

ISPM 15 - Regulation of Wood Packaging Material in International Trade

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International Plant Protection Convention

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- ISPM 15 system and related logo
- Status of registration
- Importance/benefits of registration
- Risks of non-registration
- Registration process overview

ISPM 15 and its system worldwide

- ISPM 15 has been enforced worldwide and countries all over the world have incorporated the Standard into their legal system

Sample WTO notifications

- *'Wood packaging materials ... from **all countries must be treated and certified** in accordance with the standards established in ISPM 15'*
- *'With a view to **harmonizing** national regulations with the international standards, the definition of wood packaging material and related measures are **equivalent** to those provided in ISPM 15. Wood packaging material treated and certified according to ISPM 15 **will not be subject to import quarantine procedures**. Wood packaging material without the mark (Annex II, ISPM No. 15) will be inspected at ports of entry by plant quarantine officers for confirmation of compliance with the regulation'*

Status of Registration

- 124 countries
- 1st: Italy, 2003
- Madrid System
- Community Trade Mark
- OAPI
- National systems
- Currently suspended
- 80 countries not registered yet

Option 1 - Article 6ter, Paris Convention for the Protection of Industrial Property

Protection may be granted to emblems, abbreviations and names of:

“(iii) any convention constituting an international treaty to which one or more States members of the Paris Union are Party, provided that the said convention establishes, or is intended to establish, a permanent entity having specified aims and its own rights and obligations”

Option 2 - Article 6bis, Paris Convention

- *"(1) The countries of the Union undertake, ex officio if their legislation so permits, or at the request of an interested party, to refuse or to cancel the registration, and to prohibit the use, of a trademark which constitutes a reproduction, an imitation, or a translation, liable to create confusion, **of a mark considered** by the competent authority of the country of registration or use **to be well known** in that country as being already the mark of a person entitled to the benefits of this Convention and used for identical or similar goods."*

Option 3 – National legal systems

- Rights only from **Registration**
- Rights also from **Use**

Importance/benefits of registration

- Registration of the symbol provides the most complete protection and gives the most effective legal tools should actions against a third party become necessary

Risks of non-registration

- Third party applies for registration of symbol
 - Country must cease using symbol
 - Or use, subject to payment of royalty
 - ISPM 15 worldwide system undermined

Registration process overview

- File application – national trade mark office
- Refuse, Provisionally accept, Request additional documentation
- Provisional acceptance: publication on national trade mark gazette
- Oppositions (if any)
- Final approval
- 12 – 18 months

Costs of Registration and Renewal

- Registration (per country, 10 years)
 - averagely **US \$4,500.00**
- Renewals (per country, 10 years)
 - Madrid System : **US \$400.00**
 - European Community: **US \$180.00**
 - National: averagely **US \$2,370.00**

Thank you