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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	13153/23
Subject:	Preparatory Committee of the Diplomatic Conference to Conclude and Adopt a Design Law Treaty (Geneva, 9-11 October 2023) - Final EU/Member States statements

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

Preparatory Committee of the Diplomatic Conference to Conclude and Adopt a Design Law Treaty (DLT)

(Geneva, 9-11 October 2023)

Opening Statement

Chair,

1. The EU and its Member States congratulate you and your Vice-Chairs on your election. We thank the Director General for his opening remarks. We also thank the Secretariat for preparing this session. We remain positive that this Preparatory Committee will have a successful outcome in the preparation for the Diplomatic Conference to conclude and adopt a Design Law Treaty.
2. Last week we had the opportunity to discuss the substantive articles of the draft Design Law Treaty and advancement was made. We remain engaged on the process ahead of us.
3. In general, we support the draft administrative provisions and final clauses presented in document DLT/2/PM/2, although some of them raise concerns for us. We will make respective comments and remarks on them under Agenda Point 5.
4. We support the draft rules of procedure of the Diplomatic Conference proposed by WIPO Secretariat and presented in document DLT/2/PM/3.
5. The EU and its Member States remain committed to engaging constructively during this Preparatory Committee.

Thank you.

Agenda item 5

Draft Final Clauses for the Design Law Treaty to be considered by the Diplomatic Conference

Chair,

The European Union and its Member States would like to make the following remarks:

Article 24(1)(c)

The EU and its Member States would like to recall that no provision similar to paragraph (1) subparagraph (c) exists in either the Patent Law Treaty, the Trademark Law Treaty, or the Singapore Treaty on the Law of Trademarks. We therefore wonder whether there is a real need for having such a provision in the DLT.

Article 24(4)(b)(ii)

The EU and its Member States need to analyse and discuss further the implications of this provision at EU level. Therefore, we propose to put brackets around the phrase “*which are party to this Treaty*” at the end of the first sentence of paragraph (4) subparagraph (b) little roman (ii).

Article 28(2)

The EU and its Member States would like to recall that many contracting parties to the DLT will need to enact legislative amendments to comply with its provisions, and therefore, it would be advisable to allow them sufficient time for such purposes, including providing timely information to design applicants and other stakeholders. Therefore, the EU and its Member States prefer that the Treaty shall require for its entry into force a number of ratifications that allows sufficient time for Contracting Parties to make these amendments.

Thank you.

Agenda item 6

Draft Rules of Procedure of the Diplomatic Conference

Chair,

The EU and its Member States support the draft rules of procedure of the Diplomatic Conference proposed by WIPO Secretariat and presented in document DLT/2/PM/3. We appreciate these rules are based on consolidated international practice and have been used in previous diplomatic conferences.

Thank you.

Agenda Item 8

Agenda, Dates and Venue of the Diplomatic Conference

Chair,

The European Union and its Member States would like to express their appreciation to the Kingdom of Saudi Arabia for offering to host the diplomatic conference to conclude the DLT in Riyadh. We also agree with the proposed agenda and the dates.

Thank you Chair.

Agenda Item 10

Closing of the Session

Chair,

The European Union and its Member States would like to thank you and your vice-chair for your able guidance during this meeting. We would also like to thank the Secretariat for its valuable contributions to the success of this session.

The European Union and its Member States are pleased the rules that will guide us through the Diplomatic Conference have been adopted, and we are looking forward to participating in the conference in Riyadh next year. We remain committed to the fruitful conclusion of the process leading to the adoption of the Design Law Treaty.

Thank you Chair.
