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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken on behalf of the
European Union in the Assembly of the Lisbon Special Union

COUNCIL DECISION (EU) 2022/...

of ...

**on the position to be taken on behalf of the European Union
in the Assembly of the Lisbon Special Union**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Union ('the Union') is a Contracting Party to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications¹ ('the Geneva Act'), which entered into force on 26 February 2020. Pursuant to Article 21 of the Geneva Act, its Contracting Parties are members of the Special Union ('the Lisbon Union') created by the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration ('the Lisbon Agreement'). Pursuant to Article 22(2)(a)(iii) of the Geneva Act, the Assembly of the Lisbon Union is to amend the Regulations under the Geneva Act.
- (2) The entry into force of the Geneva Act has brought to light a need to consider amendments to the Common Regulations under the Lisbon Agreement and the Geneva Act (the 'Common Regulations') in order to simplify and streamline the procedures under the Lisbon System for the International Registration of Appellations of Origin and Geographical Indications ('the Lisbon System'), including with the aim of providing greater clarity to the users of the Lisbon System.
- (3) During the General Assemblies of the World Intellectual Property Organization (WIPO) from 14 to 22 July 2022, the Assembly of the Lisbon Union will be invited to adopt amendments to the Common Regulations.

¹ Council Decision (EU) 2019/1754 of 7 October 2019 on the accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (OJ L 271, 24.10.2019, p. 12).

- (4) In its fourth session, which took place in Geneva from 14 to 16 June 2022, the Working Group on the Development of the Lisbon System (the ‘Lisbon Working Group’) recommended to the Assembly of the Lisbon Union the adoption of various amendments to the Common Regulations, as proposed by the WIPO Secretariat and modified by the Lisbon Working Group.
- (5) A proposed amendment to Rule 7(4)(a) of the Common Regulations ensures that only modifications relating to Rule 5(2) are to be subject to the payment of the fee specified in Rule 8(1)(ii) in relation to the transfer of an appellation of origin from the Lisbon Agreement to the Geneva Act. That adaptation would facilitate the accession to the Geneva Act of States that are party to the Lisbon Agreement.
- (6) A proposed amendment to Rule 8(1)(ii) of the Common Regulations would limit the fees for several modifications submitted in the same request to 800 CHF. That would enhance the attractiveness of the Lisbon System, while preserving its financial sustainability.
- (7) A proposed amendment to Rule 9(1)(c) of the Common Regulations would clarify that the general principle set out therein applies to all refusals received in accordance with Rule 9(1)(b), which should be read in conjunction with Rule 9(1)(c).

- (8) The proposed amendments to Rule 15(1)(i) and (ii) of the Common Regulations would streamline the procedure concerning the request for entry of a modification presented to the International Bureau of WIPO.
- (9) The proposed deletion of Rule 15(1)(vi) and the proposed amendment to Rule 16(2) of the Common Regulations would ensure that, in the case of a withdrawal of renunciation linked to Rule 6(1)(d), concerning an irregularity in respect of a requirement based on a notification made under Rule 5(3) or (4), or on a declaration made under Article 7(4) of the Geneva Act, the payment of the fee for a modification will no longer be required. In the case of a renunciation under Rule 6(1)(d), the withdrawal of renunciation will be subject to the correction of the irregularity.
- (10) The proposed amendments to the Common Regulations should enter into force on 1 January 2023, and should simplify and streamline the procedures under the Lisbon System and provide greater clarity to its users, which is in the interest of the users, beneficiaries and stakeholders of the Lisbon System in the Union.
- (11) The Union should therefore support the adoption of those amendments.

- (12) In addition, taking note of the positions expressed by delegations at the fourth session of the Lisbon Working Group in respect of Rule 5(4) of the Common Regulations, and as part of the conclusions of the meeting of the Working Group, the Chair invited the delegation of the Union to submit a written proposal in due course for further consideration at the next session of the Working Group.
- (13) It is appropriate to establish the position to be taken on the Union's behalf in the Assembly of the Lisbon Union,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the meeting of the Assembly of the Lisbon Union in the framework of the WIPO General Assemblies from 14 to 22 July 2022 shall be to support the adoption of amendments to the Common Regulations as set out in section 1 of the Annex to this Decision.

The representatives of the Union may also agree to modifications to the proposed amendments, provided they do not significantly alter the substance.

In preparation for the next session of the Lisbon Working Group, the Union shall submit a written proposal to the WIPO Secretariat suggesting amendments to Rule 5 of the Common Regulations, as set out in section 2 of the Annex to this Decision.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at

For the Council
The President
