



DATE: 23 May 2007

REF.: EXCO/NL07/CET/1103

WORKING DOCUMENT

MEETING: EXCO Meeting in Amsterdam, The Netherlands

MEETING DATE: 3 – 6 June 2007

DRAWN UP BY: Jean-Marie Bourgoignon - CET Group 1

SUBJECT: Report on meeting of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications, Geneva, May 7-11, 2007

PURPOSE: For information

DISTRIBUTION: All attendees



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

7 - 11 MAY 2007



The Seventeenth Session took place in Geneva from May 7 to 11, 2007.

Mr. Ernesto Rubio, Assistant Director General, 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, was elected as Chair of the Standing Committee for the year 2007, Mr. Maximiliano Santa Cruz (Chile) and Mr. Louis Chan (Singapore) being elected as Vice-Chairs for the same period.

1. – **ADOPTION OF THE DRAFT REPORT OF THE SIXTEENTH SESSION (document SCT 16/9)**

This document is adopted by the SCT with modifications as requested by the delegations of Brazil, France, Italy, the Russian Federation, Sweden and the representative of the African Intellectual Property Organization (OAPI).

2. - **TRADEMARKS**

A. **Methods of representation and description of new types of marks (document SCT 17/2)**

The SCT examined only certain portions of the document SCT 17/2, namely those relating to:

- ✓ three-dimensional marks,
- ✓ color marks and
- ✓ sound marks

The SCT noted that nothing in the document or the subsequent discussion implied an obligation on any member to protect any type of mark.

The SCT requested the Secretariat to prepare a working document for consideration at its 18th Session, taking into account the deliberations of the present Session and presenting key learnings for Member States in relation to the representation of those types of marks.

As regards the portions of document SCT 17/2 that have not been examined by the SCT, this would resume work at the 18th Session.

Moreover the Committee agrees to invite delegations that had not yet done so to make submissions on those subjects by the end of June 2007 at the latest.



B. Relation of Established Trademark Principles to New types of Marks (document SCT 17/3)

The discussion of this document was postponed to the 18th Session of the SCT.

C. Trademark Opposition Procedures (document SCT 17/4)

The document SCT 17/4 was designed by the Committee as a basis for discussion and provided a broad overview of the key features of the different types of opposition procedures. This document identified the approach in specific jurisdictions. For this reason, it was purely illustrative and was not intended to serve as a comprehensive or authoritative guide.

The additional information provided during the meeting would be reflected in the report. Consequently, the Committee decided not to revise the document.

Moreover, the SCT requested the Secretariat to draft a new document for the next meeting setting out key learnings in this field.

The first draft of this document would be drawn from:

- submissions already received,
- the report of the current session, and
- any further submissions from SCT Members specifically addressing the issue of key learnings.

The SCT further requested the Secretariat to provide a draft of the document which would be posted on the SCT Electronic Forum by August 11, 2007, the Member States being invited to seek comments which will be used for the final version of that document.

D. Article 6ter of the Paris Convention (document SCT 17/5)

Discussion allowed to bring out several recommendations:

- Relevant contact details concerning the requesting party:

The SCT recommended that contact details be provided as part of the communication under article 6ter(3)(a) and (b) in order to enable offices and third parties to contact the beneficiary of protection.

Even the SCT requested the Secretariat to invite States and International Intergovernmental Organizations to provide contact details for the sake of completeness.

- Information concerning the constituting charter or agreement of International Intergovernmental Organizations:

The SCT recommended that the communications contain a reference to a website where the constituting agreement or charter of a given IGO could be accessed.



- Information on the nature of goods and services on which official signs and hallmarks are used:

The SCT recommended that an indication of the goods and services be required for communications in relation to official signs and hallmarks.

- Electronic communication:

The Committee agrees to ask the Secretariat to implement the option outlined in paragraph 25 of the document SCT 17/5, it being understood that this would allow contracting parties to the Paris Convention to download this information monthly.

- Draft requests:

The SCT expressed agreement with annexes I to III of the document SCT 17/5 with the following changes:

- a) The request for the communication of official signs and hallmarks indicating control and warranty should include a reference to the enclosed list of goods and services to which that official sign or hallmark pertains;
- b) The enclosure should contain contact details of the requesting party.

Otherwise, the Secretariat should prepare a document for the 18th Session of the SCT containing a status report on the implementation of the recommendations concerning article 6ter, including a proposal for decision by the Paris Union Assembly.

E. Industrial Designs (document SCT 17/6)

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

The SCT agrees that the modified questionnaire would be distributed to Members as soon as possible, replies to the questionnaire being provided to the Secretariat by November 2, 2007.

The new document will be presented to the 19th Session of the SCT in May 2008.

Remarks:

1. The 18th Session of the SCT will take place from November 12 to 16, 2007.
2. The item "the Geographical Indications" were, again, not dealt by the SCT on the pretext that no working documents or proposals for discussion at this meeting were not ready.

Jean-Marie Bourgognon