



## Representation WIPO

### **5<sup>th</sup> Session of the WG on the Development of the Lisbon System Geneva, June 10 – 15 2012**

Report by LAURA COLLADA (Member of Q220)

1. The Fifth Session of the Working Group on the Development of the Lisbon System was held in Geneva on June 10 to 15, 2012.
2. It was very well organized and the registration was very easy. My badge and documents were ready at the time I arrived. I attended all the days the complete sessions.
3. The attendance was scarce 14 countries as contracting parties of the Lisbon Agreement and 11 countries as observers. As the last time, I want to stress out that many of the delegates were technocrats with no experience of GI in real life; they sometimes neglect to understand the impact of new rules when the time comes to enforce them.
4. Some international intergovernmental organizations were present in their observer capacity: European Union and World Trade Organization.
5. Also, some international non-governmental organizations were represented: AIPPI, ABPI, CEIPI, ECTA, INTA, MARQUES, OriGIN.
6. The discussions were based on documents LI/WG/DEV/5/1 Prov, LI/WG/DEV/4/7 Prov. 2, LI/WG/DEV/5/2, LI/WG/DEV/5/3. LI/WG/DEV/5/4 and LI/WG/5/5. The discussions were thorough as it was discussed in detail

articles 1 to 11 of the Draft New Instrument and Rules 4 to 8 of the Draft Regulations.

7. Obviously, they were issues that were discussed longer and deeper, for example:

- ✓ The prevailing view, but not unanimous, that the Draft New Instrument should provide a single and high level of protection for both geographical indications and appellations of origin which would help simplify the text of the Draft New Instrument. Geographical indications and appellations of origin will be defined separately.
- ✓ The Chair recalled that the mandate of the Working Group would extend to the establishment of an international registration system for both GI and AO.
- ✓ The Lisbon Agreement should be revised and involve a refinement of the current legal framework. The accession by intergovernmental organizations is a possibility. The work should also aim to establish an international registration system for GI.
- ✓ The Chair clarified that a Diplomatic Conference for revising the Lisbon Agreement could certainly be convened by the Assembly of the Lisbon Union; if on the other hand, the solution chosen would necessitate the establishment of a new treaty, WIPO would have the right to call a Diplomatic Conference for such purpose.

8. In the future there will be further meetings of this Working Group, one more in 2012 and two in 2013. The focus of the next session should be the examination and discussion of the revised version of the Draft New Instruments and Regulations.

9. The comments made by the participants throughout the meeting will be taken under consideration, in particular to reflect the change (in comparison

with last meeting) that a single level of protection for both GI and AO is desired.

10. Between the sessions participants are invited to send comments and drafting suggestions to the Secretariat. An electronic forum will be established for this purpose. I think that we at AIPPI could work on comments and suggestions to be sent to WIPO.

11. The Secretariat will organize a dispute settlement workshop within the Lisbon system as a side event.

12. The full report of the session was published on August 31, 2012 and participants can submit comments within one month from its publication date.

13. As a personal opinion:

- ✓ I was surprised that participants shifted from a two level of protection basis to a single level of protection for both GI and AO.
- ✓ The session was completely different in the sense that many items were discussed at detailed when a different concept had been adopted in the last session.
- ✓ For AIPPI purposes a reasonable balance in case of conflicts between trademarks and AO and GI is still considered and there was an almost unanimous consensus on this issue.
- ✓ As in the Fourth Session, I believe that with this set in the document it will acknowledge the rights deriving from a prior trademark, subject to acquisition in good faith, therefore applying the *“first in time, first in right”*.