

## **Working Group on the Development of the Lisbon System**

### **Third Session Geneva, November 2 and 3, 2020**

#### **SUMMARY BY THE CHAIR**

*adopted by the Working Group*

1. The Working Group on the Development of the Lisbon System (hereinafter referred to as “the Working Group”) met in Geneva, on November 2, 2020.
2. The following Contracting Parties of the Lisbon Union were represented at the session: Albania, Algeria, Bulgaria, Czech Republic, Dominican Republic, European Union, France, Georgia, Hungary, Iran (Islamic Republic of), Israel, Italy, Mexico, Nicaragua, Peru, Portugal, Republic of Moldova, Serbia, Slovakia and Togo (20).
3. The following States were represented as observers: Australia, Azerbaijan, Bangladesh, Barbados, Belarus, Belgium, Brazil, Brunei Darussalam, Burundi, Canada, Croatia, Djibouti, Germany, Japan, Kazakhstan, Kuwait, Lebanon, Lithuania, Mauritius, Morocco, Myanmar, Netherlands, Oman, Pakistan, Poland, Republic of Korea, Russian Federation, Saudi Arabia, Spain, Switzerland, Thailand, United Kingdom, United States of America (33).
4. Representatives of: (i) Palestine (1); (ii) American Bar Association (ABA), Consortium for Common Food Names (CCFN), European Communities Trade Mark Association (ECTA), International Trademark Association (INTA), International Wine Law Association (AIDV), International Vine and Wine Office (IWO), Knowledge Ecology International, Inc. (KEI), MARQUES – Association of European Trademark Owners, Organization for an International Geographical Indications Network (oriGIn) (9), participated in an observer capacity.
5. The list of participants is contained in document LI/WG/DEV-SYS/3/INF/1 Prov. 2\*.

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\* The final list of participants will be made available as an Annex to the Report of the session.

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

6. Mr. Daren Tang, Director General of the World Intellectual Property Organization (WIPO), opened the session.

#### **AGENDA ITEM 2: ELECTION OF A CHAIR AND TWO VICE-CHAIRS**

7. Mr. Cristóbal Melgar (Peru) was unanimously elected as Chair of the Working Group and Ms. María del Pilar Escobar Bautista (Mexico) and Mr. Csaba Baticz (Hungary) were unanimously elected as Vice-Chairs.

8. Ms. Alexandra Grazioli (WIPO) acted as Secretary to the Working Group.

#### **AGENDA ITEM 3: ADOPTION OF THE AGENDA**

9. The Working Group adopted the draft agenda (document LI/WG/DEV-SYS/3/1 Prov. 3) without modification.

#### **AGENDA ITEM 4: DEVELOPMENT OF THE LISBON SYSTEM**

10. Discussions were based on document LI/WG/DEV-SYS/3/2.

11. The Chair took note of the positions expressed by all Delegations, including observer Delegations. These will be fully reflected in the Report of the present session.

12. The Working Group considered the contents of document LI/WG/DEV-SYS/3/2 and took note of the statements made under agenda item 4.

#### **AGENDA ITEM 5: PROPOSED AMENDMENTS TO THE COMMON REGULATIONS UNDER THE LISBON AGREEMENT FOR THE PROTECTION OF APPELLATION OF ORIGIN AND THEIR INTERNATIONAL REGISTRATION AND THE GENEVA ACT OF THE LISBON AGREEMENT ON APPELLATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS**

13. Discussions were based on document LI/WG/DEV-SYS/3/3 Rev.

14. On the basis of the discussions that took place under Agenda item 5, the Working Group recommended to the Assembly of the Lisbon Union the adoption of the proposed amendments to the Common Regulations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration and the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications with respect to the inclusion of a new Rule *2bis*, as presented in the Annex to document LI/WG/DEV-SYS/3/3 Rev., for their entry into force two months following their adoption by the Lisbon Union Assembly.

15. For ease of reference, the Annex to this Summary by the Chair contains the amendments to the Common Regulations, as recommended by the decision set out in paragraph 14, above.

#### **AGENDA ITEM 6: ADOPTION OF THE SUMMARY BY THE CHAIR**

16. The Working Group approved the Summary by the Chair, as contained in the present document.

**AGENDA ITEM 7: CLOSING OF THE SESSION**

17. The Chair closed the session on November 2, 2020.

[Annex follows]

**Common Regulations**  
**Under the Lisbon Agreement for the Protection of Appellations of Origin and**  
**Their International Registration and the Geneva Act of the Lisbon Agreement on**  
**Appellations of Origin and Geographical Indications**

(as in force...)

[...]

**CHAPTER I**  
**Introductory and General Provisions**

[...]

**Rule 2bis**  
**Excuse of Delay in Meeting Time Limits**

(1) [Excuse in Delay in Meeting Time Limits due to Force Majeure Reasons] Failure by a Competent Authority or, in the case of Article 5(3) of the Geneva Act, beneficiaries or a natural person or legal entity referred to in Article 5(2)(ii) of that Act to meet a time limit specified in the Regulations to perform an action before the International Bureau shall be excused if the Competent Authority or, in the case of Article 5(3) of the Geneva Act, the beneficiaries or the natural person or legal entity referred to in Article 5(2)(ii) of that Act submits evidence showing, to the satisfaction of the International Bureau, that such failure was due to war, revolution, civil disorder, strike, natural calamity, irregularities in postal, delivery or electronic communication services owing to circumstances beyond the control of a Competent Authority or, in the case of Article 5(3) of the Geneva Act, beneficiaries or a natural person or legal entity referred to in Article 5(2)(ii) of that Act or other force majeure reason.

(2) [Limitation on Excuse] Failure to meet a time limit shall be excused under this Rule only if the evidence and action referred to in paragraph (1) are received by and performed before the International Bureau as soon as reasonably possible and not later than six months after the expiry of the time limit concerned.

[...]

[End of Annex and of document]