée de mission auprès du Service du droit international et communautaire, Paris

GHANA

Joseph TA MAKLOE, Principal State Attorney, Registrar - General's Department, Accra

GUATEMALA

Javier Enrique GUZMANULLOA, Director General, Registro de la Propiedad Intelectual, Ciudad de Guatemala

Andrés WYLD, Primer Secretario, Misión Permanente, Ginebra

HONDURAS

Camilo Zaglul BENDECK PEREZ, Director General de Propiedad Intelectual, Secretaría de Industria y Comercio, Tegucigalpa

Karen P. CISROSALES (Sra.), Segunda Secretaria, Misión Permanente, Ginebra

HONGRIE/HUNGARY

Péter CSIKY, Head, Legal Section, Hungarian Patent Office, Budapest

Gyula SOROSI, Head, National Trademark Section, Hungarian Patent Office, Budapest

INDE/INDIA

Homai SAHA (Mrs.), Minister (Economic), Permanent Mission, Geneva

INDONÉSIE/INDONESIA

Dewi KUSUMA ASTUT (Miss), First Secretary, Permanent Mission, Geneva

IRLANDE/IRELAND

Colm TREANOR, Assistant Principal, Intellectual Property Unit, Department of Enterprises, Trade and Employment, Dublin

JAPON/JAPAN

Masami MORIYOSHI, Director of Trademark Examination, Trademark Division, Trademark, Design and Administrative Affairs Department, Patent Office, Tokyo

Koji TAKAHASHI, Senior Unit Chief, Trademark Division, Trademark, Design and Administrative Affairs Department, Patent Office, Tokyo

Takahiro MOCHIZUKI, Senior Unit Chief, Multilateral Trade System Department, Trade Policy Bureau, Ministry of Economy, Trade and Industry, Patent Office, Tokyo

Takashi YAMASHITA, First Secretary, Permanent Mission, Geneva

JORDANIE/JORDAN

Samer AL -TARAWNEH, Director, Industrial Property Protection Directorate, Amman

KENYA

Geoffrey Muchai RAMBA, Trademarks Examiner, Industrial Property Office, Nairobi

KIRGHIZISTAN/KYRGYZSTAN

Askarbeck BEDELBAEV, Vice -Director, State Agency of Science and Intellectual Property and Director of Examination Center (Kyrgyz patent), Bishkek

LETONIE/LATVIA

Dace LIBERTE (Miss), Head of Trademarks and Industrial Designs Department, Patent Office, Riga

Martin PAVELSONS, Third Secretary, Permanent Mission, Geneva

LIBAN/LEBANON

Hanaa JOUMAA (Ms.), Administrator, Intellectual Property Protection Office, Ministry of Economy and Trade, Beirut

LITUANIE/LITHUANIA

Juozas Algirdas STULPINAS, Head, Division of Trademarks and Industrial Design, State Patent Bureau, Vilnius

MADAGASCAR

Olgatte ABDOU (Mme), premier secrétaire, Mission permanente, Genève

MALAISIE/MALAYSIA

Siti Eaisah MOHAMAD (Mrs.), Senior Assistant Registrar of Trademarks, Intellectual Property Division, Ministry of Domestic Trade and Consumer Affairs, Kuala Lumpur

Raja Reza RAJAZAIB SHAH, Second Secretary, Permanent Mission, Geneva

Lai Peng YAP (Ms.), Counsellor, Permanent Mission, Geneva

MAROC/MOROCCO

Khalid SEBTI, premier secrétaire, Mission permanente, Genève

MEXIQUE/MEXICO

José Alberto MONJARAS OSORIO, Jefe de Departamento de Conservación de Derechos, Dirección Divisional de Marcas, Instituto de la Propiedad Industrial, México D.F.

Eduardo ESCOEDO, Secretaría de Economía, Misión Permanente de México ante la Organización Mundial del Comercio, Ginebra

Karla Tatiana ORNELAS LOERA (Srta.), Tercera Secretaria, Misión Permanente, Ginebra

NORVÈGE/NORWAY

Debbie RØNNING (Miss), Head, Industrial Property Law Section, Norwegian Patent Office, Oslo

Solrun DOLVA (Mrs.), Head of Section, National Trademarks, Norwegian Patent Office, Oslo

Oluf GRYTTING WIE, Senior Executive Officer, Norwegian Patent Office, Oslo

NOUVELLE-ZÉLANDE/NEWZEALAND

SimonPatrickGALLAGHER, TeamLeader, TradeMarks, IntellectualPropertyOffice,
LowerHutt

PAKISTAN

MuieebKHAN, CommercialSecretary, PermanentMissi on, Geneva

PANAMA

LiliaCARRERA(Mrs.), AnalistadeComerciaExterior, RepresentantePermanenteantela
OrganizaciónMundialdelComercio(OMC), Ginebra

PARAGUAY

JuanDamiánAYALARUIZDIAZ, ExaminadordeMarcasyAsistentedelJefedelaSección
de Marcas, Direcciónde la PropiedadIndustrial, MinisteriodeIndustriayComercio,
Asunción

PAYS-BAS/NETHERLANDS

NicoleHAGEMANS(Ms.), AdvisoronIndustrialProperty, MinistryofEconomicAffairs,
TheHague

AdrianaPieternellaVANROODEN(Mrs.), Legal Advisor, IndustrialPropertyOffice, The
Hague

PORTUGAL

JoséSérgioDECALHEIROSDAGAMA, conseillerjuridique, Missionpermanente, Genève

RÉPUBLIQUE DE CORÉE/REPUBLIC OF KOREA

Joo-Yun PARK, Trademark Examiner, Korean Industrial Property Office (KIPO), Taejeon Metropolitan City

Jae Hong KO, Deputy Director, Korean Industrial Property Office (KIPO), Taejeon Metropolitan City

Ki Beom KIM, Deputy Director, Trademark and Design Policy Planning Division, Korean Industrial Property Office, Taejeon

Jae-Hyun AHN, First Secretary, Permanent Mission, Geneva

RÉPUBLIQUE TCHÈQUE/CZECH REPUBLIC

Eva TESAŘOVÁ (Mrs.), Head, Trade Mark Section II, Industrial Property Office, Prague

Petra ŠIMOVÁ (Mrs.), Trademarks Examiner, Industrial Property Office, Prague

ROUMANIE/ROMANIA

Constanta Cornelia MORARU (Mme), chef du service juridique, Coopération internationale, Office de l'État pour les inventions et les marques, Bucarest

Alice-Mihaela POSTĂVARU (Ms.), chef du Bureau des affaires juridiques, Office de l'État pour les inventions et les marques, Bucarest

ROYAUME-UNI/UNITED KINGDOM

Jeff David WATSON, Senior Policy Advisor, The Patent Office, Newport

David MORGAN, The Patent Office, Newport

SÉNÉGAL/SENEGAL

Doudou SAGNA, chef du Service de la propriété industrielle et de la technologie, Ministère de l'artisanat et de l'industrie, Dakar

SINGAPOUR/SINGAPORE

Sivakant TIWARI, Senior State Counsel and Head of International Affairs Division, Attorney-General's Chambers, Singapore

SOUDAN/SUDAN

AhmedALFAKIALI,CommercialRegistrarGeneralofIntellectualProperty,Ministryof
Justice,Khartoum

SRILAN KA

GothamiINDIKADAHENA(Mrs.),Counsellor,PermanentMission,Geneva

SUÈDE/SWEDEN

PerCARLSON,Judge,CourtofPatentAppeals,MinistryofJustice,Stockholm

MagnusAHLGREN,DeputyHead,TrademarkDepartment,SwedishPatentandRegistration
Office,MinistryofJustice,Stockholm

LenaGÖRANSSONNORRSJÖ(Mrs.),LegalOfficer,SwedishPatentandRegistration
Office,MinistryofJustice,Stockholm

SUISSE/SWITZERLAND

AlexandraGRAZIOLI(Mme),conseillèrejuridique,Divisiondroitetaffairesinternationales,
Institutféderaldelapropriétéintellectuelle,Berne

MichèleBURNIER(Ms.),conseillèrejuridique,Institutféderaldelapropriétéintellectuelle,
Berne

TUNISIE/TUNISIA

MounirBENREJIBA,premiersecrétaire,Missionpermanente,Genève

TURQUIE/TURKEY

MustafaDALKIRAN,TrademarkExaminer,TurkishPatentInstitute,Ankara

UKRAINE

Lyudmyla MENYAYLO (Ms.), Head, Registration and Intellectual Property Economics Division, State Department of Intellectual Property, Kyiv

Viktoriya LITVINOVA (Ms.), Deputy Head, Examination of Application for Trademarks and Services Division, State Department of Intellectual Property, Kyiv

Iryna SEVRYUK (Ms.), Deputy Head, Industrial Property Division, State Department of Intellectual Property, Kyiv

URUGUAY

Alejandra DEBELLIS (Srta.), Segundo Secretario, Misión Permanente, Ginebra

ZIMBABWE

David MANGOTA, Permanent Secretary, Ministry of Justice, Legal and Parliamentary Affairs, Harare

COMMUNAUTÉ EUROPÉENNES (CE) */EUROPEAN COMMUNITIES (EC) *

Detlef SCHENN EN, Head, Legislation and International Legal Affairs Service, Office for Harmonization in the Internal Market (Trade Marks and Designs), Alicante

Antonio BERENGUER REGUANT, Administrator, Brussels

Susana PÉREZ -FERRERAS (Mme), fonctionnaire, Bruxelles

Roger KAMPF, premier secrétaire, Délégation permanente, Genève

* Sur une décision du Comité permanent, les Communautés européennes ont obtenu le statut de membres sans droit de vote.

* Based on a decision of the Standing Committee, the European Communities were accorded member status without a right to vote.

II. ORGANISATIONSINTERGOUVERNEMENTALES/
INTERGOVERNMENTALORGANIZATIONS

ORGANISATIONMONDIALEDUCOMMERCE(OMC)/WORLDTRADE
ORGANIZATION(WTO)

MatthijsGEUZE,Counsellor,SecretaryTRIP SCouncil,IntellectualPropertyDivision,
Geneva

BUREAUBENELUXDESMARQUES(BBM)/BENELUXTRADEMARKOFFICE
(BBM)

EdmondLéonSIMON,directeuradjoint,LaHaye

III. ORGANISATIONSNONGOUVERNEMENTALES/
NON-GOVERNMENTALORGANIZATIONS

Associationcommu nautairedudroitdesmarques(ECTA)/EuropeanCommunitiesTrade
MarkAssociation(ECTA)

DorisBANDINABAD(Mrs.)(Secretary,LawCommittee,Madrid)

Associationinternationaledesjuristesdudroitdelavigneetduvin(AIDV)/International
WineLawAssoci ation(AIDV)

DouglasD.REICHERT(Geneva)

Associationinternationalepourlesmarques(INTA)/InternationalTrademarkAssociation
(INTA)

BruceJ.MACPHERSON(Director –ExternalRelations,NewYork)

Associationinternationalepouurlaprotectiondelaprop riétéindustrielle(AIPPI)/International
AssociationfortheProtectionofIndustrialProperty(AIPPI)

DariuszSZLEPER(assistantdurapporteurgénéral,Paris)

Associationdespropriétaireseuropéensdemarquesdecommerce(MARQUES)/Association
ofEuropea nTrademarkOwners(MARQUES)

KnudWALLBERG(ChairmanWIPOCommittee,Sandel,Løje&Wallberg,Copenhagen)

Centred'étudesinternationalesdelapropriétéindustrielle(CEIPI)/CentreforInternational
IndustrialPropertyStudies(CEIPI)

FrançoisCURCHOD(p rofesseurassocié,UniversitéRobertSchuman,Strasbourg)

Fédération internationale des conseils en propriété industrielle (FICPI)/International
Federation of Industrial Property Attorneys (FICPI)

Jean-Marie BOURGOGNON (Member of Group 1, Trademarks, Study and Work
Commission/Commission d'étude et de travail, Paris)

Fédération internationale des vins et spiritueux (FIVS)/International Federation of Wines and
Spirits (FIVS)

Robert KALIK (Special Counsel to the President, Washington, D.C.)

Internet Society (ISOC)

Rosa DELGADO (Mrs.) (Trustee of ISOC International)

IV. BUREAU/OFFICERS

Présidente/Chair: Debbie RØNNING (Ms.) (Norvège/Norway)

Vice-présidents/Vice-Chairs: María Teresa YESTELÓPEZ (Sra.) (Espagne/Spain)

Secrétaire/Secretary: Marcus HÖP PERGER (OMPI/WIPO)

V. BUREAU INTERNATIONAL DE L'ORGANISATION MONDIALE
DE LA PROPRIÉTÉ INTELLECTUELLE (OMPI)/
INTERNATIONAL BUREAU OF THE
WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Shozo UEMURA, vice -directeur général/Deputy Director General

Joëlle ROGÉ (Mme/Mrs.), directrice -conseillère/Director-Counsellor, Secteur des systèmes
mondiaux de protection et du développement progressif du droit des marques, des dessins et
modèles industriels et des indications géographiques/ Sector of Global Protection Systems and
Progressive Development of Law in the Field of Trademarks, Industrial Designs and
Geographical Indications

Division du droit de la propriété industrielle/Industrial Property Law Division:

Denis CROZE (chef, Section du droit des marques/Head , Trademark Law Section);

Marcus HÖPPERGER (chef, Section des indications géographiques et des projets
spéciaux/Head, Geographical Indications and Special Projects Section)