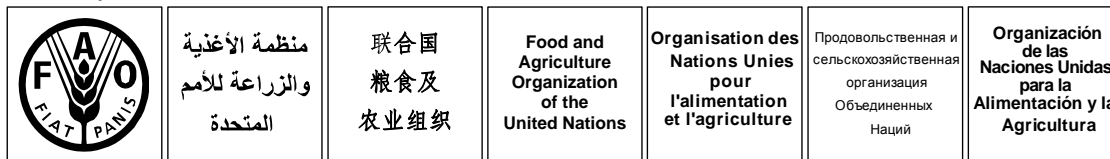


February 2012



COMMISSION ON PHYTOSANITARY MEASURES

Seventh Session

Rome, 19 - 23 March 2012

Status of ISPM 15 Implementation

Agenda item 8.2.1 of the Provisional Agenda

I. Status of Applications

1. The status of applications filed to date by FAO for registration of the International Standard for Phytosanitary Measures (ISPM) 15 symbol is as follows: 1) 14 national applications; 2) two regional applications, one covering the 27 countries of the European Community and the other for the 16 countries of the African Intellectual Property Organization (AIPO/OAPI); 3) application under the Madrid System for the International Registration of Marks, administered by the World Intellectual Property Organization (WIPO), currently covering 67 countries.

II. Countries where the Registration Process is in Progress

2. Efforts have been made by FAO to continue to register the symbol in countries not covered by the above processes. As at the end of December 2011, the status of registration of the symbol is as follows:

International Registration

3. The process for registration of the symbol in Israel under the Madrid System is ongoing. FAO will consider additional designations of countries as they join the Madrid System. The due date for renewal of current registration under the Madrid System is 2013. A single request for renewal of registration will cover all countries of the System.

National Registration

4. The process of national registration of the symbol is ongoing in Colombia, the Philippines and Venezuela.

III. Countries where no Registration Process has begun

5. There are 81 countries in which the registration process has not begun (Attachment 1). In these countries registration of the symbol needs to be done under national procedures at an estimated approximate average cost of USD 4 500 for each country.

IV. Cost of Renewal of Registration

6. Attachment 2 shows the current situation about the renewal of registrations.
7. There is need to plan for the renewal of the symbol from 2013 onwards for the 67 countries that are registered under the Madrid System and the 14 countries that are registered under the national systems respectively. The estimated total cost for the renewal of registration under the Madrid system is approximately USD 35 000 while a rough estimate of the total cost for renewal of national registrations is approximately USD 27 000.

V. Protection of the ISPM 15 Mark

8. The report by the consultant hired by the Secretariat to review the options for protection of the ISPM 15 mark was presented to the Bureau in October 2011. The report noted that registration provides the most complete protection and gives the most effective legal tools should actions against a third party become necessary. Among the options that were examined, the Bureau concurred with the advise by the FAO Legal Office that before submitting an official request to the International Bureau of WIPO (the body in charge of receiving applications under article 6^{ter} of the Paris Convention for the Protection of Industrial Property), the WIPO Legal Counsel be informally approached with a view to have a preliminary opinion on whether the logo may benefit from the protection granted by article 6^{ter} (1)(b) and (3)(b) of the Convention, in application of the principles provided by the Guidelines for the interpretation of the above-mentioned article.
9. The Secretariat has prepared a draft note in line with the above-mentioned Guidelines in order to provide the following information to WIPO:
 - a) A brief description of the IPPC and its specified aims, emphasizing on its characteristics as a **permanent entity**, as well as its functioning and legal status.
 - b) A description of the rights and obligations of the IPPC, including:
 - 1) governing structure/bodies
 - 2) adoption of rules and procedures
 - 3) new membership procedure
 - 4) financial structure and related financial arrangements.
10. The CPM is invited to:
 - 1) *Note* the updated situation of registration of the ISPM 15 symbol.
 - 2) *Discuss* options for obtaining resources for the registration.

Attachment 1**The countries where the process for national registration of the symbol has not begun**

Afghanistan	El Salvador	Micronesia (Federated States of)	Seychelles
Andorra	Eritrea	Myanmar	Solomon Islands
Angola	Ethiopia	Nauru	Somalia
Bahamas	Fiji	Nepal	South Africa
Bangladesh	Gambia	Nicaragua	Sri Lanka
Barbados	Grenada	Nigeria	Suriname
Belize	Guatemala	Niue	United Republic of Tanzania
Bolivia (Plurinational State of)	Guyana	Pakistan	Timor-Leste
Brunei Darussalam	Haiti	Palau	Tonga
Burundi	Honduras	Panama	Trinidad and Tobago
Cambodia	Iraq	Papua New Guinea	Tunisia
Cape Verde	Jamaica	Paraguay	Tuvalu
Chile	Jordan	Peru	Uganda
China , (Macao SAR)*	Kiribati	Qatar	United Arab Emirates
Comoros	Kuwait	Rwanda	Uruguay
Democratic Republic of the Congo	Lao People's Democratic Republic	Saint Kitts and Nevis	Vanuatu
Costa Rica	Lebanon	Saint Lucia	Yemen
Djibouti	Libya	Saint Vincent and the Grenadines	Zimbabwe
Dominica	Malawi	Samoa	
Dominican Republic	Marshall Islands	Saudi Arabia	
Ecuador	Mauritius	Sao Tome and Principe	

* Special Administrative Region of the People's Republic of China

Attachment 2

The list of countries, classes of registration and indicative dates of renewal of registration of the ISPM 15 symbol

Country	Classes	Due date	No. of countries
European Union	19,20,37	Ren 04/04/2013	17
	09,14,16,25,36,41,42	Ren 29/01/2018	
International TM Registration (under the Madrid system) #	19,20,37	Ren 26/09/2013	67
<i>Designated countries*:</i> Albania, Algeria, Antigua and Barbuda, Armenia, Australia, Azerbaijan, Bahrain, Bhutan, Bonaire Sint Eustatius and Saba, Bosnia and Herzegovina, Botswana, Bulgaria, China, Croatia, Cuba, Curaçao, Czech Republic, Egypt, Estonia, Georgia, Hungary, Iceland, Iran (Islamic Republic of), Israel, Japan, Kazakhstan, Kenya, Korea (Dem. Pop. Rep.), Korea (Rep. of), Kyrgyzstan, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Macedonia, Madagascar, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Norway, Oman, Poland, Romania, Russia, Saint Martin, San Marino, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Sudan, Swaziland, Switzerland, Syrian Arab Republic, Tajikistan, Turkey, Turkmenistan, Ukraine, Uzbekistan, Viet Nam, Zambia			
O.A.P.I. (Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo Republic of, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Senegal, Togo)	19,20	Ren 03/10/2018	16
	37	Ren 24/12/2018	
Argentina	19	Ren 15/04/2015	1
	20	Ren 15/04/2015	
	37	Ren 15/04/2015	
Belarus	19,20,37	Ren 20/06/2016	1
Brazil	42	Ren 19/05/2019	1
Canada	19,20,37	Ren 27/07/2020	1
Hong Kong (S.A.R.)	19,20,37	Ren 28/09/2013	1
Indonesia	19	Ren 06/11/2013	1
	20	Ren 06/11/2013	
	37	Ren 06/11/2013	
Japan	36,41,42,25,09,14,16	Ren 13/10/2020	1
Malaysia	19	Ren 02/04/2013	1
	20	Ren 02/04/2013	
	37	Ren 02/04/2013	
Mexico	19	Ren 01/10/2013	1
	20	Ren 01/10/2013	
	37	Ren 01/10/2013	
New Zealand	19,20,37	Ren 29/09/2013	1
Thailand	19	Ren 01/10/2013	1
	20	Ren 01/10/2013	
	37	Ren 01/10/2013	
United States of America	19,20,37	Ren 24/01/2016	1

*At the time of the application under the Madrid system the ten EU countries listed under the Madrid system were not member states of the EU

The schedule does not mention possible limitations of the number of classes covered in each designated country or whether a designated country is a subsequent designation. The due dates in each designated country are also missing.