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To:	Delegations
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Subject:	49th Session of the WIPO Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) (Geneva, 30 March to 2 April 2026) - Final EU/Member States statements

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

**49th Session of the WIPO Standing Committee on the Law of Trademarks,
Industrial Design and Geographical Indications (SCT)**

(Geneva, 30 March to 2 April 2026)

Agenda Item 5 – 1st indent

Industrial Designs

**Updated Proposal by the Delegations of Canada, Israel, Japan, the Republic of Korea, the
United Kingdom, the United States of America and the European Union and its member
states for a Joint Recommendation Concerning Industrial Design Protection for Designs for
Graphical User Interfaces**

(Document SCT/44/6 REV.4)

Chair,

1. The European Union and its Member States remain fully committed to the proposal for a Joint Recommendation on the protection of Graphical User Interface (GUI), icon, and typeface/type font designs, as contained in document SCT/44/6 REV.4, which we are pleased to co-sponsor.
2. Since the initial proposal, technology has continued to advance at a rapid pace. There is an increasing risk that the current draft recommendation will become outdated if its adoption is delayed much longer. It is therefore timely and necessary to proceed with its adoption to ensure it remains relevant to the needs of the global design community.
3. We would like to emphasise once again that the proposed Joint Recommendation is non-binding and would not create any legal obligations for WIPO Member States. Its primary purpose is to provide a practical, common baseline for GUI protection and to serve as a reference for the modernisation of national and regional design practices.

4. While we are mindful of the proposal by the African Group for a study on the impact of design protection for GUIs on innovation (Document SCT/46/5), we maintain the view that such investigations should not block the adoption of the Joint Recommendation. As we have proposed in previous sessions, the adoption of the recommendation and the conduct of further studies should be undertaken in parallel.

Thank you.

Agenda Item 5 – 2nd indent

Industrial Designs

Proposal by the African Group for a Study on the Impact of Design Protection for Graphical User Interface (GUI) Designs on Innovation

(Document SCT/46/5)

Chair,

1. The EU and its Member States remain thankful for the proposal of the African Group in document SCT/46/5.
2. While we remain open to evidence-based discussions, we must reiterate our concerns regarding the methodology and scope of the proposal as currently drafted. We regret that the revisions promised during the last session have not yet materialised, as several elements of the proposal remain problematic.
3. The proposed topics that seek to collect information on national legal frameworks risk duplicating extensive work already completed by this Committee. Any new study would need to provide clear added value rather than revisit existing information.
4. We also have doubts on the feasibility and possible outcomes of several proposed topics. Analysing hypothetical scenarios, such as the absence of protection (Question 4), would be a merely speculative exercise, while gathering global data on the link between GUI protection and innovation (Question 3) or specific case law on infringement and damages (Question 7) faces significant hurdles due to the lack of available empirical data and the fact that these issues are deeply rooted in specific national procedural rules.
5. In our view, these complexities further underline why the adoption of the Joint Recommendation should not be contingent upon the completion of this study. The Joint Recommendation would provide a valuable point of reference for current practices, without creating any legal obligation for Members to adopt or follow it.

Thank you.

Agenda Item 5 – 3rd indent

Industrial Designs

Proposal by the Delegation of the United States of America for a Study on Industrial Design Protection for New and Emerging Technologies: Approaches to Protection of New Technological Designs, Including Projected Designs, Holographic Designs, and Virtual/Augmented Reality Designs (PHVAR Designs)

(Document SCT/49/5)

Chair,

1. The European Union and its Member States would like to thank the Delegation of the United States for submitting the proposal contained in document SCT/49/5.
2. We welcome this timely proposal, which addresses the rapid technological advances that are reshaping the field of industrial designs. As design innovation increasingly moves into the virtual and augmented realms – through projections, holographic imagery, and VR/AR – it is essential that the intellectual property framework keeps pace.
3. In this context, we would like to highlight that the EU has already taken significant steps to modernise its own legislation. The EU design reform package, which entered into force on 1 May 2025 and consists of a Regulation on European Union designs and a Directive to harmonise the laws of the Member States, explicitly abolishes the requirement for a design to be embodied in a physical object to obtain protection. This modification specifically aims to reflect the evolving reality, where designs are frequently digital or virtual in nature, and to ensure that our legal system remains fit for the digital age.
4. We see this proposal as a constructive way to move the Committee’s work forward, as gathering evidence on how different jurisdictions handle PHVAR designs will provide a valuable foundation for our future discussions.
5. We are therefore pleased to support this proposal.

Thank you.

Agenda item 6 – 1st indent

Trademarks

Revised Proposal by the Delegations of Georgia, Iceland, Indonesia, Jamaica, Liechtenstein, Malaysia, Mexico, Monaco, Peru, Senegal, Switzerland and the United Arab Emirates Concerning the Protection of Country Names and Geographical Names of National Significance

(Document SCT/43/6 REV.2)

Chair,

1. The European Union and its Member States would like to thank the Delegation of Switzerland and the co-sponsors for their constructive approach during the last session regarding the proposal on the protection of country names and geographical names of national significance.
2. We are pleased to have seen that the recent non-paper incorporated key amendments requested by the EU and its Member States, namely the inclusion of a Preamble to contextualise the guidelines; the updated title, reflecting its intended status as a Joint Recommendation; and the reference to the principle of acquired distinctiveness in Article 3(b).
3. These revisions have successfully addressed many of our previous concerns. We believe however that a more explicit reference to the principle of acquired distinctiveness is necessary for the sake of consistency and legal certainty, taking as a reference the wording of previous working documents.
4. We look forward to engaging constructively with the proponents to work towards finalising the proposal.

Thank you.

Agenda Item 6 – 4th indent

Trademarks

Update on Trademark-Related Aspects of the Domain Name System (DNS)

(Document SCT/49/2)

Chair,

1. The European Union and its Member States would like to thank the Secretariat for the comprehensive update on the trademark-related aspects of the Domain Name System (DNS) provided in document SCT/49/2.
2. We continue to highly value the indispensable work performed by the WIPO Arbitration and Mediation Center (AMC). The fact that trademark holders filed the highest number of UDRP¹ complaints in the Center's history in 2025 clearly underscores the continued importance and efficiency of the UDRP for brand owners globally.
3. Regarding policy developments within ICANN², we share the concerns expressed in the document regarding the upcoming Phase II review of the UDRP. Given WIPO's foundational role as the creator and steward of the UDRP, we strongly support the calls for an expert-led initial review to be undertaken by the WIPO Secretariat to inform and guide the ICANN policy process.
4. We are also pleased to see the progress of the focused consultative process between the WIPO AMC and the Internet Commerce Association (ICA), as mentioned in paragraph 15 of the document. We particularly welcome the recommendation in the Final Report that the issue of non-trademark identifiers, including Geographical Indications (GIs), be considered by the ICANN Generic Names Supporting Organization (GNSO) during Phase 2 of the review of Rights Protection Mechanisms. Ensuring that the UDRP can effectively address the bad-faith registration of GIs remains a priority for the EU.

¹ Uniform Domain-Name Dispute-Resolution Policy (UDRP).

² Internet Corporation for Assigned Names and Numbers (ICANN), www.icann.org.

5. Finally, we note with satisfaction the Center’s appointment as the sole dispute resolution provider for Legal Rights Objections (LROs) and String Confusion Objections for the 2026 Round of New generic Top-Level Domains (gTLDs). We trust in the Center’s expertise to ensure that IP rights are properly accounted for in the upcoming delegation process.

Thank you.

Agenda Item 6 – 5th indent

Trademarks

Proposal by the Delegations of Ecuador and Peru on Nation-Brands

(Document SCT/48/3)

Chair,

1. The European Union and its Member States would like to thank the Delegations of Ecuador and Peru for their proposal regarding the protection of nation brands, as contained in document SCT/48/3.
2. While we recognise the importance of nation brands as tools for promoting national identity and image, we would like to briefly reiterate our standing concerns.
3. Based on the results of the questionnaire compiled in document SCT/43/8 Rev.4, the EU and its Member States maintain the view that nation brands are already adequately protected through existing legal mechanisms. These include protection as trademarks (collective or certification marks) and the safeguards provided by Article 6^{ter} of the Paris Convention.
4. The responses to the questionnaire did not reveal significant difficulties or gaps in protection that would justify the creation of an entirely new, parallel international protection system.
5. We remain concerned regarding the legal feasibility and potential overlap with established trademark enforcement systems of the proposed mechanism, which includes an international register, indefinite protection without genuine use requirements, and broad scope of protection.

Thank you.

Agenda Item 6 – 6th indent

Trademarks

Proposal by the Delegation of the United Kingdom Regarding the Protection of Well-Known Marks

(Document SCT/49/3)

Chair,

1. The European Union and its Member States would like to thank the Delegation of the United Kingdom for its proposal in document SCT/49/3.
2. We have read the proposal with great interest. As the digital landscape continues to evolve, we agree that it is always good practice to periodically check if our international frameworks remain fit for purpose and continue to meet the needs of right-holders and users alike.
3. Nonetheless, we continue to attach great importance to the 1999 Joint Recommendation. In our view, the strength of the Joint Recommendation lies in its well-formulated and abstract nature. This flexibility has allowed it to remain useful and relevant even as commercial practices and technical standards of trademark use have shifted, and we believe that the current criteria and factors set out therein are sufficiently broad to encompass modern forms of reputation.
4. We are however open to engaging in further discussion and considering the proposed survey.

Thank you.

Agenda Item 6 – 7th indent

Trademarks

Proposal by the Delegation of the United States of America for a Questionnaire on the Legal, Administrative, and Procedural Aspects of Examination and Registration of Certification

Marks

(Document SCT/49/6)

Chair,

1. The European Union and its Member States would like to thank the Delegation of the United States for submitting the proposal for a questionnaire on certification marks, as contained in document SCT/49/6.
2. We generally support evidence-based exercises that improve the administration of IP offices, but we would like to highlight that the stated goal of the proposed questionnaire is to provide clarity on the “legal, administrative, and procedural aspects” of certification marks. Section IV, which focuses on the relationship between certification marks and geographical indications (GIs), appears to fall outside this scope, and we are therefore of the view that this section is not essential to the questionnaire’s primary objectives and could be removed to maintain a clear focus on certification mark procedures.
3. We stand ready to engage constructively in discussing this proposal further.

Thank you.

Agenda Item 7

Geographical Indications

Chair,

1. We were interested to learn about the experiences of other Members regarding the contribution of GI governance rules to sustainable production practices, and also regarding the connections between plant variety denominations and GIs during the information session of 31 March.
2. Looking ahead to the next session of this Committee, the EU and its Member States would like to propose the following topic for the Information Session on Geographical Indications: *“Comparing quality control and related mechanisms in the legal protection systems of Geographical Indications and Trademarks for agricultural and craft and industrial products.”*
3. In many jurisdictions, including within the European Union following a recent legislative reform, the protection of craft and industrial products (such as ceramics, glassware, or textiles) is gaining significant importance. While globally both GIs and trademarks (specifically collective and certification marks) are used to protect these types of products, the mechanisms for ensuring quality control and related procedures often differ significantly between these two systems of protection.
4. We believe that a focused exchange on these mechanisms would allow us to explore how different legal frameworks ensure that the unique qualities associated with a specific origin or collective brand are maintained and how rights holders can effectively enforce their rights against misuse in the global marketplace.

Thank you.
