

Update on ISPM 15

IPPC Secretariat

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Scope

- ISPM 15
 - Status of registration / protection
 - Legal implications
 - Feedback from WIPO
 - EWG suggested actions on technical gaps

Protection of ISPM15 symbol

- Mark not registered > 80 countries – as at now
- Registration
 - ✓ needed to provide effective legal tool should an action against a 3rd party be necessary
- If a 3rd party applies for registration
 - country must cease using the symbol or
 - use subject to payment of royalty
 - Thus: undermine ISPM 15 system worldwide
 - [Ref Presentation, Evening Session CPM-7](#)
- Attempt to protect under WIPO!!!!

Communication from WIPO

- Article 6ter(1)(b) and the Guidelines apply to names, abbreviations and emblems of international intergovernmental organizations (for example, the emblem of FAO, WIPO or the IPPC) and not to emblems concerning activities developed by them, as would appear to be the case of a sign applying to the certification on wood packaging material.
- The actual **extent of protection is determined at the national level** in each one of the countries.
- The purpose of Article 6ter is not to create intellectual property rights for IGOs on their name, abbreviation or emblem, but rather to prevent, through a communication procedure, the granting of trademark rights or the use as a trademark of any of those signs without the authorization of the competent authorities. **It would then follow that use of the name, abbreviation and emblem of an IGO for any activity is possible if done with the required authorization.**



Deliberations of the EWG

- Challenges / gaps identified - drawing from the workshop held in Vancouver in 2005
 - Suggestions / recommendations to serve as a basis for preparing a project proposal addressing different aspects of support to implementation of the standard
 - The EWG will seek synergies with the APPPC in identifying components of the project

Technical gaps in ISPM 15

- Policy/legislation
- Trade
- Advocacy
- Human resource capacity
- Environmental considerations
- Technical & operational capacities

Legislation & policy

- Registration (country) to safeguard the mark
- Guidance on:
 - Legal direction needed for the implementation
 - Supervision/audit/acceptance/withdrawal/illegal use by authorized industries
- A monitoring system
 - ✓ to ensure correct use of the mark by authorized industries.
- Support countries
 - ✓ to develop laws or programmes that provide for a system of monitoring the use

Trade

- Training activities:
 - improve capacity to take up changes in the standard
 - tailor made to address identified specific needs
- Site activities / practical experiences
 - ✓ in the operation of systems used by NPPOs in implementing the standard
 - NB: include industry players as appropriate
- All countries utilizing wood packaging materials with their export commodities
 - ✓ to establish methods for ensuring compliance to avoid trade disruption

Technical

- Guidance on
 - the selection & use of treatment facilities.
 - the operation of new treatment methodologies
 - **if adopted for the standard**
- Individual, tailor-made capacity building activities
 - may help overcome difficulties in implementing the standard

Operational Aspects

- Develop & implement a process of collection of training materials to populate the resources page.
- Develop products related to the identification of packaging materials and exemptions from requirements of the standard
 - NPPOs have the responsibility for ensuring the fulfillment of operational requirements of the standard

Advocacy

- Develop advocacy material to:
 - raise the scope and application of the standard – (to **Check available material for inclusion in the resources page**)
- Promote partnerships and interactions at country level
- Develop products with clear instructions for industry – **as a priority activity**
 - NB: Industry players have direct interest in the practical application of the standard

Coordination

- Coordinate actions of RPPOs to have an overview of:
 - the past and current status of ISPM 15 implementation in the member countries
 - the common difficulties in implementation that are experienced in their regions

THANK YOU