

Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications

Third Special Session - Preparation of the Basic Proposal for the Diplomatic Conference to Conclude and Adopt a Design Law Treaty (DLT) Geneva, October 2 to 6, 2023

RULES OF PROCEDURE

Document prepared by the Secretariat

1. Sessions of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) are governed by the General Rules of Procedure of the World Intellectual Property Organization (WIPO)¹, subject to Special Rules of Procedure adopted by the SCT².
2. Concerning the election and term of the Chair and Vice-Chairs of the SCT, a special rule adopted by the SCT at its second session provides that “the Standing Committee elects the Chair and the two Vice-Chairs for one year”³.
3. The present document contains a proposal to repeal the aforementioned SCT Special Rule of Procedure.
4. The rationale for the proposed repeal is based on the amendment of Rule 9(2) of WIPO’s General Rules of Procedure in July 2022, which applies to the election of officers of the SCT, in conjunction with the SCT Special Rule of Procedure under consideration.
5. The amendment of Rule 9(2) of WIPO’s General Rules of Procedure followed a decision by the Assemblies of WIPO to modify the electoral cycle of the officers (Chair and two Vice-Chairs) stipulated in Rule 9(2), to the effect that their terms of office begin following the final meeting of the session during which they were elected⁴. Accordingly, as from SCT/46,

¹ https://www.wipo.int/policy/en/rules_of_procedure.html.

² <https://www.wipo.int/policy/en/special-rules-of-procedure-wipo-standing-committees.html>.

³ See document SCT/2/2, paragraph 3.

⁴ See document A/63/5 Rev., paragraph 16.

the SCT Chair and Vice-Chairs preside over the SCT session following the one on which they were elected.

6. The combined application of the amended Rule 9(2) of the WIPO General Rules of Procedure and the SCT Special Rule of Procedure referred to in paragraph 2, above (i.e., the SCT elects the Chair and two Vice-Chairs for one year), could lead to a situation where the terms of the Chair and Vice-Chairs would expire before the next session of the SCT, with no officers to preside over that session. This would be the case where the SCT session following the election is scheduled to take place more than a year after the election.

7. In order to avoid such a situation, it is proposed to repeal the aforementioned Special Rule of Procedure.

8. The consequence of such repeal would be that Rule 9(1) of WIPO General Rules of Procedure would apply to the election of the Chair and two Vice-Chairs of the SCT. Pursuant to Rule 9(1), a Chair and two Vice-Chairs are elected in the first meeting of each ordinary session. Since, in general, the SCT only meets in ordinary sessions, the Committee would elect officers in each session.

9. As regards the officers' term of office, Rule 9(2) of the WIPO General Rules of Procedure would continue to apply. In other words, as explained in paragraph 5, above, the term of office of the Chair and Vice-Chairs would begin following the final meeting of the session during which they were elected.

10. Finally, the proposed repeal of the aforementioned Special Rule of Procedure would not affect another SCT Special Rule of Procedure, whereby "the outgoing Chair and Vice-Chairs shall be immediately eligible for re-election to the offices which they have held". Allowing officers to be immediately eligible for re-election could be beneficial for the effective and efficient conduct of the SCT, where discussions usually spread over several sessions.

11. The SCT is invited to repeal the SCT Special Rule of Procedure, which provides that "the Standing Committee elects the Chair and the two Vice-Chairs for one year".

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