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MEETING : FICPI ExCo - Sydney

MEETING DATE : April 13-17, 2008

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SUBJECT: Report for the WIPO meeting of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications Eighteenth Session from November 12-16, 2007

PURPOSE: Information

TABLED TO: All Attendees



**STANDING COMMITTEE ON THE LAW OF TRADEMARKS, INDUSTRIAL DESIGNS AND
GEOGRAPHICAL INDICATIONS**

Geneva, November 12 – 16, 2007

The Eighteenth Session took place in Geneva from 12 to 16 November 2007.

Mr. Ernesto Rubio, Assistant Director General of the WIPO, opened the session and welcomed the participants on behalf of the Director General of the WIPO.

Mr. Marcus Höpperger (WIPO) acted as Secretary to the Standing Committee.

Mr. Michel Arblaster, representative of the Australian Patent Office, acted as Chair of the Standing Committee on the law of trademarks, industrial designs and geographical indications (SCT).

1. – ADOPTION OF THE AGENDA

The SCT adopted the draft agenda (document SCT 18/1 Prov.) with one modification as suggested by the delegation of New Zealand, namely the addition of a new agenda item 7 entitled “Future work”.

2. – ADOPTION OF THE DRAFT REPORT OF THE SEVENTEENTH SESSION

The SCT adopted the draft report of the Seventeenth Session (document SCT/17/8 Prov.) with modifications as requested by the delegations of France, Romania, United Kingdom, the representatives of the European Community and the International Trademark Association (INTA).

3. - AGENDA ITEM 4 : TRADEMARKS

A. Methods of representation and description of non-traditional marks

The SCT requested the Secretariat to prepare a new document for the 19th Session in relation to methods of representation and description of non-traditional marks.

The document would identify possible areas of convergence, based on documents SCT 17/2 and SCT 18/2 and the report of the current session. In particular, the document would focus on those areas where there has been widespread experience and which have not been addressed comprehensively in the Singapore Treaty on the law of trademarks.

B. Relation of established trademark principles to non-traditional marks

The SCT noted the contents of document SCT 17/3 and agreed that it provided a useful overview. The Chair noted that no further work was requested in this area.

C. Trademark opposition procedures

The SCT requested the Secretariat to finalize document SCT 18/3 Prov. on the basis of the report of the current session. Furthermore, the SCT requested the Secretariat to prepare a new working document for discussion at the 19th Session, reflecting possible areas of convergence in the field of trademark opposition procedures, taking into account administrative cancellation procedures.

D. Trademarks and their relation with literary and artistic works

The SCT noted the contents of document SCT 18/4 and agreed that it provided a useful overview. The Chair noted that no further work was requested in the area.

E. Article 6ter of the Paris Convention

The SCT noted the contents of document SCT 18/5 without particular comments.

F. International non proprietary names for pharmaceutical substances (INNs)

The SCT requested the Secretariat to invite the World Health Organization (WHO) Secretariat to make a presentation to the SCT at its next session concerning the application of the relevant WHO resolutions relating to the non-appropriation of proposed and recommended INNs.

4. - AGENDA ITEM 5 : INDUSTRIAL DESIGNS

. Questionnaire relating to formalities of Industrial Design Registration (Part II).

The discussion was based on document SCT 18/8.

Following an extended exchange of views, the SCT requested the Secretariat to modify the questionnaire according to the proposals made by members of the Committee.

A revised questionnaire would be distributed by the Secretariat to members by mid-December 2007. Replies to the questionnaire should be provided to the Secretariat by the end of January 2008.

With regard to the first questionnaire, the Secretariat indicated that no modification of the questions would be accepted.

5. - AGENDA ITEM 6: GEOGRAPHICAL INDICATIONS

The Chair noted that there were no working documents or proposals for discussion at this meeting.

6. - AGENDA ITEM 7: FUTURE WORK

The Chair noted that several delegations had made proposals for future work of the SCT and that this would be recorded in the report. He concluded that the 19th Session would continue work on non-traditional marks, trademark opposition

procedures, industrial designs and INNs in accordance with the outcomes of the present session.

In addition, the Secretariat was requested to prepare a working document on procedural aspects of communications under article 6ter of the Paris Convention.

Furthermore, the Secretariat noted that proposals were made for additional future work relating to the examination of traditional marks and technical aspects relating to the registration of certification marks to be tentatively taken up at later sessions of the SCT.

Remarks:

- a) Geographical indications would continue to be a standing item on the agenda.
- b) The 19th Session of the SCT will take place from June 2 to 6, 2008.