

## **Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications**

**Forty-Eighth Session**  
**Geneva, March 24 to 27, 2025**

**PROPOSAL BY THE DELEGATIONS OF ECUADOR AND PERU ON NATION  
BRANDS**

*Document prepared by the Secretariat*

In a communication dated January 28, 2025, the Delegations of Ecuador and Peru transmitted to the International Bureau of the World Intellectual Property Organization (WIPO) the proposal contained in the Annex to this document.

[Annex follows]

## **NATION BRAND RULES**

### **CHAPTER I**

#### **Preliminary and general provisions**

##### **Article 1. Purpose and scope**

These rules establish a common system for the recognition and protection of the nation brands of Member States.

##### **Article 2. Competent national authority**

The Contracting Parties shall designate a competent national authority to administer these rules in their territory and communications with the International Bureau thereunder. The Contracting Parties shall notify the International Bureau of the name and contact details of that competent national authority.

##### **Article 3. International registration**

The International Bureau shall maintain an international register of nation brands filed under these rules.

### **CHAPTER II**

#### **Nation brands**

##### **Article 4. Definition of nation brand**

A nation brand is any sign adopted and used by a Member State as part of a policy or strategy to promote, above all, the country's national identity and image.

##### **Article 5. Number and variants of nation brands**

Each Contracting Party shall decide on the number and variants of nation brands that it wishes to protect and communicate in accordance with the procedure laid down in these rules.

### **CHAPTER III**

#### **Procedure for the communication and international registration of nation brands**

##### **Article 6. Communication and protection of a nation brand**

1. The Contracting Parties shall file nation brand communications with the International Bureau.
2. Nation brand communications shall be made on behalf of the owners of those nation brands, or of the entities designated to exercise such ownership.
3. The nation brand communication shall contain, at least, the following information:
  - (a) the sign that constitutes the nation brand;
  - (b) contact details of the person filing the communication; and
  - (c) the name of the owner or of the entity exercising the rights arising from the nation brand.

### **Article 7. International registration**

1. Upon receipt of a duly filed nation brand communication, the International Bureau shall register that nation brand in the International Register.
2. The date of the international registration shall be the date on which the International Bureau received the nation brand communication, provided that it contains all the information referred to in Article 6.3. Otherwise, the date of the international registration shall be the date on which the International Bureau receives the remainder of the omitted data.
3. The International Bureau shall publish international registrations promptly and notify the competent national authorities of the Contracting Parties thereof.

### **Article 8. Protection of nation brands**

1. The Contracting Parties will have a period of six months from receipt of the notification referred to in Article 7.3 to make known their reasoned objections to the recognition and protection of the nation brand in question in their respective territories.
2. Such objections shall be transmitted to the International Bureau for forwarding to the competent national authority that communicated the nation brand.
3. Nation brands communicated under these rules shall be recognized and protected in the territories of the Contracting Parties as soon as they are communicated, provided that no reasoned objections are submitted under Article 8.1.
4. The rights acquired by any Contracting Party in connection with nation brands used, disseminated or registered prior to any communication made under these rules shall remain unaffected.
5. Nation brands that have been recognized and protected shall be entered into the Contracting Parties' databases and registers of distinctive signs or other registers.

## **CHAPTER IV**

### **Scope of the international protection of nation brands**

#### **Article 9. Validity of international protection of nation brands**

1. Nation brands recorded in the International Register shall be protected indefinitely.
2. The obligation to protect a nation brand shall cease at the express request of the Contracting Party that communicated it. Such a request shall be made following the same procedure as for communicating the nation brand in the first place, and the brand shall be removed from the International Register.
3. The continued recognition and protection of nation brands shall not be made conditional on any use requirements.

### **Article 10. Measures to ensure the protection of the nation brand**

1. The Contracting Parties shall take the necessary administrative or judicial measures to ensure that the nation brands communicated to them and in respect of which no objections have been filed under Article 8.1 are in fact protected in accordance with these rules.

To that end, the Contracting Parties shall instruct their national authorities to take note of the recognized and protected nation brands and to take them into account when deciding on the registration and protection of distinctive signs, in accordance with their internal procedures.

2. The Contracting Parties, either on their own initiative or at the request of a party, shall take the necessary measures to prevent or stop any use or imminent use of a sign that is identical or similar to a protected nation brand, where such use is made or about to be made without the express permission of the Contracting Party concerned.
3. For the purposes of paragraph 2 of this Article, use of a sign shall include the following acts, whether or not for profit:
  - (a) commercial use;
  - (b) dissemination through any media;
  - (c) use in advertising or in documents;
  - (d) the production of documents, labels, containers, wrappings, packaging or other items or materials containing or in which appear a nation brand or similar sign, as well as the marketing or possession of such items or materials; and
  - (e) any use that might indicate a link or association with the protected nation brand.

### **Article 11. Precautionary and final measures for the protection of nation brands**

A Contracting Party in which the infringing uses referred to in Article 10 are or may be made shall, either on its own initiative or at the request of a party, take the precautionary and final measures provided for in its legislation on infringement proceedings in the case of distinctive signs.

## **CHAPTER V** **Final provisions**

### **Article 12. Payments and fees**

The international registration of each nation brand shall be subject to the payment of a fee set by the International Bureau.

The measures for protecting nation brands internationally, referred to in Articles 10 and 11, may also be subject to the payment of fees, in line with the law of each Contracting Party.

**Article 13. Protection under other international instruments**

The protection conferred under these rules shall not affect the protection that the Contracting Parties grant to the nation brands of other Member States, whether or not they are Contracting Parties to these rules, whether as State emblems or official signs indicating control and warranty under Article 6*ter* of the Paris Convention for the Protection of Industrial Property, or in compliance with international treaties or international agreements by which Member States are individually bound.

[End of Annex and of document]