

March 2013



منظمة الأغذية
والزراعة للأمم
المتحدة

联合国
粮食及
农业组织

Food and
Agriculture
Organization
of the
United Nations

Organisation des
Nations Unies
pour
l'alimentation
et l'agriculture

Продовольственная и
сельскохозяйственная
организация
Объединенных
Наций

Organización
de las
Naciones Unidas
para la
Alimentación y la
Agricultura

COMMISSION ON PHYTOSANITARY MEASURES

Eighth Session
Rome, 08 - 12 April 2013
Status of ISPM 15 Implementation
Agenda item 8.2.1
Prepared by the IPPC Secretariat

I. Background

1. At CPM-7 (2012) the Secretariat presented a report on the status of registration and renewal of registration of the ISPM 15 symbol. It also ran an evening session at which the FAO Legal Office explained the implications of not registering the symbol and the processes that countries can take to register the symbol. In its report to CPM-7, the Secretariat explained that financial resources were not available from FAO or IPPC to register the ISPM 15 symbol in additional countries. The Secretariat advised contracting parties of the due dates for the renewal of the registration under the systems currently used to register the symbol and that they should take this into account for their appropriate action.

2. The CPM considered the Secretariat's report. However, there were no proposals for alternative options for funding the registration of the ISPM 15 symbol. The CPM agreed that the Secretariat and FAO Legal Office should consider the possibility of registering the symbol with the World Intellectual Property Organization (WIPO) under article 6^{ter} of the Paris Convention for the Protection of Industrial Property¹.

II. Current Status

3. In its feedback to the Secretariat, WIPO advised that it was not possible to register the ISPM 15 symbol under the WIPO system mentioned above.

4. At its meeting in October 2012, the Bureau discussed the matter of protection of ISPM 15 symbol and suggested that it be kept on the agenda of CPM to stimulate further discussion. In

¹ <http://www.wipo.int/article6ter/en/>

addition, the Bureau suggested that consideration be given to planning for a further Question & Answer forum or side-session of the CPM to which FAO Legal Office would be invited.

5. On 6 December 2012 the Secretariat posted information on the International Phytosanitary Portal (IPP) to advise contracting parties of the need to engage in the process of securing the protection of the ISPM 15 symbol in their territories.

6. The status of registration and the due dates for renewal in various contracting parties are summarized in attachments 1 and 2 respectively.

7. The CPM is invited to:

- 1) *note* the developments in regard to registration of the ISPM 15 symbol;
- 2) *encourage* contracting parties to actively pursue the process of national registration of the ISPM 15 symbol;
- 3) *encourage* contracting parties to renew registrations that are due to expire soon;
- 4) *suggest* ideas for ensuring that protection of ISPM 15 symbol is guaranteed.

Attachment 1**Countries where process for national registration of the symbol has not begun (total: 75)²**

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

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

² Table revised by FAO Legal Office February 2013

Attachment 2**Countries, classes of registration and dates of renewal of registration of the ISPM 15 symbol³**

Country	Classes	Due date	No. of countries
European Union	19,20,37	Ren 04/04/2013	17
International TM Registration (under the Madrid system) #	19,20,37	Ren 26/09/2013	67
<u>Designated countries*</u> : Albania, Algeria, Antigua and Barbuda, Armenia, Australia, Azerbaijan, Bahrain, Bhutan, Bonaire Saint 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, The Former Yugoslav Republic of 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 37	Ren 03/10/2018 Ren 24/12/2018	16
Argentina	19 20 37	Ren 15/04/2015 Ren 15/04/2015 Ren 15/04/2015	1
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
Colombia**	19,20,37	Date to be confirmed	1
Hong Kong (S.A.R.)	19,20,37	Ren 28/09/2013	1
Indonesia	19 20 37	Ren 06/11/2013 Ren 06/11/2013 Ren 06/11/2013	1
Japan	36,41,42,25,09,14,16	Ren 13/10/2020	1
Malaysia	19 20 37	Ren 02/04/2013 Ren 02/04/2013 Ren 02/04/2013	1
Mexico	19 20 37	Ren 01/10/2013 Ren 01/10/2013 Ren 01/10/2013	1
New Zealand	19,20,37	Ren 29/09/2013	1
Philippines**	19,20,37	Date to be confirmed	1
Thailand	19 20 37	Ren 01/10/2013 Ren 01/10/2013 Ren 01/10/2013	1
United States of America	19,20,37	Ren 24/01/2016	1

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

** Countries where registration process has begun but the certification of registration is yet to be released, therefore the date of renewal is yet to be confirmed.

³ Table revised by FAO Legal Office February 2013