

WIPO



SCT/1/5

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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

First Session
Geneva, July 13 to 17, 1998

SUMMARY BY THE CHAIR

Agenda Item 1: Opening of the session

1. The session was opened by Mr. Albert Tramposch, Director, Industrial Property Law Division, who welcomed the participants.

Agenda Item 2: Election of a Chair and two Vice-Chairs

2. The Standing Committee unanimously elected Ms. Lynne G. Beresford (United States of America) as Chair, and Mrs. Elizabeth Owirededu-Gyampoh (Ghana) and Mr. Ricardo García Rojas Alarcón (Mexico) as Vice-Chairs. Mr. Albert Tramposch (WIPO) acted as Secretary to the Standing Committee.

Agenda Item 3: Adoption of the Agenda

3. The Agenda was adopted without modification.

Agenda Item 4: Rules of Procedure

4. The Standing Committee discussed organizational and procedural matters, under Part II of document SCT/1/2.

5. As invited in paragraph 11 of document SCT/1/2, the Standing Committee adopted the special rules of procedure proposed in paragraph 5 of that document. In addition, the Standing Committee adopted one additional special rule of procedure, namely that membership in the Standing Committee would also be extended to the European Communities, provided that it shall not have the right to vote.

6. The Standing Committee noted the working arrangements described in paragraphs 6 to 10 of that document with the following understandings:

7. The question of languages was considered with respect to interpretation and translation of documents (paragraph 7 of document SCT/1/2), and would be revisited at a future meeting of the Standing Committee in the light of any decision taken by the Assemblies of the Member States of WIPO on that issue.

8. In the process of circulating the draft report for comment following the sessions of the Standing Committee (paragraph 8 of document SCT/1/2), the International Bureau would, if possible, circulate the first draft in three languages within two weeks of the meeting, and would make arrangements for participants to have the opportunity to comment on proposed changes to the Report. The time limit for commenting on the draft Report would be counted from the date on which all language versions have been distributed, and holiday periods would be taken into account.

9. The Standing Committee agreed that there would be no general declarations at the beginning of its sessions, but that delegations and representatives would have the opportunity to make general statements at the opening of discussions on each of the issues to be discussed. Summaries of these general statements identifying the delegation which made it, a summary of the discussions concerning the issues to be discussed, and references to specific reservations expressed by member delegations would be included in the Report.

10. The Standing Committee adopted a proposal presented by the International Bureau that an SCT Electronic Forum would be established prior to the second session of the Standing Committee, for the electronic distribution and submission of comments on a provisional draft working document for the second session concerning the use of trademarks on the Internet. The procedures that had been adopted by the Standing Committee on the Law of Patents (SCP) for the SCP Electronic Forum would be followed as an interim matter, and the Standing Committee would review the procedures for the SCT Electronic Forum at its next meeting.

11. Any decision on languages for interpretation and translation of documents, and funding for participation of delegates, at any future Working Group of the Standing Committee (paragraph 10 of document SCT/1/2) would follow any procedures decided by the Assemblies of the Member States of WIPO on those issues, and meetings of the Working Group would be scheduled, if possible, on dates adjoining the dates of a meeting of the Standing Committee.

Agenda Item 5: Issues to be considered by the Standing Committee

12. The Standing Committee discussed the issues to be considered by that Committee, under Part III of document SCT/1/2, as follows:

Provisions on Well-Known Marks

13. The Standing Committee discussed this issue (paragraphs 14 to 19 of document SCT/1/2) and agreed that this issue should be discussed with highest priority at its first session, and that it should be included on the agenda for the next session.

Trademark Licensing

14. The Standing Committee discussed this issue (paragraphs 20 to 23 of document SCT/1/2) and agreed that this issue should be discussed with second priority at its first session, and that it should be included on the agenda for the third session.

Trademarks and the Internet

15. The Standing Committee discussed this issue (paragraphs 24 to 27 of document SCT/1/2), and decided that there was great urgency attached to this issue, and that it should be included on the agenda for the next session with highest priority. In preparation for that session, the International Bureau would prepare a study, with the help of consultants, on the following two questions, for discussion by the Standing Committee: (i) How can a relationship be determined between a sign or mark that is used on the Internet and particular goods or services? and (ii) How can a relationship be determined between a sign or mark that is used on the Internet and a particular country or territory?

Geographical Indications

16. The Standing Committee discussed this issue (paragraphs 28 to 32 of document SCT/1/2). It was agreed that the question of the status of this issue would be revisited at the next session. In the meantime, the International Bureau would continue monitoring developments in this field, and would continue preparations, as contemplated in the Program and Budget for 1998-99, for a worldwide symposium to be held in the biennium.

Trademarks and International Nonproprietary Names for Pharmaceutical Substances (INNs)

17. The Standing Committee discussed this issue (paragraphs 33 to 36 of document SCT/1/2), and agreed that the International Bureau would conduct the survey referred to in paragraph 36 of that document, and that it would present the results of that survey to the Standing Committee at its third session.

Agenda Item 6: Draft Provisions on Well-Known Marks

18. The Standing Committee discussed the document concerning the draft Provisions on Well-Known Marks (document SCT/1/3).

19. The Committee agreed that a decision would be taken at this session on the text of each provision, as to whether that provision was adopted, adopted with modifications, deleted, reserved for further discussion or referred to the International Bureau for further study, with the understanding that provisions which have been adopted, adopted with modifications or deleted would be closed for further discussions, except if there were an exceptional reason to re-open discussion.

20. Concerning the specific provisions of the draft Provisions on Well-Known Marks (document SCT/1/3), the Standing Committee agreed as follows (“redrafting” refers to modifications to reflect agreement on substance; “redrafting for clarity” refers to minor modifications of language):

Draft Article 1

Item (i). Adopted.

Item (ii). Adopted with modification in the French text.

Item (iii). Adopted.

Item (iv). Adopted with modification.

Item (v). Adopted with modification in the Spanish text.

Draft Article 2

Deleted.

Draft Article 3

Deleted.

Revised Draft Article 2

Introduction: Adopted, subject to redrafting of the French text.

Paragraph (1). Subject as a whole to express reservation of one delegation.

Paragraph (1)(a), introductory words. Adopted with modification.

Paragraph (1)(a), item (i). Adopted subject to redrafting for clarity.

Paragraph (1)(a), item (ii). Adopted.

Paragraph (1)(a), item (iii). Adopted.

Paragraph (1)(b). Adopted subject to redrafting.

Paragraph (2)(a). Adopted subject to redrafting.

Paragraph (2)(b). Adopted subject to redrafting.

Paragraph (2)(c). Adopted subject to redrafting for clarity.

Paragraph(3)(a). Adopted with modification.

Paragraph(3)(b). Adopted with modification.

ANNEX I, No. 1. Adopted with modification in the Spanish text.

ANNEX I, No. 2. Adopted.

ANNEX I, No. 3. Adopted.

ANNEX I, No. 4. Adopted.

ANNEX I, No. 5. Adopted.

ANNEX I, No. 6. Adopted.

Draft Article 4

Paragraph (1)(a). Adopted with modification, subject to redrafting for clarity.

Paragraph (1)(b). Adopted with modification in the French and Spanish texts.

Paragraph (1)(c). Subject as a whole to express reservation of three delegations.

Paragraph (1)(c), introductory words. Adopted with modification.

Paragraph (1)(c), item (i). Adopted, with modification in the Spanish text.

Paragraph (1)(c), item (ii). Adopted, subject to express reservation of a number of delegations.

Paragraph (1)(c), item (iii). Adopted, subject to express reservation of a number of delegations.

New paragraph (1)(d). Adopted, subject to redrafting.

Form of the Provisions

21. The Standing Committee agreed, subject to express reservation of one delegation, that, in the short term, the provisions would be recommended to become a Resolution of the WIPO General Assembly, once the Committee agreed on a final version of the provisions. In the long term, it would be preferable for the provisions to be incorporated into a treaty, perhaps with other related provisions that are discussed within other fora.

Agenda Item 8: Future work

22. The Standing Committee agreed that, at its second session, it would devote two days to finalizing the Provisions on Well-known Marks, and three days to a discussion of issues concerning the use of trademarks on the Internet.

23. The dates for the second session were tentatively announced as January 18 to 22, 1999. The possibility of holding a longer meeting at the SCT's third session would be considered.

Agenda Item 9: Summary by the Chair

24. The Chair presented a draft Summary (document SCT/1/5 Prov.) and received comments from the participants.

Agenda Item 10: Closing of the Session

25. The Chair closed the first session of the Standing Committee.

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