

Working Group on the Development of the Lisbon System

Fifth Session
Geneva, January 24 to 26, 2023

PROPOSAL BY THE EUROPEAN UNION AND ITS MEMBER STATES CONCERNING AMENDMENTS TO RULE 5 OF 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

Document prepared by the Secretariat

In a communication dated December 2, 2022, the Permanent Delegation of the European Union on behalf of the European Union and its member states transmitted to the International Bureau of the World Intellectual Property Organization (WIPO) the proposal contained in the Annex to the present document.

[Annex follows]

**Proposal by the European Union and its member states for consideration
at the Fifth Session of the Working Group on the Development of the Lisbon System
(January 24 to January 26, 2023)**

I. Introduction

In its Fourth Session in Geneva from 14 to 16 June 2022, the Working Group on the Development of the Lisbon System recommended for adoption to the General Assemblies of the World Intellectual Property Organization (WIPO), which took place from 14 to 22 July 2022, various amendments to the Common Regulations under the Lisbon Agreement and the Geneva Act. The General Assemblies adopted these amendments as recommended.

In addition, at the fourth session of the Lisbon Working Group the delegation of the Union proposed the deletion of Rule 5(4) of the Common Regulations. Taking note of the positions expressed by delegations in respect of this proposal, and as part of the conclusions of the meeting of the Working Group, the Chair invited the delegation of the Union to submit a written proposal in due course for further consideration at the next session of the Working Group.

II. Proposal

Accordingly, the European Union and its member states hereby submit the proposal suggesting the following amendment to Rule 5 of the Common Regulations:

“In Rule 5, paragraph (4) is deleted.”

The European Union and its member states invite the WIPO Secretariat to include this proposal in the agenda of the Fifth Session of the Working Group on the Development of the Lisbon System for discussion.

III. Justification of the proposal

The proposed deletion of Rule 5(4) of the Common Regulations (Application Governed by the Geneva Act – Signature and/or Intention to Use) is justified as the signature requirement is already fulfilled and verified at the time of the initial application for registration. The requirements to declare the intention to use and to exercise control over the use contravene the constituent elements of appellations of origin or geographical indications. Appellations of origin and geographical indications are protected against any use infringing the recognised specifications, even if the products concerned are not marketed in the country where the fraudulent uses are detected. Moreover, their international registration necessarily presupposes control of their use within the Contracting Party from which they originate.

[End of Annex and of document]