



Brussels, 28 March 2025  
(OR. en)

7557/25

PI 53

**NOTE**

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	8062/24
Subject:	48th Session of the WIPO Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) (Geneva, 24–27 March 2025) - Final EU/Member States statements

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

**48th Session of the WIPO Standing Committee on the Law of Trademarks,  
Industrial Design and Geographical Indications (SCT)**

**(Geneva, 24-27 March 2025 – hybrid format)**

**Agenda Item 4 – 1<sup>st</sup> 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. Regarding the topic of Graphical User Interface (GUI), icon and type face/type font designs, the EU and its Member States would like to thank the Secretariat for organising the virtual information session on 21 February 2025. We have listened with great interest to the reports of experts, the findings of the two questionnaires, and the update about the forthcoming report by the Chief Economist of WIPO.
2. The information session provided valuable insights into the current landscape of design protection across various jurisdictions. The presentations revealed significant commonalities in how different countries approach GUI protection, and this suggests a strong foundation for potential international harmonization of design law. However, areas of divergence were also highlighted, which present opportunities for working towards developing more unified and comprehensive approaches to GUI design protection on a global scale.
3. On this basis, we continue to be convinced that adopting the joint recommendation in document SCT/44/6 REV.4 is a practical way forward. While being non-obligatory for Member States, it would provide for at least a common base line for GUI protection and would further contribute to the modernisation of practices on designs.

4. Chair, we look forward to continuing working with other delegations towards finalising the recommendations to foster a more harmonised approach.

Thank you.

## **Agenda Item 4 – 2<sup>nd</sup> 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 would like to thank once again the African Group for presenting their proposal in document SCT/46/5.
2. While being mindful of the request of some delegations to gather additional information before taking a decision on supporting the joint recommendation, we believe that additional information is in fact not necessary for its adoption, as the previous questionnaires have been quite comprehensive and enabled the identification of areas of intervention for the recommendation with confidence.
3. We would also like to reiterate that the adoption of the joint recommendation would not create any legal obligation for Members to adopt or follow it.
4. In light of the above, the EU and its Member States propose to continue working on these two topics in parallel, that is to proceed with adopting the joint recommendation while the study proposed by the Chief Economist is completed.

Thank you.

## Agenda item 5 – 1<sup>st</sup> 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 EU and its Member States would like to thank the co-sponsors for the revised proposal presented at the last session of the SCT. We appreciate all the efforts made to take into account comments made by other delegations.
2. We continue to support initiatives that do not require legislative changes or deviate from well-established practices on descriptiveness and distinctiveness. We maintain that the core principle of the trademark system should be the freedom to register any signs as trademarks that are distinctive, non-descriptive and not misleading.
3. We welcome the fact that the revised proposal does not foresee rejecting an application solely on the basis that the sign concerned is a recognised country name or a geographical name of national significance. Under the approach established by EU jurisprudence, a trademark application containing a country name or geographical name should not be rejected if the relevant consumer is considered to perceive it as a distinctive badge of commercial origin in relation to the goods or services in question.
4. In order to reach a final consensus on the proposal, the EU and its Member States would like to invite the committee to explore the following options.
5. First, we believe that the concept of acquisition of distinctive character should be explicitly mentioned in the proposal as a case where the trademark is not perceived by the public as a country name or a geographical name of national significance. For this reason, we propose to amend the first indent of point 4 paragraph (a) of the proposal with the following wording:  
*“[...] This is for instance the case when the country name as used in the mark is translated or transliterated in a language which is unknown to a large majority of the relevant public or*

*when it has acquired distinctive character through its use as a trademark in the territory of application; or [...]”*

6. Secondly, we propose to change the title of the proposal to “Joint Recommendation”, instead of “Examination Guidelines” as this would be more in line with the nature of the proposal and would avoid giving the impression that it was a document published by an IP office and that substantive examination of trademark applications was carried out by WIPO.
7. Thirdly, we believe that the proposal should contain a preamble outlining its context, stating its purpose and the issue it aims to address. In this respect a joint recommendation may also be more adequate, as it makes clear the lack of legal binding force of the proposal.
8. We look forward to continuing working with the sponsors to finalise the proposal, based on the fruitful bilateral exchanges we have had during the last session.

Thank you.

## **Agenda Item 5 – 4<sup>th</sup> indent**

### **Trademarks**

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

(Document SCT/48/2)

Chair,

1. The EU and its Member States would like to thank the Secretariat for preparing document SCT/48/2.
2. We continue to attach great importance to the protection of intellectual property rights in the online environment, including the domain name system. We believe there should be no hierarchisation among the protection given to different IPRs and tendencies resulting in the global genericity of terms, which violate the principle of territoriality, should be avoided. We are convinced that these principles need to be respected during the next round of delegation of new generic top-level domains. In this regard, we welcome the continued efforts of the WIPO Arbitration and Mediation Center, especially its commitment to working with stakeholders to attempt to safeguard the observance of general principles of IP protection in new generic top-level domains.
3. We would also like to reiterate the importance of the protection of non-trademark identifiers, especially geographical indications in the domain name system, as mentioned in paragraphs 20-24 of the report. This is crucial to safeguard interests of IP right holders, especially in light of the 2023 decision taken by the ICANN Board to open the next round of applications for new generic top-level domains. For the same reason, we consider it timely to renew long standing discussions within WIPO regarding the incorporation of geographical indications into the UDRP. We look forward with great interest to the opportunity to comment on the draft report being prepared by the Center on jurisprudential and operational experiences with the Uniform Domain Name Dispute Resolution Policy (UDRP).
4. In the EU, Regulation 2023/2411 on the protection of geographical indications for craft and industrial products, and Regulation 2024/1143 on geographical indications for wine, spirit drinks and agricultural products, require country-code top-level domain name registries to ensure that any alternative dispute resolution procedures for domain names recognise

registered geographical indications as a right that can be invoked in those procedures. We have provided more information about these provisions in the second information session on geographical indications on 25 March.

Thank you.



## **Agenda Item 5 – 5<sup>th</sup> indent**

### **Trademarks**

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

(Document SCT/48/3)

Chair,

1. The EU and its Member States would like to thank the delegations of Ecuador and Peru for submitting the proposal in document SCT/48/3. We recognize the importance of nation brands as valuable tools for countries to promote their national identity and image.
2. We would like to recall the comprehensive questionnaire on Nation Brand Protection in Member States, the results of which were compiled in document SCT/43/8 Rev.4. Based on these responses, which now encompass 78 Member States, we maintain our assessment that nation brands can benefit adequately from protection through existing legal mechanisms, namely as trademarks and by means of Article 6ter of the Paris Convention. These existing legal frameworks provide sufficient safeguards for nation brands across various jurisdictions. The questionnaire responses did not reveal significant problems that would necessitate the creation of an entirely new protection system for nation brands.
3. Having analysed the proposal, we would like to note that there is considerable ambiguity regarding the intended legal form of the proposed rules. It is not clear whether the proponents envisage this proposal to materialize as a new international instrument, an amendment of an existing instrument, or a joint recommendation. This fundamental uncertainty makes it difficult to assess the potential implications of the proposal within the international intellectual property framework.
4. We also have concerns about the compatibility of the proposed system with the existing trademark system and the protection mechanism under Article 6ter of the Paris Convention. The proposal appears to create a system of parallel protection for an indefinite period without genuine use requirements, a separate international register, broad protection against similar signs and enforcement mechanisms that may overlap with existing trademark enforcement. These elements would undermine the established principles of the international trademark system, which carefully balances the interests of right holders and the public.

5. The European Union and its Member States would like to recall that the international trademark system has evolved over decades to provide clear, predictable protection while maintaining appropriate limitations and exceptions. Introduction of a new category of protected signs with different criteria for registration, scope of protection, and enforcement mechanisms could disrupt this carefully balanced system.
6. For the reasons outlined above, the European Union and its Member States are not in a position to support the proposal in its present form. However, we remain open to engaging constructively with the proponents to explore how legitimate concerns regarding nation brand protection might be addressed within the existing international legal framework.
7. We look forward to further discussions on this topic and welcome additional clarification from the proponents regarding how their proposal might be reconciled with the established principles of international intellectual property law.

Thank you.

## Agenda Item 6

### Geographical Indications

Chair,

1. The EU and its Member States would like to thank the Secretariat and Members of the SCT for their continuous work in preparing and delivering the information sessions on geographical indications and thank the Secretariat for preparing document SCT/48/2.
2. We were especially pleased to learn about the experiences of other Members regarding the recognition of geographical indications as valid rights in the domain name dispute resolutions procedures during the information session of 25 March.
3. We would also like to thank WIPO for hosting the side event and exhibition on craft and industrial GIs, co-organised by the European Commission and the Polish Presidency of the Council of the EU, which opened during the last session of the Working Group on the Development of the Lisbon System.
4. For the upcoming information session at SCT/49, we would like to propose the following topics: *“Protecting geographical indications and preventing their abusive registration in the new generic top-level domain expansion round”*. The upcoming expansion round is expected to see growth in applications for geographic TLDs (e.g. settlement or area names as TLDs) among other categories. In this context, the protection of the interests of IP right holders is key, especially preventing abusive applications for names that are protected as geographical indications. The second topic we would like to propose is: *“Inclusive governance of geographical indications and sustainability”*. Discussing this topic would help enhance the role of GIs in promoting economic, environmental, and social sustainability, while preserving cultural identities and traditional practices worldwide.

Thank you.

## **Agenda Item 6**

### **Geographical Indications**

Chair,

The EU and its Member States would like to thank Australia for the topics proposed for the information session at SCT 49 and for supporting our proposal. Following bilateral consultations, I am happy to announce that the EU and its Member States are ready to support the second topic proposed by Australia, namely 'Plant names and Geographical Indications'.

Thank you.

---