

Congress of the United States

Washington, D.C. 20515

February 12, 2015

Director General Francis Gurry
World Intellectual Property Organization
34, chemin des Colombettes
CH-1211 Geneva 20, Switzerland

Director General Gurry:

We write to express serious concerns about the process by which the World Intellectual Property Organization (WIPO) is seeking to make changes to the Lisbon Agreement for the Protection of Appellations of Origin. These proposed changes would have a significant impact on companies across the globe whose business depends on the use of common or generic names or on the integrity of established trademarks. Consistent with longstanding WIPO practice, and in the interests of transparency and basic procedural fairness, these changes must be carefully vetted by all Members of WIPO before proceeding further.

As you are aware, this WIPO-administered treaty allows parties to the agreement to simultaneously register Appellations of Origin with all parties to the Lisbon Agreement. The revisions to this treaty would markedly expand its scope, allowing for the registration of geographical indications.

Unfortunately, the views of all WIPO Members are not being adequately taken into account in the Lisbon Agreement revision process, even though the proposed changes will have substantial consequences for many of the countries that have been excluded, including the United States. The revisions are scheduled to be taken up for consideration and approval at this year's Diplomatic Conference, but contrary to the common WIPO protocol of the last quarter century, non-parties to the Lisbon Agreement are currently not permitted to fully participate.

All WIPO Members must be permitted to fully participate in the Diplomatic Conference. The full participation of all WIPO Members in the creation and substantial revision of treaties is essential to WIPO's ability to foster global consensus in an inclusive manner on important issues of concern to the international community.

This is particularly true regarding the proposed changes to the Lisbon Agreement because the expansion, as currently envisioned, could have very negative consequences for the global trading environment, with sweeping effects beyond the Lisbon parties, including on businesses and the workers they employ. In particular, we are concerned that the expanded agreement will not provide adequate protections for users of common or generic names or for prior trademark holders around the world. Without these safeguards, companies in the United States and elsewhere could see their sales opportunities and intellectual property rights eroded in various markets around the world. This is already occurring in many countries where U.S. companies face geographical indications registrations that threaten to internationally block their use of common food names or negatively impact existing protections for their established trademarks.

WIPO's legitimacy as a global forum for the protection of intellectual property throughout the world could be called into question by departing from standard practice and allowing a limited group of WIPO Members to substantially amend the Lisbon Agreement in a way that harms market access and the intellectual property rights of stakeholders from other WIPO Members, including the United States. Such a step would be contrary to longstanding WIPO practice, which is to encourage broad participation because of the far-reaching effect of its decisions. Therefore, we strongly urge you to do everything possible to ensure all WIPO Members have an equal voice in determining any revisions to the Lisbon Agreement.

Sincerely,



ORRIN HATCH
Chairman
Committee on Finance
United States Senate



CHARLES GRASSLEY
Chairman
Committee on the Judiciary
United States Senate



PAUL RYAN
Chairman
Committee on Ways and Means
United States House of Representatives



ROBERT GOODLATTE
Chairman
Committee on the Judiciary
United States House of Representatives



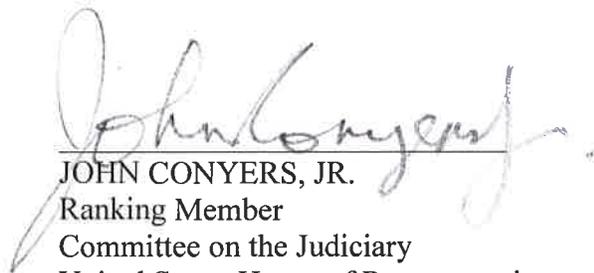
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