

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

**Third Special Session - Preparation of the Basic Proposal for the Diplomatic  
Conference to Conclude and Adopt a Design Law Treaty (DLT)**  
**Geneva, October 2 to 6, 2023**

### **INDICATIVE TIMETABLE AND PROPOSED WORKING METHOD BY THE CHAIR**

*prepared by the Secretariat*

The present document sets forth an indicative timetable for consideration of each item of the agenda and each topic under items 6 and 7.

Furthermore, the document presents the proposed working method by the Chair of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) for items 6 and 7 of the draft Agenda (Industrial Design Law and Practice – Draft Articles and Draft Regulations).

## Indicative Timetable

1. The proposed timetable is merely indicative. If any item of the agenda, or topic under items 6 and 7, is completed before the tentative date allocated, the Chair could move immediately to the next item or topic.
2. The morning session will be held from 10 a.m. to 1 p.m., afternoon session from 3 p.m. to 6 p.m.

### Monday, October 2, 2023

Item 1: Opening of the Session

Item 2: Adoption of the Agenda, followed by opening statements by delegations  
See document SCT/S3/1 Prov.

Item 3: Election of a Chair and two Vice-Chairs for SCT/47

Item 4: Rules of Procedure  
See document SCT/S3/2.

Item 5: Accreditation of an Observer  
See document SCT/S3/3.

Item 6: Industrial Design Law and Practice – Draft Articles  
See document SCT/S3/4.

- A. Provisions that are the subject of alternative options or proposals supported by several delegations, except administrative provisions and final clauses:
  - (i) Article 1 *bis* concerning general principles;
  - (ii) Article 3(1)(a)(ix), concerning the option to require a disclosure in design applications of the origin or source of traditional cultural expressions, traditional knowledge or biological/genetic resources utilized or incorporated in the industrial design.

### Tuesday, October 3, 2023

Item 6: Industrial Design Law and Practice – Draft Articles  
See document SCT/S3/4.

Item 7: Industrial Design Law and Practice – Draft Regulations  
See document SCT/S3/5.

- A. Provisions that are the subject of alternative options or proposals supported by several delegations, except administrative provisions and final clauses (continued):
- (iii) Article 5(2), (3), (4) and (5), concerning filing-date requirements;
  - (iv) Article 15(4)(b), concerning the prohibition of other requirements in requests for recording of a license or a security interest;
  - (v) Article 17(2), concerning the effects of the non-recording of a license;
  - (vi) Article 22/Resolution, concerning technical assistance and capacity building. This Article or Resolution is based on revised non-paper No. 2 by the Chair, of March 20, 2014;
  - (vii) Article 23(1), in conjunction with Rule 17, concerning Model International Forms in the Regulations.
- B. Provisions that are the subject of individual proposals, except administrative provisions and final clauses:
- (i) Article 2(1), concerning a specific reference to “divisional applications” at the end of paragraph (1);
  - (ii) Article 5(1), concerning permitted requirements for the granting of a filing date;
  - (iii) Article 5(2)(b)(i), concerning permitted additional requirements;
  - (iv) Article 13, concerning the nature of the provision on reinstatement of rights;
  - (v) Article 14(2), concerning the nature of paragraph (2), related to restoration of the right of priority;
  - (vi) Article 17(1), concerning the nature of paragraph (1), related to the effects of the non-recording of a license;
  - (vii) Article 22(2), concerning technical assistance and capacity building;
  - (viii) Rule 3(4), concerning the number of copies of representation of an industrial design;
  - (ix) Rule 6, concerning the starting point for calculating the minimum period to maintain an industrial design unpublished;
  - (x) Rule 7(7)(ii), concerning the time limit for filing the original of a communication on paper filed by electronic means of transmittal;
  - (xi) Rule 13(2)(a), concerning supporting documents for recording of a license.

**Wednesday, October 4, 2023**

Item 6: Industrial Design Law and Practice – Draft Articles  
See document SCT/S3/4.

Item 7: Industrial Design Law and Practice – Draft Regulations  
See document SCT/S3/5.

- C. Provisions that are the subject of individual reservations:
  - (i) Article 4(2)(b), concerning mandatory representation;
  - (ii) Article 6, concerning the duration of the grace period for layout designs of integrated circuits and the acts of disclosure that would give rise to a grace period;
  - (iii) Article 12(2), concerning relief in respect of time limits;
  - (iv) Article 14(2), concerning restoration of the right of priority;
  - (v) Article 20, concerning changes in names or addresses.
  
- D. Administrative provisions and final clauses that are the subject of alternative options or proposals supported by several delegations, or the subject of individual proposals:
  - (i) Article 24(1)(c), concerning the participation in sessions of the Assembly of delegations of Contracting Parties that are regarded as developing countries, least developed countries (LDCs) or countries in transition to a market economy;
  - (ii) Article 24(2)(ii), concerning the establishment of Model International Forms, related to the tasks of the Assembly;
  - (iii) Article 28(2), concerning the number of instruments of ratification or accession needed for the entry into force of the Treaty;
  - (iv) Article 24(2)(v), concerning the wording of this item, related to the tasks of the Assembly.

**Thursday, October 5, 2023**

Continuation of suspended items.

**Friday, October 6, 2023**

Item 8: Summary by the Chair

Item 9: Closing of the Session

## **Chair's Proposed Working Method for Items 6 and 7 of the Agenda (Industrial Design Law and Practice – Draft Articles and Draft Regulations)**

1. Under point (e) of the World Intellectual Property Organization (WIPO) General Assembly decision adopted at its fifty-fifth (30<sup>th</sup> extraordinary) session, held in Geneva from July 14 to 22, 2022, the WIPO General Assembly “directed the SCT to meet in a special session for five days [...], *to further close any existing gaps to a sufficient level* (emphasis added)” (document WO/GA/55/12, paragraph 309).

2. In view of the aforementioned specific objective of the special session of the SCT, the Chair proposed to work on the Draft Articles and Draft Regulations in the following order:

- A. Provisions that are the subject of alternative options or proposals supported by several delegations, except administrative provisions and final clauses<sup>\*</sup>:
  - (i) Article 1 *bis* concerning general principles;
  - (ii) Article 3(1)(a)(ix), concerning the option to require a disclosure in design applications of the origin or source of traditional cultural expressions, traditional knowledge or biological/genetic resources utilized or incorporated in the industrial design;
  - (iii) Article 5(2), (3), (4) and (5), concerning filing-date requirements;
  - (iv) Article 15(4)(b), concerning the prohibition of other requirements in requests for recording of a license or a security interest;
  - (v) Article 17(2), concerning the effects of the non-recording of a license;
  - (vi) Article 22/Resolution, concerning technical assistance and capacity building. This Article or Resolution is based on revised non-paper No. 2 by the Chair, of March 20, 2014;
  - (vii) Article 23(1), in conjunction with Rule 17, concerning Model International Forms in the Regulations.

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\* It is proposed to discuss all administrative provisions and final clauses concerned at a subsequent stage.

- B. Provisions that are the subject of individual proposals, except administrative provisions and final clauses:
- (i) Article 2(1), concerning a specific reference to “divisional applications” at the end of paragraph (1);
  - (ii) Article 5(1), concerning permitted requirements for the granting of a filing date;
  - (iii) Article 5(2)(b)(i), concerning permitted additional requirements;
  - (iv) Article 13, concerning the nature of the provision on reinstatement of rights;
  - (v) Article 14(2), concerning the nature of paragraph (2), related to restoration of the right of priority;
  - (vi) Article 17(1), concerning the nature of paragraph (1), related to the effects of the non-recording of a license;
  - (vii) Article 22(2), concerning technical assistance and capacity building;
  - (viii) Rule 3(4), concerning the number of copies of representation of an industrial design;
  - (ix) Rule 6, concerning the starting point for calculating the minimum period to maintain an industrial design unpublished;
  - (x) Rule 7(7)(ii), concerning the time limit for filing the original of a communication on paper filed by electronic means of transmittal;
  - (xi) Rule 13(2)(a)(i), concerning supporting documents for recording of a license.
- C. Provisions that are the subject of individual reservations:
- (i) Article 4(2)(b), concerning mandatory representation;
  - (ii) Article 6, concerning the duration of the grace period for layout designs of integrated circuits and the acts of disclosure that would give rise to a grace period;
  - (iii) Article 12(2), concerning relief in respect of time limits;
  - (iv) Article 14(2), concerning restoration of the right of priority;
  - (v) Article 20, concerning changes in names or addresses.
- D. Administrative provisions and final clauses that are the subject of alternative options or proposals supported by several delegations, or the subject of individual proposals:
- (i) Article 24(1)(c), concerning the participation in sessions of the Assembly of delegations of Contracting Parties that are regarded as developing countries, LDCs or countries in transition to a market economy;
  - (ii) Article 24(2)(ii), concerning the establishment of Model International Forms, related to the tasks of the Assembly;

- (iii) Article 28(2), concerning the number of instruments of ratification or accession needed for the entry into force of the Treaty;
  - (iv) Article 24(2)(v), concerning the wording of this item, related to the tasks of the Assembly.
- E. If time allows, other provisions that have been the subject of a proposal supported by several delegations, if any.
3. With a view to further closing existing gaps in the text of the Basic Proposal, it is proposed to proceed as follows regarding provisions that are the subject of individual proposals:
- If the proposal is supported by at least another delegation, it will be transferred from the footnote to the main text of the concerned provision, as an alternative option appearing in brackets;
  - If the proposal is not supported by at least another delegation, the footnote will be deleted. This is without prejudice to the right of the delegation concerned to present the proposal at the diplomatic conference.
4. Regarding provisions that are the subject of individual reservations, it is proposed to proceed as follows:
- If the delegation that indicated the intention to make the reservation makes a proposal that is supported by at least another delegation, the proposal will be inserted in the main text of the concerned provision, as an alternative option appearing in brackets;
  - If a proposal is not presented or, where a proposal was presented, it is not supported by at least another delegation, the footnote indicating a reservation will be deleted. This is without prejudice to any delegation's ability to make a reservation at the diplomatic conference.

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