



IP POLICY AND INTERNATIONAL AFFAIRS Bulletin

November 2021

Report on the 2021 WIPO Assemblies

On October 4–8, 2021, representatives from the United States Patent and Trademark Office (USPTO) were part of the official delegation representing the United States at the 62nd Series of Meetings of the Assemblies of the Member States of the World Intellectual Property Organization (WIPO). These were the first WIPO Assemblies led by Director General Daren Tang, who assumed office on October 1, 2020. The meetings took place in a hybrid format due to the ongoing COVID-19 pandemic.

In his [opening address](#), Director General Tang highlighted WIPO's five-year [Medium Term Strategic Plan \(MTSP\) for 2022–2026](#), which sets forth WIPO's new vision and mission:

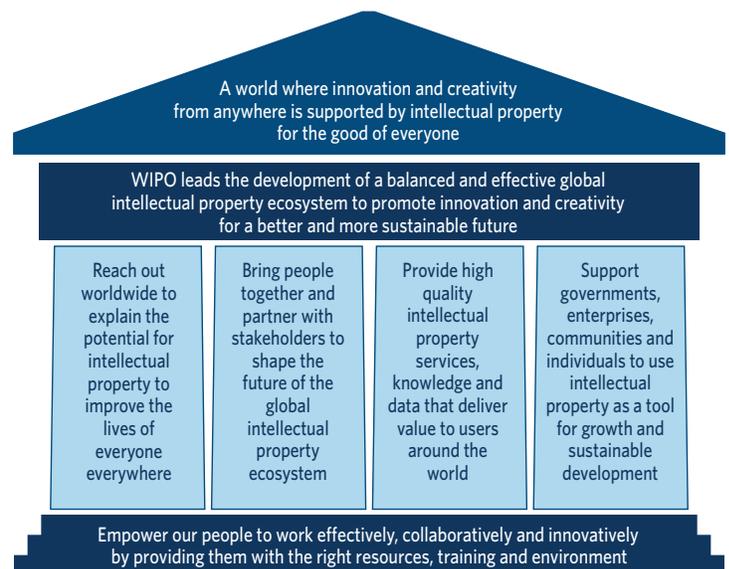
Vision: “A world where innovation and creativity from anywhere is supported by intellectual property, for the good of everyone.”

Mission: “WIPO leads the development of a balanced and effective global intellectual property ecosystem to promote innovation and creativity for a better and more sustainable future.”

Director General Tang explained that the MTSP aims “to reinforce WIPO's traditional areas of strength, as the provider of global IP services and the convener of the international IP community,” and “to ensure that IP acts as a powerful catalyst for jobs, investments, economic development and social vibrancy in all economies and in every region of the world.” To achieve these aims, Director General Tang explained that WIPO's work will be built around four strategic pillars, underpinned by a foundation (see Figure 1).

The WIPO Assemblies made a number of decisions at their October meetings. Of particular interest to USPTO's customers and users of WIPO's registration systems are the amendments to their respective rules adopted by the Assemblies of the Patent Cooperation Treaty (PCT) Union, the Hague Union, and the Madrid Union that are described below. (The Assembly of the Lisbon Union also adopted amendments to the rules of the Lisbon Agreement and the Geneva Act of the Lisbon Agreement; however, the United States is not a contracting party to these agreements.)

Figure 1: Foundation and four strategic pillars of WIPO's Strategy House



Source: WIPO, *Medium Term Strategic Plan for 2022–2026* (June 2021)

UNITED STATES
PATENT AND TRADEMARK OFFICE



PCT amendments

- Rule 5 was amended to move forward with the implementation in the PCT of WIPO Standard ST.26 “Recommended Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings using XML (eXtensible Markup Language).” This Rule addresses changes in the description requirements.
- Rule 12 was amended to specify that in the implementation of WIPO Standard ST.26 language-dependent free text shall be filed in a language that the receiving Office accepts.
- Rule 13ter was amended to clarify the procedure under WIPO Standard ST.26 before the International Searching Authority when the application contains nucleotide and/or amino acid sequences.
- Rule 19.4 was amended to specify transmittal to the International Bureau as a Receiving Office of the international application under WIPO Standard ST.26, when the application contains nucleotide and/or amino acid sequences.
- Rule 49 was amended to specify the requirements for the translation to be provided to the Designated Office, under WIPO Standard ST.26.
- Rule 82quater was amended to clarify the handling of a delay in meeting time limits for performing actions by PCT applicants due to war, revolution, civil disorder, strike, natural calamity, epidemic, a general unavailability of electronic communications services, or other like reason in the locality where the interested party resides.
- Rule 82quater.3 was added to provide for an extension of time limits due to general disruption, for the same type of events listed in Rule 82quater.

For further details, see [proposed amendments relating to the PCT regulations](#) on the WIPO website.

New accessions to the main WIPO registration systems in 2021

Madrid Protocol: Pakistan, Trinidad and Tobago, United Arab Emirates

Hague Agreement: Belarus

Hague Agreement amendments

- Rule 5 was amended to provide users of the Hague System with relief measures if they failed to meet a time limit due to a force majeure event, such as the COVID-19 pandemic.
- Rule 17 was amended to extend the standard publication period from six to 12 months and introduce the possibility to request an earlier publication at any time before the publication of the international registration.
- Rule 21 was amended to enable the International Bureau to record the new owner as the holder of an international registration where the request is presented and signed by the new owner, if that request is accompanied by an assignment document or other document sufficient to provide evidence for the recording of the change.
- New Rule 22bis allows applicants or holders to submit a request to the International Bureau for the addition of a priority claim prior to the completion of technical preparations for publication and within two months from the filing date of the international application. A fee will apply for this new type of service, which is set out in the new Item 6 of the schedule of fees.

For further details, see [proposed amendments relating to Hague Agreement](#) on the WIPO website.

Madrid Protocol amendments

- Rule 3 was amended to streamline the ways in which users may appoint representatives. The amendment also eliminated the International Bureau’s obligation to send copies of all communications to users when the appointment of representatives has been cancelled, since such communications are already available in WIPO’s online services.
- Rule 5 was amended to provide users of the Madrid Protocol with adequate relief measures if they fail to meet a time limit due to a force majeure event, such as the COVID-19 pandemic.
- Rule 9 was amended to allow new means of representing marks, particularly non-traditional marks. In addition, if color is claimed, only one representation of the mark in color will be required. Corresponding amendments were also made to Rules 15, 17, 32, and the Schedule of Fees Item 2. (These amendments will enter into force on February 1, 2023.)

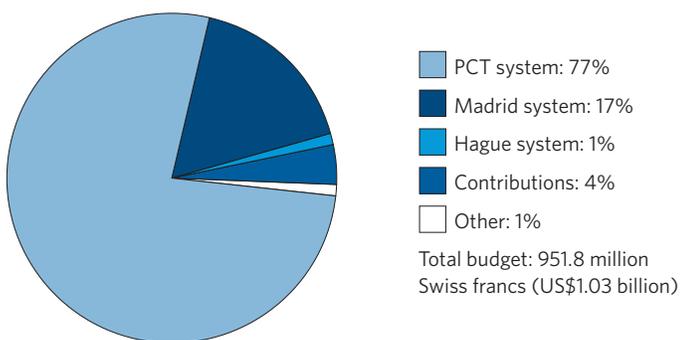
- Rule 21 was amended to allow users to request taking note of partial replacement of goods or services listed in an earlier national or regional registration with goods or services encompassed in a later international registration and registered extension of protection. In addition, Rule 40 was amended to add that the transition period for partial replacement implementation will be until February 1, 2025, to allow contracting parties time to make national or regional legislative and IT systems changes.
- Rules 22, 24, and 39 were amended to address housekeeping matters.

For further details, [proposed amendments relating to Madrid Agreement](#) on the WIPO website.

Budget

The WIPO Assemblies took note of decisions adopted by WIPO’s Program and Budget Committee (PBC) and approved the PBC’s recommendations, including the Capital Master Plan for 2022–2023, amounting to 19.971 million Swiss francs. (See the PBC’s “List of Decisions,” document [WO/PBC/33/14](#).) WIPO estimates that in 2022–2023 its income will be 951.8 million Swiss francs and expenditures will be 852.1 million Swiss francs, leaving a net operating result of 99.7 million Swiss francs. (See the PBC’s “Proposed Program of Work and Budget for 2022/23,” document [WO/PBC/33/10](#).)

Figure 2: WIPO’s income sources, 2022–2023 (percent)



Source: WIPO, *Proposed Program of Work and Budget for 2022/23* (August 16, 2021)

Other decisions

Other notable decisions of the 2021 WIPO Assemblies included:

- The WIPO General Assembly approved the new “big-bang implementation date” of July 1, 2022, for WIPO Standard ST.26 at national, regional, and international levels.
- The Assembly of the PCT Union approved the text of a draft agreement between the Eurasian Patent Organization (EAPO) and the International Bureau. Under its terms, the EAPO will be appointed an International Searching Authority and International Preliminary Examining Authority. This will take effect upon the signing of the final agreement, with a termination date of December 31, 2027.
- The WIPO General Assembly renewed the mandate of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.
- The WIPO Coordination Committee approved memorandums of understanding between WIPO and the European Patent Office and between WIPO and the International Renewable Energy Agency.

Design Law Treaty

The WIPO General Assembly discussed the convening of a diplomatic conference on the draft Design Law Treaty, agreeing to continue consideration of this at its next session in 2022. The draft Design Law Treaty is a formalities treaty for industrial designs, analogous to the Patent Law Treaty for patents and, for trademarks, the Singapore Treaty on the Law of Trademarks.

Further information

Further details on the 2021 WIPO Assemblies are available on the [WIPO website](#) or in the [summary report](#) prepared by the WIPO Secretariat.

This report was prepared by the USPTO’s Office of Policy and International Affairs. For information on the USPTO’s engagement with WIPO and other international bodies that deal with IP and IP policy, visit the USPTO’s [IP Policy webpage](#).