

SINGAPORE SLING: WIPO PASSES THE BUCK ON MEANINGFUL REFORM OF INTERNATIONAL TRADEMARK LAW

I. INTRODUCTION

Trademarks today exist in a world where political borders mean less than they ever have. Teenagers crave Nikes and Nokias from Moscow to Muncie and from Shanghai to São Paulo. Exports and imports have become an ever-increasing part of the American economy. As part of this expansion of international trade, agreements such as the General Agreement on Tariffs and Trade (“GATT”) and the North American Free Trade Agreement (“NAFTA”) established general rules for the reduction of trade barriers.

As a part of the general trend towards promoting greater freedom of trade, the World Intellectual Property Organization (“WIPO”) has sought to harmonize national intellectual property laws, including the laws concerning trademarks. The part of the effort aimed at trademark law was initially meant to standardize both substantive and procedural matters, but due to the enormity of the task, the eventual diplomatic conference focused solely on the procedural aspects of trademark law.¹ This diplomatic conference, held at Geneva in 1994, produced the Trademark Law Treaty (hereinafter, “1994 Treaty”).² This treaty sets maximum limits on the procedures nations can impose on trademark holders and has become an accepted standard even for those nations which are not signatories.

1. Timothy W. Blakely, *Beyond the International Harmonization of Trademark Law: The Community Trade Mark as a Model of Unitary Transnational Trademark Protection*, 149 U. PA. L. REV. 309, 320-322 (2000).

2. Trademark Law Treaty, Oct. 27, 1994, S. TREATY DOC. NO. 105-35, 2037 U.N.T.S. 35 [hereinafter 1994 Treaty], available at http://www.wipo.int/treaties/en/ip/tlt/trtdocs_wo027.html.