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Delegations will find attached, for information, the final EU/Member States statements delivered at the above-mentioned WIPO meeting.

ANNEX

6th Session of the Working Group on the Development of the Lisbon System
(Geneva, 18–20 March 2025)

Agenda item 1

Opening statement

Chair,

1. The European Union and its Member States welcome the continuous enlargement of the membership of the Geneva Act since the last session of the Working Group. We encourage other WIPO members to consider joining the Geneva Act as well. In order to enable the WIPO International Bureau managing the Lisbon International Registry to accommodate the needs of a growing membership, and to support and promote new accessions as well as an increasing number of registrations, we reiterate our view that it is desirable to allocate appropriate resources – both human and financial – to the Lisbon International Bureau in order to manage both the new applications received and the technical assistance and capacity building initiatives to be provided to WIPO members in the framework of the promotion of the Lisbon System.

2. The EU and its Member States have continued to make progress in the implementation of their membership in the Lisbon system under the Geneva Act. We also have filed further applications for the international registration of GIs since the last session of the Working Group and will continue to do so in the future. We continue to believe that the Lisbon system and particularly, the Geneva Act, are the unique and effective systems at the multilateral level for registering and protecting effectively appellations of origin and geographical indications for all WIPO members aiming to secure, to defend and to promote their Appellations of Origin and their Geographical Indications, already registered at regional or national/domestic level. We are also pleased to inform the Working Group that the new Regulation (EU) 2024/1143 updates and better defines the Union legal framework for wine, spirit drinks and agriculture geographical indications (i.e. agri-GIs), in 2024.

3. We are particularly pleased to inform the Working Group about the adoption by the Council and the European Parliament of the Regulation on the protection of geographical indications for craft and industrial products (Regulation (EU) 2023/2411), which entered into force on 16 November 2023. As from December 2025, craft and industrial products will fully benefit from an EU-wide Geographical indications (GIs) protection under this Regulation. The Regulation allows producers to prevent the use of protected names for similar products made outside the designated geographical areas, helping them fight counterfeits both online and offline. Additionally, the GI scheme enables EU producers to seek international protection for their GIs, and it allows non-EU producers to apply for protection if they meet EU requirements. The forthcoming entry into force of the EU scheme of protection for geographical indications for craft and industrial products will open up new possibilities for international registration at WIPO and will bring new financial resources to the Lisbon Union.

Thank you.

Agenda item 3

Proposed Special Rules of Procedure

(Document LI/WG/DEV-SYS/6/2)

Chair,

The European Union agrees to the proposed Special Rules of Procedure, considering that they provide for legal certainty and confirm what has been the practice regarding the participation of members and observers in the Working Group.

Thank you.

Agenda item 5

Proposed Amendments to 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 LI/WG/DEV-SYS/6/3)

Chair,

1. The European Union and its Member States would like to thank the WIPO Secretariat for the submission of the proposed amendments to the Common Regulations.

2. As regards these proposals, we welcome those which can be expected to increase clarity and legal certainty regarding the procedures under the Lisbon System. However, they have been tabled quite late and some of them are rather complex. We need some additional time to correctly assess their exact meaning, value and impact. We would like to make the following preliminary observations at this stage.

3. Regarding the amendments proposed in respect of Rule 8 (9)(c) on change in amount of fees:

   - We understand that in accordance with this proposed rule the amounts of the fees to be paid for the modifications of an Appellation of Origin of a Lisbon Member directly linked to its transition from Lisbon to Geneva are to be calculated with respect to the amounts applicable on the date in which the Lisbon Member joined the Geneva Act. The fees may refer to the addition of the particulars (they were to be paid before 2023) or the payment of the individual fees required by other Geneva Members or other modifications covered by Rule 7(4). We understand that each time a payment is referred to a modification linked to the ratification of the Geneva Act by a Member of the Lisbon Agreement, the fee valid on the date of accession is the valid fee. It must be clear that, if the same amendment (payment of individual tax) is requested by that Geneva Member after the ratification process is concluded, the amount of the fee to be paid will have to refer to the date of the request of amendment and not to the date of accession.

- If the ratification process is concluded with a renunciation to protect a specific Appellation of Origin in another country (because the relevant individual tax has not been paid), the Geneva Member (former Lisbon Member) remains free to decide whether to pay or not the individual tax to protect that Appellation of Origin in that country, and the amount will be calculated with reference to the date on which the Geneva Member requests to pay the individual tax.

- If our understanding is correct, the proposed amendment is of limited application. In addition, the reference date (day of joining the Geneva Act) makes sense because it just aims at fixing the earlier date as in the other cases considered in point a), b) and d) of Rule 8(9).

- We understand that the purpose of this rule is technical and it is to avoid that the WIPO Secretariat is obliged to send the concerned Lisbon Member many notifications and adaptations of the amount of the fee to be paid in connection with the transition from the Lisbon Agreement to the Geneva Act of an Appellation of Origin. The amount should be fixed to the one identified on the first day relevant to the transition (the day the Lisbon member accedes the Geneva Act). This would help to streamline and simplify the action of the WIPO Secretariat and also improve the image of the Geneva Act in general.

- We propose however that the rule is reworded for better understanding. It should be clear that the reference date is the date on which the Geneva Act enters into force for the Lisbon Member, and not the general date of entry into force of the Geneva Act, and that the regime does not extend to the new Geneva Member for ever but that it is applicable only to the modifications linked to the transition from Lisbon to Geneva . It could also be emphasized that modifications of the registration of Appellations of Origin that are not requested when the registration of the Appellation of Origin is extended from Lisbon to Geneva may still be requested later on, applying the fees that are provided on the day they are requested.

4. Regarding the amendments proposed in respect of Rules 9 - 12 on partial and total refusal or protection:

   - We would like to ask for more time to assess the changes included in this part of the proposal. We wonder whether there are sufficient legal bases in the Geneva Act for such a detailed distinction between the partial or total refusal and protection. The possible consequences of the approach described in the proposal should be carefully analysed. We would therefore like to reserve our position at this stage and to invite the International Bureau to provide further clarifications on the distinction between the effects of a total refusal and a partial refusal of protection.

   - An examination of recent notifications of refusal, described as "partial", also raises questions of understanding with regard to the contracting parties' explanations, which it would be useful to have clarified.

5. Additionally, we would like to underline that Article 13 (1) of the Geneva Act also refers to the criterion of good faith (“prior trademark applied for or registered in good faith, or acquired through use in good faith”), which appears to be missing in Rule 9 (2)(iv) of the Common Regulations under the Lisbon Agreement and the Geneva Act. On this issue, we would be interested to get further clarification from the International Bureau with a view to consider whether it is appropriate to mention the criterion of the ’good faith’ also in Rule 9 (2) (iv), which refers only objectively to the dates of application and registration of trade mark.

6. Regarding the amendments proposed in respect of Rule 15 on modifications:

   - It is proposed to extend the list of modifications that can be recorded in the International register to the following cases: modification of the name of the appellation of origin or geographical indication; modification of the good or goods to which the appellation of origin or the geographical indication applies; modification of the particulars, as referred to in Rule 5(3)(a) or the information referred to in Rule 5(6)(a)(vi). At the same time a mechanism is set allowing the Members to refuse the protection to the appellation or indication so modified.

   - We welcome these amendments as they are consistent with the evolution of the Lisbon Agreement into the Geneva Act and the need to take account of sustainability issues

and the adaptation of geographical indications to the accelerating change currently taking place in natural and human factors such as climate change, societal developments, and innovations, etc.

- The protection system under the Lisbon agreement was exclusively based on the protection of the name. The identification of the appellation was entirely concentrated in the name. There was no addition of particulars describing the Appellations.

- In the Geneva Act the Appellations of Origin and Geographical Indications may be accompanied by the particulars, which describe and identify in detail the Appellation of Origin or Geographical Indication. If it happens that the Appellation of Origin or Geographical Indication changes its name, it is however sure that the new name refers to the same product that was designated by the previous name.

- In the light of the above, we consider that the modification of the name of an Appellation of Origin or Geographical Indication already registered in the International Register should be allowed only for those Appellations of Origin or Geographical Indications that are recorded with their particulars. Of course, it should be made possible to apply for an amendment of the name of a registered Appellation of Origin or Geographical Indication which has no recorded particulars.

- As regards the mechanism allowing the Members to refuse the protection to the appellation or indication as modified, it seems useful to require that refusals to protect appellations or indications as modified are justified on the basis of the modification itself. This should avoid that even a slight modification may be used as a reason to refuse the whole registration.

7. For the sake of clarity, the European Union and its Member States express their general support to the proposed amendments presented by the WIPO International Bureau that are not covered by our prior comments.

Thank you.

Agenda item [X-1]

Support for new members of the Lisbon system in registering GIs in the international register

Chair,

This Delegation notes that, while their active participation in the register would be both a source of revenue for the Lisbon Union and the best proof that the register is a suitable instrument for GIs from all regions of the world, new members have very few GIs registered in the register. The obstacles to applying for registration encountered by these new members are unknown at this stage. This is probably due to a lack of familiarity with registration procedures and a more theoretical than concrete representation of the benefits of international protection. The establishment of the eLisbon electronic platform, which considerably modernises the administration of the International Register, creates a favourable context for a discussion allowing new members to express their difficulties or questions, and for members already familiar with the register to share their experiences and testimonies. As indicated in our opening statement, we are also ready to consider assisting new members via the WIPO International Bureau through capacity- building and technical assistance initiatives.

Thank you.

Agenda item [X-2]

Support for members of the Lisbon Agreement in joining the Geneva Act

Chair,

Without regard to the EU Member States and OAPI, not all countries party to the Lisbon Agreement have undertaken the process of acceding to the Geneva Act, although this choice would appear to be the natural evolution of the membership of the Lisbon Agreement. A larger membership, notably from countries having already expressed strong interest in GIs through their participation in the Lisbon Agreement, would increase the scope of GI support in WIPO and generate revenue for the Lisbon Union. This Delegation considers that the establishment of the eLisbon electronic platform, which considerably modernises the administration of the International Register, creates a favourable context for such a discussion. In the framework of the promotion of the Lisbon system, as we expressed in our general remarks, it would be helpful to organise training sessions devoted to this particular issue for all Members of the Lisbon system and more, in general, to promote technical assistance and capacity building initiatives by the WIPO International Bureau.

Thank you

EU Closing statement

Chair,

This Delegation would like to align itself with the Delegations that have taken the floor previously in congratulating the Vice-Chairs to their election, as well as in congratulating the Chair, the WIPO Secretariat and in particular all members of the WIPO International Bureau for the effective and efficient steering of this session of the Working Group. We welcome the progress made during this session in the promotion of the development of the Lisbon System, and we are looking forward to the continuation of the discussions on the proposed amendments to Rules 9 to 12 of the Common Regulations in the next session of the Working Group.

In this regard, you can count on the EU and its Member States to provide meaningful contributions with a view to an expeditious and successful conclusion of the work begun in this session.

Thank you.